United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, DECEMBER 13, 2011 *No. 191*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCCLINTOCK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 13, 2011.

I hereby appoint the Honorable TOM MCCLINTOCK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

WATER FOR THE WORLD ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. As America prepares for the holiday season and the new year, it is important to pause to reflect on our good fortune and, on this season of goodwill, what we can do for others. I hope that Congress will give the gift of life, hope, and economic prosperity to people around the world, a gift most Americans take for granted: safe water.

Almost a billion people around the globe lack access to safe drinking water, and over 2½ billion don't have access to adequate sanitation. This is why the number one health challenge is water-related disease.

Half the people who are sick today anywhere on this planet are sick unnecessarily from waterborne diseases that are particularly brutal on their impact on children. Ninety percent of the deaths caused are children under 5. The 1.8 million lives that are lost are more than AIDS, TB, and malaria combined.

It's also a major cause of the struggle for economic security. For example, in India, the estimate is over $50 billion a year, more than 6 percent of its economy, is lost due to inadequate water and sanitation. How does this happen? Children cannot attend school if they are sick from unsafe drinking water. People with illnesses overwhelm the few hospitals and clinics and they can't go to work. Hours spent looking for and carrying clean water, usually by girls and women, means that they're not adding either to education or the economic well-being of their families.

Historically, water's been a source of conflict, and with over 260 river basins that cross country borders, managing this very finite resource without conflict will be one of the world's greatest security problems.

In this season of good tidings, there is good news about water. The solutions are cheap and easy. We're not required to search for a cure. Helping people understand the need to wash their hands or providing them with simple, commonsense technology is key.

Churches, parishes, and synagogues have already taken up this challenge, and hundreds of thousands of people have benefited. It's time for Congress to act.

In 2005, the bipartisan Paul Simon Water for the Poor Act helped us get our act together. Now we have new legislation, Water for the World, which will be introduced tomorrow with my colleague and friend, Congressman TED POE from Texas, the chief Republican cosponsor. It builds on current United States efforts—not by increasing funds. Make no mistake, I hope some day we do increase the investment around the globe. But right now, this legislation will increase aid effectiveness, transparency, and accountability. Given the strains on Federal resources and the depth of the need, it is essential that we target our efforts as efficiently as possible.

The Water for the World Act gives the State Department and USAID tools to leverage investments. It helps elevate positions within the agency to coordinate diplomatic policy and implement country-specific water strategies.

The House Foreign Operations Appropriations Subcommittee, under the leadership of KAY GRANGER and NITA LOWEY, has done the best it can in this difficult budget climate with resources for poor people with water around the world. Now Congress needs to step up to make sure these precious resources are used as effectively as possible.

I sincerely hope my colleagues will join Congressman POE and me in cosponsoring the Water for the World Act and then work to enact it as soon as possible.

LUKE'S WINGS IS HELPING WOUNDED WARRIORS BE HOME FOR CHRISTMAS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Those who serve in our military deserve our constant thanks. Those who become injured while serving deserve all that we can do for them.

Mr. Speaker, I recently learned about a wonderful American organization that is serving wounded servicemembers and their families around the

country. The organization is called Luke's Wings, and it has a simple mission: to bring wounded warriors and their families together.

For many families of those wounded in combat, traveling to where their wounded spouse or parent or sibling is can be difficult and cost prohibitive. Luke's Wings was established to help families of these servicemembers travel to be with their loved one during his or her hospitalization or rehabilitation.

Luke's Wings aids families of wounded servicemembers by purchasing airline tickets so that they can help support and care for their family member while they are receiving treatment.

Not only does the assistance that Luke's Wings provides to families of wounded warriors bring these families together, it also helps boost the spirits of and provide additional motivation to recovering servicemembers while their families are at their sides.

Especially during this holiday season as we approach Christmas, the work that Luke's Wings is doing is priceless. Not only does it help families visit recovering troops, but they're also helping these same wounded warriors get home for Christmas. For just the price of a plane ticket, Luke's Wings is able to make this holiday season one that many combat-wounded servicemembers will not soon forget.

It's always inspiring to see the different ways that Americans from so many walks of life find to support our men and women in uniform. Luke's Wings is a volunteer organization that is taking its place in the ranks of compassionate and patriotic groups that are dedicated to giving our troops the best.

During this season of joy and thankfulness when many brave men and women are deployed and apart from their families, Luke's Wings reminds us that we must not forget those who serve, and particularly those who have been injured in that service. Luke's Wings reminds us that even something such as bringing family and servicemembers together will make a tremendous impact for them.

May God continue to bless those who serve and especially those who have suffered physically and mentally, and may God bless the efforts of Luke's Wings, particularly in this season.

ANTI-MUSLIM BIGOTRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, last week the giant home improvement chain Lowe's decided to pull their ads from a new show on The Learning Channel called ''All-American Muslim.''

Now, this show depicts five Muslim American families of Lebanese descent from Dearborn, Michigan, and highlights how their faith affects their lives and their families.

The show is aptly titled because it shows Muslim families to be exactly what they are in this situation, and millions like them around the Nation. They're Americans. They face problems just like the rest of us. The only difference is that they worship at a different church.

□ 1010

Lowe's pulled these ads because one right-wing anti-Muslim group in Florida said that the show hides the ''true agenda'' of Islam, which, according to this group, is to destroy America.

Now, this kind of anti-Muslim bigotry isn't new. It seems like every month we're being warned by a new radical group about the creep of sharia law or that a peaceful mosque is being run out of a community or that a radical pastor is burning the Koran on television. It's one thing when a fringe group or a radical, unhinged pastor is doing it; but it's quite another when a Fortune 100 company is endorsing this nonsense.

Lowe's defends itself by saying it's pulling these ads because some of their customers had ''strong political and social views on this topic.'' Well, congratulations to Lowe's for acknowledging that there are some really bigoted people in the world, but that doesn't mean that Lowe's or any other company should acquiesce to this kind of behavior. For instance, there are, unfortunately, a lot of people out there who still hold racist views about African Americans, but I don't think that that means Lowe's is going to be pulling its ads from television shows featuring African Americans.

Lowe's also says it's sorry for walking into a ''hotly contested debate.'' Well, what debate are they talking about? Yes, we face threats from a fringe sect of radical, anti-American Islamists; but there is no debate that the millions of patriotic, peace-loving Muslims who live in this country have no connection to that movement and do nothing except strengthen the fabric of our Nation.

Now, maybe you think this is just a minor sideshow and that Congress shouldn't be talking about it on this floor. I submit to you that you're dead wrong. This is a major American company that is rubber-stamping basic, foundational bigotry against a major American religious group. This Nation was founded on the principle of religious freedom, and this body should never remain silent when a group of people is marginalized just because it worships a different God.

Though we've certainly got more important things to worry about, like fixing the economy, it has traditionally been during bad economic times that this kind of social marginalization has been at its worst because people don't speak up against it. Further, this kind of bias endangers our national security. Denis McDonough, the President's deputy National Security Adviser, recently said that al Qaeda's core recruiting argument is that the West is at war with Islam. With this action, extremists can say, Look, we're already being run out of their neighborhoods. Now we're being run off of their television sets.

This kind of anti-Muslim sentiment doesn't just endanger our Nation's soul; it endangers our national security. So here is my message for the folks at Lowe's who made the decision and, frankly, for anybody out there of sound mind who has considered getting behind this growing anti-Muslim bias:

You're better than this. You know that the history of this country and of this world never, ever looks kindly on this kind of marginalization that you've endorsed with your actions. Whether it is against Irish Americans or Jewish Americans or African Americans, the history books make sure that this kind of exclusionary politics becomes a stain on the reputation of anyone who takes part in it.

Today, I'm leading a group of Member of Congress, calling on Lowe's to reconsider its decision. Listen, we do have a lot to fear when it comes to Islamic groups that seek to do harm to America; but we have nothing to fear from a TV program called ''All-American Muslim,'' and we have nothing to fear from the tens of millions of peace-loving, patriotic Muslim Americans who are just like those who are portrayed in that show.

This is America. While we have never been perfect at living up to our founding ideals, we've gotten pretty good at calling out bigotry when we see it and at stamping it out before its mark becomes indelible. This can be one of those moments.

ARIZONA VS. THE FEDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the Federal Government is at war with the States over illegal entry. There is a real problem in this country: millions of people are living here illegally, and more illegally cross into America every day.

Schools, hospitals, and the justice system are burdened with the cost of supporting illegals, who do not contribute to our system. They reap the benefits and services off the backs of American citizens and legal immigrants. Twenty-seven percent of the people in U.S. prisons are illegals. In the border counties in Texas, according to the border sheriffs, over 30 percent of the people in those jails are foreign nationals.

All of this costs money. The safety of our citizens is also at risk, but the Federal Government chooses not to adequately enforce the law. The Federal Government is focused more on finding reasons why the law of the land should not be enforced. Case in point: the 20-point memo released this summer by ICE listed the criteria for illegal migrants who have been detained but

should not be deported. In other words, let them go.

As a result of Washington's inaction, several States have been burdened with the costs of illegal entry, from health care to incarceration costs. Arizona, South Carolina, Utah, Georgia, and Indiana have been forced to do the job the Federal Government just won't do—protect the citizens from the costs of unlawful entry into America.

Arizona implemented a law that requires authorities to check the immigration status of anyone who is already legally detained for some offense and when there is a ''reasonable suspicion'' the person is in the country illegally. But the administration says not so fast, that immigration enforcement is their job.

They just refuse to do it.

It also seems the government is more interested in smuggling guns to Mexico under the botched Operation Fast and Furious than it is in preventing the smuggling of people and drugs into the United States. Now the Department of Justice has gone into the business of using taxpayer dollars to actually sue States for doing the job the Federal Government won't do. Yesterday, the Supreme Court agreed to hear the case of Arizona v. The United States. Governor Brewer of Arizona has said, ''Arizona and its people suffer from a serious problem without any realistic tools for addressing it.''

The Federal Government leaves States with no other choice than to do the job the Federal Government refuses to do. If Arizona is not allowed to enforce immigration laws and if the Federal Government does not enforce immigration laws, then Arizona and other States will continue on a dangerous path to becoming lawless territories with rampant illegal entry. Ignoring laws and open-door policies will only entice more people to come to this country illegally instead of using the front door.

Now, I fully support legal entry into America, and my staff spends a lot of time helping people come to the United States legally. The immigration model we have is a mess, and it needs to be streamlined and more efficient; but people should come here the right way or not come at all. After all, it is the law.

But the defiant Attorney General has made it clear that he will continue his crusade against the States that try to crack down on illegal entry. Why? Because the States want to uphold the law. Meanwhile, sanctuary cities get a pass from the Federal Government for ignoring the law.

We hear the rhetoric that illegals are here to do the jobs Americans won't do. Now State after State is getting sued for doing a job the American Government won't do—protecting the security of the Nation and enforcing the law. Arizona had to enact this law to protect itself because the Federal Government doesn't adequately secure the border.

It is time for Washington to stop its war on the States and to join with the States in enforcing the law of the land. Hopefully, the Supreme Court will rule the Arizona law to be constitutional.

And that's just the way it is.

THE CARIBBEAN BORDER INITIATIVE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, American citizens in the Caribbean are facing a security crisis. While the national murder rate has declined in recent decades, the number of homicides in Puerto Rico and the U.S. Virgin Islands remains unacceptably high. Since 2008, the murder rate in Puerto Rico and the Virgin Islands has been about five times the national average and about twice as high as that of any State.

Most of the murders committed in Puerto Rico and the USVI are linked to the drug trade. As Attorney General Holder and other officials have acknowledged, the Federal Government's effort to prevent traffickers from transporting drugs across our Nation's southwest border is causing traffickers to turn increasingly to the Caribbean to ship drugs into the United States. As the National Drug Intelligence Center recently observed, violence by traffickers in the two territories has ''become indiscriminate, endangering the lives of . . . innocent bystanders.''

In response to questions I posed, Attorney General Holder recently called drug-related violence in Puerto Rico and in the USVI a national security issue that we must confront. At my urging, Congress has also taken notice of the problem, directing Federal law enforcement agencies on three separate occasions to devote more attention to the Caribbean region.

According to briefings provided to my office, 70 to 80 percent of the cocaine that enters Puerto Rico is transported to the U.S. mainland. Because Puerto Rico is a U.S. jurisdiction, once drugs enter the island, they are easily delivered to the States through commercial airlines and container ships, without having to clear customs or having to otherwise undergo heightened scrutiny. Once in the States, these drugs destroy lives and communities in my colleagues' districts. So this is a problem of national, not simply regional, scope.

That said, the primary reason the Federal Government must do more to reduce drug trafficking in Puerto Rico and the Virgin Islands is that U.S. citizens in these two territories are dying in unprecedented numbers. Our Nation has devoted considerable resources in confronting drug gangs that are operating along the southwest border, and rightfully so. Yet Puerto Rico's murder rate is four to five times higher than that of any Southwest border State.

According to a recent piece in The Washington Post, since 2008 the island has received less than one-fifth of the funding that the Federal Government has provided to combat the drug trade and associated violence in Mexico and Central American nations.

□ 1020

The number of authorized positions at key Federal law enforcement agencies in Puerto Rico is too low. The number of vacancies is too high. And interdiction assets, like planes and boats, are in short supply.

Since taking office, I have urged the Federal Government to devote resources to Puerto Rico at a level commensurate with the severity of the problem it faces. Specifically, I have asked the White House drug czar to establish a Caribbean border initiative modeled after the successful Southwest Border Initiative.

The time for half measures and piecemeal efforts has passed. What is needed instead is a well-planned, well-funded, well-executed, governmentwide strategy that will encompass all Federal agencies charged with fighting drug trafficking and related violence. To protect the lives of the U.S. citizens in the Caribbean and to reduce the flow of drugs headed to the States through that region, the Federal Government must make a commitment of resources to Puerto Rico and the USVI that is similar to the commitment it has made to the southwest border.

The challenge we face today is similar to the one we faced back in 1994. I was Puerto Rico's attorney general back then and lobbied successfully for Puerto Rico and the USVI to be federally designated as a high-intensity drug trafficking area, which contributed to a significant reduction in the island's violent crime rate. The problem has evolved over time, and the Federal response must evolve along with it. I will not rest until it does.

DIGGING OURSELVES OUT OF THIS RECESSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. CRAVAACK) for 5 minutes.

Mr. CRAVAACK. Mr. Speaker, my message is simple and direct: Last month, this administration put yet another hold on implementing the Keystone pipeline project and adding tens of thousands of American jobs to our fragile economy. This decision is bad news for laborers in the great State of Minnesota and around the country who were eager to begin working on the project next year. If we do not approve this deal and put people back to work, the jobs and the oil will simply go another direction—such as China—and they will not be coming back to the United States.

What part of this bill just doesn't make sense to the folks in the White House and the Department of State?

We cannot wait. The American worker is the most productive worker in the world, and so many people in my district thirst for good-paying jobs that will come with projects like Keystone.

Some of these regulatory agencies are simply out of control and seem bent on stifling job creation here in the United States. If the government would simply get out of the way, put politics aside, and dedicate to empowering the American worker, we can start digging ourselves out of this recession and get Americans back to work.

REMOVE KEYSTONE PIPELINE FROM THE BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. Well, it looks like this august body will continue to work until we find some solutions to the problems facing the millions of Americans who have lost their jobs, their homes, their savings through no fault of their own and have limited income.

It has taken some time for the Democrats in the House to persuade the majority that this is a time when we just can't lay off people and stop spending, even though that has to be a part of the ultimate solution to the problems that we face. But laying off people, especially at this time of the year, is not only an insensitive thing to do, but, in my opinion, the economics of it all is that if people don't have the resources to purchase their needs, then, of course, our small businesses are the ones that suffer financially; and, as a result of that, they may have to lay off workers. It just doesn't make economic sense, nor is it a very sensitive thing to do during this time of year.

Now very soon, this body will be considering what is referred to as the Middle Class Tax Relief and Job Creation Act of 2011, which means that we will now have united—or apparently it appears to be united—this entire Congress, saying that we must continue to have this low-income tax cut that working people enjoy to continue beyond its expiration of December 31, and that even though there are some people who claim that a lot of Americans don't pay any taxes—well, you can't explain that to a person who works hard each and every day and they find out what their pay was supposed to be, but, when they get home and look at their check, it's less. But just because it's not Federal income tax, that doesn't mean that they're not paying into their Social Security and they're not paying for their health benefits. So the President, in his wisdom, and this Congress support that we extend relief of that payroll tax so that these people have this disposable income during this time of the year.

And of course we have this controversy where every year, for whatever reason, Republicans can't grasp the understanding of what unemployment insurance is all about. And I shouldn't say Republicans. I'm talking about those people that belong to the Republican Party that truly believe, if you give someone a hand up at a time when they've lost their job and the Federal Government said that you have paid into this safety fund and you try to help them for what they paid into, that you are convincing them that they should not look for work.

Now, this great country exists because of our working middle class. It's because people don't enjoy work, but they have the dignity of working, the pride in letting their family know that they're providing for food and clothing and investing for the future. So perhaps I shouldn't blame the entire Republican Party. But they have managed every year not to deal with this extended unemployment compensation so at least these people can plan not just for the holidays but plan for their basic needs.

Somehow, with all of this feeling that it is about time that we came together and have done something, the Republicans have added to this the Keystone energy pipeline. Can you imagine how many people who are expecting relief from their government will be going to sleep tonight wondering whether they are going to continue to get a break on taxes next year, whether or not they are going to get a break on payroll taxes this year, and whether or not they are going to get extended unemployment compensation is all dependent on whether or not the Congress supports the Keystone energy pipeline?

Let's get rid of all the pipeline language. Let's do what the bill is supposed to do, and let's not put in something that could impede the passage.

RAISING TAXES ON JOB CREATORS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, yesterday it was announced that a small business in my district will be closing two locations in Illinois and transferring those jobs out of State. I believe at this time, they are taking them to Texas. But we have seen this story over and over again, whether it be taking jobs to Wisconsin, whether it's taking jobs to Indiana. I believe this speaks volumes about the economic situation not only in Illinois but in our Nation and the policies that I believe that this body must put in place in order to empower small business owners and job creators all across the land to be able to have confidence, invest in their business, and grow jobs.

□ 1030

You see, the difference in the State of Illinois is that in Illinois we raised taxes on businesses over 45 percent this last year. It put enormous pressure on small businesses throughout the State, and I would argue all job creators throughout the State. What is even worse, Mr. Speaker, is that those companies that have more employees and a little bit higher clout have been able to rattle the saber and call the Governor and say we're going to pick up and leave the State of Illinois and take jobs elsewhere. While we want to make sure that we keep those jobs in Illinois, the unfortunate thing is we have got some crony capitalism going on, so the State is going to bend over backwards to make sure some of the larger employers stay in the State of Illinois.

The problem is that small businesses, the ones that I talk to each and every day, when they call the Governor, they don't get their phone calls returned. It, indeed, puts a greater burden on small businesses. And as you know, Mr. Speaker, two-thirds of all net new jobs are created by small businesses all across the land. This is the economic engine that we need to make sure that we are supporting, to make sure that we are putting more Americans back to work.

There are 29 million small businesses in our Nation. If we can create an environment right here in Washington, D.C., and you hear me say it's creating an environment, it's not creating jobs because the government doesn't create jobs; it's the private sector that does.

But what the government can do is create an environment, whether it be through regulation, whether it be through comprehensive tax reform, whether it be through a variety of measures that enable those 29 million small businesses in our Nation to create a single job. If half of those businesses created a job, Mr. Speaker, think about where we would be then.

This is why the American people want Congress to act, and I think we've got a responsibility to reach across the aisle and find common ground. We need to get rid of the crony capitalism. We need to create a level playing field where businesses all across the land can compete and can win because this is an opportunity for Republicans and Democrats alike to put forward comprehensive tax reform, something that has been touted by the Simpson-Bowles Commission, touted by the President and touted by others.

Well, it's time for action. We want to make sure that we move forward with this. We want to make sure that businesses can open their doors and create a level playing field. At the end of the day, it's about finding that common ground. It's about having government get out of the way and enabling the private sector to move forward so that we can all see America get back to work.

'TWAS THE WEEK BEFORE CHRISTMAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, while my statement mimics a well-known seasonal classic, it is shared in all seriousness and with a sense of greatest urgency.

'Twas the week before Christmas when all through the House,

A cry echoed much louder than a roaring mouse.

Don't raise our taxes, on us please be fair,

or our middle class will be lost in despair.

The majority was plotting a thought in its head,

We should staunchly oppose what from the President was led.

Millionaires should be spared, not a penny we sap,

But Keystone pipeline we will never ever scrap.

When outside the Chamber there arose such a clatter,

The public was disgusted and shouted: we matter!

Away to offices lawmakers flew in a flash,

A change in this bill or else it will crash.

End of year coming and no jobs plan to show,

They said no regulations was the best way to go.

Then what to our debate should suddenly appear,

But a sentiment from the public those in office should fear.

Come on Congress, be fair and be quick.

Don't be deceiving, and don't be so slick.

More rapid the calls and emails they came,

''No pipeline'' said Senator I won't name.

So let's get to work and not be grinches this season,

The economy and middle class are clearly the reason,

We should have a straight vote, not this 400-page show,

And help America's middle class and small business grow.

Let's spring into action and get this bill done.

We have other work; in fact, there's a ton.

Spending bills, doc fix, unemployment and more,

Before the year ends, they must all come to the floor.

We serve our constituents and our Nation first.

For jobs and opportunities, many of us thirst.

Clean air and clean water should not be rolled back.

Deregulatory riders ours bills should well lack.

Thus we go forward to end of the year,

Good tidings and joy this Congress must steer.

Working together with all of our might,

Happy Holidays to all, and for fairness let's fight.

GENOCIDAL SUDANESE GOVERNMENT HIRES LOBBYIST

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I was appalled and outraged to learn yesterday that the genocidal government of Khartoum has hired a lobbyist to represent its interests here in Washington.

On December 10, a publication called ''Africa Intelligence'' reported that the Sudanese Government has put a lobbyist on retainer with the express purpose of trying ''to lift American sanctions against it.''

The article further reported that the law office of Bart S. Fisher would be paid $20,000 a month plus expenses to represent this genocidal government, a government which literally has blood on its hands.

I don't know how Mr. Fisher sleeps at night. Considering the follow: Sudan's president, Omar Hassan Bashir, is an internationally indicted war criminal. Bashir is accused by the International Criminal Court of five counts of crimes against humanity—including murder, rape, torture, and extermination—and two counts of war crimes.

But Khartoum's crimes are not simply a thing of the past. In a recent hearing before the Tom Lantos Human Rights Commission, a witness with the NGO Human Rights Watch testified about the situation on the ground in Southern Kordofan and Blue Nile states in Sudan, saying: ''According to witnesses we interviewed and other sources, government forces shelled civilian areas, shot people in the streets and carried out house-to-house searches and arrests based on lists of names of known Sudan People's Liberation Movement supporters in the first weeks of fighting.''

My office has received regular, reliable reports from individuals on the ground echoing these claims. We have learned of ongoing aerial bombardments in Blue Nile and Southern Kordofan states. We have heard of nightmarish accounts of extrajudicial killings, illegal detention, disappearances, and indiscriminate attacks against civilians. Furthermore, evidence gathered through satellite imagery by the Satellite Sentinel Project shows at least eight mass graves found in and around Kadugli, the capital of Southern Kordofan.

Literally thousands have fled the violence, which begs the question, Who is their lobbyist? They are in desperate straits having left behind their entire lives. Who is their lobbyist? They are facing malnutrition and prolonged displacement. Who is their lobbyist?

To put a human face on these questions, consider this picture taken by a Voice of America photographer of a malnourished child with a feeding tube inserted in his nose in an attempt to get him the sustenance he so desperately needs. He is one of roughly 25,000 people in the Yida refugee camp that have fled the fighting in Sudan and crossed the border in South Sudan.

I ask Mr. Fisher, the lobbyist: Where is the child's lobbyist, the lobbyist for this child?

Today I am sending a letter to President Obama, the State Department, the Justice Department, and the Treasury Department seeking immediate clarification on what appears to be an indefensible situation.

According to news report and the Foreign Agents Registration page of the Department of Justice Web site, Mr. Bart Fisher is representing the Government of Sudan. Was he granted a license from the Office of Foreign Assets Control at Treasury, as is required to represent the genocidal country of Sudan given the U.S. sanctions which are in place against it? If not, is his representation a violation of law? If so, why would the Obama administration allow this to move forward?

There are many questions which demand answers. But one thing is clear: it appears that Mr. Fisher's contract with the Government of Sudan went into effect in November. If he has received one penny from the Government of Sudan, he should return it immediately; or better yet, he should donate it to one of the NGOs seeking to serve the suffering Sudanese people in Yida refugee camp who have been brutalized by their own government, i.e., Mr. Fisher's client.

[From the Africa Intelligence, Dec. 10, 2011]

KHARTOUM HIRES A LOBBYIST IN U.S.

The Sudanese government has just taken on a lobbyist in Washington, United States to try to lift American sanctions against it. The Law Office of Bart S. Fisher summarised the contract in a letter to the Sudanese embassy in Washington dated November 1, stating that its work would be carried out within the limits of the Sudanese Sanctions Regulations, for a fee of $20,000 a month plus expenses. Bart Fisher is a longstanding lobbyist for China and for Chinese companies, combining the legal defence of its clients and lobby activity. In the case of Sudan, he will advise Khartoum on how to obtain the reduction or cessation of U.S. sanctions and the removal of the country from the State Department list of State Sponsors of Terror. It will also aid the Sudanese Embassy in Washington in the requisite legal procedures. Fisher will have work to do, since the contract was signed on 10 November just as military tension is growing on the border with Southern Sudan and a coalition of 66 organisations in the United States, Act for Sudan, recently asked President Barack Obama to impose a no fly zone over Darfur, South Kordofan and Blue Nile, to prevent Khartoum from attacking the civilian population.

□ 1040

PAYROLL TAX CUTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, once again we are presented with a false choice today. In the Alice in Wonderland world of the House, Republicans oppose payroll tax cuts unless they can be used as a vehicle to cut unemployment benefits. According

to the majority, it isn't worth passing a simple payroll tax cut without eviscerating Americans' health care. In this warped, parallel universe, payroll tax cut extensions must be accompanied by gratuitous measures to punish Federal employees and civil servants like Border Security agents and FBI agents. And, of course, the majority seems singularly incapable of writing any bill, especially at this time of year, Christmas, that doesn't contain several special provisions to benefit the Koch Brothers and Big Oil giveaways.

Sadly, this bill is consistent with the Republican pattern of extortion on behalf of an extreme special interest agenda. After almost shutting down the government, furloughing FAA employees, and blocking the appointment of a director to the Consumer Financial Protection Bureau and other agencies, now, believe it or not, they are holding tax cuts hostage.

President Obama sent a simple legislative package to Congress: Extend the payroll tax cuts, saving the average American family $1,500 a year. Extend unemployment insurance benefits to create 1 million jobs and add 1 full percentage of growth to the economy. This very proposal received a majority vote in the Senate but, of course, was blocked by a Republican filibuster. It did what the Republicans say they want to do—cut taxes and grow the economy. Too bad their actions don't match their words.

Based on their rhetoric, one would think that Republicans would support a simple tax cut. That is, after all, their solution to every economic challenge: Cut taxes, especially for millionaires and large corporations. Yet when presented with a simple tax cut bill targeted to help the middle class in America, Republicans rebel and reject it in favor of a piece of special-interest sausage so laden with lobbyist giveaways and ideological poison pills that it would make the author of ''The Jungle,'' Upton Sinclair's, nose turn blue.

The bill before us today slashes unemployment benefits for Virginians in my home State by 38 percent, and it increases Federal employee pension contributions by 63 percent while reducing total pension payments. Federal employees, in other words, will pay more and get less retirement security after a lifetime of public service. For good measure, it extends public servants' pay freeze for a full 5 years. It contain a costly special interest policy rider that will increase oil exports to China and raise American gas prices. It repeals part of the Clean Air Act, allowing polluters to spew forth mercury, arsenic, and other toxic pollutants from industrial boilers. In fact, repeal of this Clean Air Act public health standard will burden the American economy with $20 billion to $52 billion in additional health care costs every year.

We must remember what a perilous state the economy is in. Thanks to the successful Recovery Act and expansionary monetary policy, unemployment has fallen now to 8.6 percent. It would be 8.25 percent except for the fact that Republican policies have led to the loss of over a half-million public sector jobs throughout the United States. The number of underemployed and long-term unemployed Americans has fallen as people have found steady, full-time jobs, and private-sector job growth has been growing every month for 21 consecutive months. We're not out of the woods, but we are making progress.

The Congressional Budget Office, McCain campaign adviser Mark Zandi, and Barclays Bank all estimate that extending unemployment benefits will increase the economy by a full 1 percent and add 1 million jobs. That's because unemployment benefits have a multiplier effect—they are spent as soon as they are gotten. The payroll tax cut, in addition, will provide Americans with an average of $1,500 per worker, creating some $250 billion in economic activity and adding 1 full percentage point to the GDP.

The Speaker controls which bills come to the floor of the House. Let's junk this bill and come up with a clean payroll tax extension and unemployment benefits for all Americans, creating jobs and growing this economy.

YUCCA MOUNTAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, at the end of last week, I was able to take to the floor with some of my colleagues to talk about high-level nuclear waste in Yucca Mountain. Part of that time, I wanted to make sure, as I have each week, to highlight certain locations around this country where high-level nuclear waste is stored. Because of time constraints, I wasn't able to do that, so I take to the floor this morning to highlight a nuclear power plant in Florida called Turkey Point.

And the way I do this, Mr. Speaker, is I have this poster in front of me, and I compare the location of high-level nuclear waste at Turkey Point to the defined-by-law location for a single repository in this country, Yucca Mountain.

So look at what we have here. At Yucca Mountain, we have currently no nuclear waste on site. At Turkey Point, there's is 1,074 metric tons of spent fuel on site. That's quite a lot of fuel. If we had waste stored at Yucca Mountain, the waste would be stored 1,000 feet underground—Yucca Mountain is a mountain. At Turkey Point, waste is stored above ground in pools. Now why is that an important point to consider? The nuclear catastrophe in Japan, the Fukushima Daiichi plant, part of the major disaster was because of high-level nuclear waste stored in pools. The earthquake occurred and either the water that was there boiled out or there were cracks in the containment valve and it spilled out, and then the nuclear waste heated up, and hence you have a very dangerous situation still in Japan.

At Yucca Mountain, the waste would be stored 1,000 feet above the water table. But here, at Turkey Point, which is in Florida, the waste is on Biscayne Bay at sea level. So it is at sea level, not in a mountain in a desert.

What we've done also is look at if you are at Yucca Mountain how far are you away from really the largest body of water, which would be the Colorado River? Yucca Mountain is 100 miles from the Colorado River. Turkey Point and the nuclear waste stored there is 10 miles from the Everglades—10 miles from the Everglades.

So we passed—I wasn't a Member of this Chamber at this time—a Federal law called the Nuclear Waste Policy Act in 1982. When we passed that law, we defined Yucca Mountain as the national repository—a single repository for not just nuclear waste from our nuclear power fleet, but also the nuclear waste from our Department of Energy locations from around the country.

Obviously, we are very close, but this administration, along with the NRC Commissioner, has delayed, postponed, and tried to stop any movement on Yucca Mountain. And that's why I take the floor. As the subcommittee chairman of the Energy and Environment Subcommittee, part of my jurisdiction is high-level nuclear waste, and that's why I come to the floor weekly to address this issue.

Now, this is very timely this week, as Chairman Jaczko and the NRC Commissioners are up here before our Oversight and Government Reform Committee. Chairman Jaczko, in an article dated September 7, said, ''I welcome debate, I welcome discussion, I welcome criticism.'' But a letter sent to the Chief of Staff of the White House, Mr. Bill Daley, by the other four Commissioners, bipartisan—two Democrats, two Republicans, three appointed by the President—says this about Chairman Jaczko: He's intimidated and bullied senior career staff to the degree that he has created a high level of fear and anxiety resulting in a chilled work environment. They also say he ordered staff to withhold or modify policy information and recommendations intended for transmission to the Commission. He has also ignored the will of the majority of the Commission, contrary to the statutory functions of the Commission. And he has attempted to intimidate the Advisory Committee on Reactor Safeguards.

This is part of the problem of our not having a national policy to move high-level nuclear waste to a centralized location in a desert underneath a mountain, Yucca Mountain. We have Senators who have voted for that in this area. The two senators from Florida, Tennessee, Mississippi, and Alabama all support it.

UNITED STATES
NUCLEAR REGULATORY COMMISSION,
Washington, DC, October 13, 2011.

Hon. WILLIAM L. DALEY,
Chief of Staff, The White House, Washington, DC.

DEAR CHIEF OF STAFF DALEY: As individual members of an independent regulatory commission, we all took oaths to execute this agency's nuclear regulatory mission and to uphold the institution's values, including its Principles of Good Regulation. Our obligation is not only to the agency and its staff, but also to the American people. It is from that foundation that we write to express our grave concerns regarding the leadership and management practices exercised by Nuclear Regulatory Commission (NRC) Chairman Gregory Jaczko. We believe that his actions and behavior are causing serious damage to this institution and are creating a chilled work environment at the NRC. We are concerned that this will adversely affect the NRC's essential mission to protect the health, safety and security of the American people.

In a long series of very troubling actions taken by Chairman Jaczko, he has undermined the ability of the Commission to function as prescribed by law and decades of successful practice. Since this current Commission was formed some 18 months ago, after the President nominated and the Senate confirmed the three newest members, we have observed that Chairman Jaczko has:

Intimidated and bullied senior career staff to the degree that he has created a high level of fear and anxiety resulting in a chilled work environment;

Ordered staff to withhold or modify policy information and recommendations intended for transmission to the Commission;

Attempted to intimidate the Advisory Committee on Reactor Safeguards, a legislatively-chartered independent group of technical advisors, to prevent it from reviewing certain aspects of NRC's analysis of the Fukushima accident;

lnored the will of the majority of the Commission; contrary to the statutory functions of the Commission; and

Interacted with us, his fellow Commissioners, with such intemperance and disrespect that the Commission no longer functions as effectively as it should.

Recently, on October 5, 2011, Chairman Jaczko appeared as an invited guest at a periodic meeting of the agency's Executive Director for Operations and other senior career executives. According to multiple reports, his comments reflected contempt for the Commission itself and open disdain for the Internal Commission Procedures, a document that embodies governing principles from the NRC's organic legislation—the Energy Reorganization of 1974 and the Reorganization Plan No. 1 of 1980. These procedures guide the conduct of the work of the Commission.

Over the last 18 months, we have shown Chairman Jaczko considerable deference. Moreover, for the sake of the agency, its staff, and public confidence, we have strived to avoid public displays of disharmony. Unfortunately, our efforts have been received only as encouragement for further transgressions.

We are committed to conduct the work of this agency to the best of our ability and despite the items highlighted above and numerous other troubling actions taken by Chairman Jaczko, we have carried out the work before us and will continue to do so. However, Chairman Jaczko's behavior and management practices have become increasingly problematic and erratic. We believe his conduct as Chairman is inconsistent with the NRC's organizational values and impairs the effective execution of the agency's mission.

We provided Chairman Jaczko our concerns in the attached memorandum.

Sincerely,

Commissioner KRISTINE L. SVINICKI.
Commissioner WILLIAM D. MAGWOOD, IV.
Commissioner GEORGE APOSTOLAKIS.
Commissioner WILLIAM C. OSTENDORFF.

UNITED STATES
NUCLEAR REGULATORY COMMISSION,
Washington, DC, October 13, 2011.

Memorandum to: Chairman Jaczko.

From Commissioner Svinicki, Commissioner Apostolakis, Commissioner Magwood, Commissioner Ostendorff.

As you know, many of us have, on occasion, taken issue with your interpretation of the relative role of the Chairman and the Commission, the role of the Chairman and the EDO, and your approach to working with the Commission to lead this agency. Over the past year, these issues, linked with your troubling personal approach to interacting with us and the senior staff, have intensified. This is a matter of serious concern. We have responsibilities relating to the Commission and the NRC staff, and we are accountable to Congress and the American people. It is from this foundation that we write to express our grave concern that your leadership and management practices are causing serious damage to this institution.

First, with respect to your relationship with the Commission, it is not uncommon to have some degree of tension between a Chairman and the members of an independent regulatory commission. But in the present case, your intemperate and disrespectful behavior and conduct towards fellow Commission members is completely unacceptable. A few recent examples include your outburst of temper demonstrated by storming out of an agenda planning meeting while a colleague was speaking, yelling at fellow commissioners on the phone, and termination of an NRC staff detailee's assignment to a Commission office without any advance discussion with the affected Commissioner. Although your relationship with Commissioner colleagues has been a serious problem for some time, it has gotten worse in recent months.

Second, your intimidation and bullying of the NRC staff to do things your way has resulted in a work environment with a chilling effect. While you are a champion of openness in Commission deliberations, you have taken steps to discourage open communication between the staff and the Commission. There are a number of recent examples where you or your office directed the staff to withhold certain views from the Commission or strongly criticized the staffs views. Two recent examples include your direction to the EDO to withdraw the SECY paper on the Fukushima Near Term Task Force Report as well as your strong, ill-tempered criticism of the senior staffs recommendations in the post-Fukushima ''21 day'' report. While you have communicated to us that your primary motivation in seeking to remove the EDO is based on his lack of communications with you, due diligence with numerous senior staff indicates that your motivation stems from instances where the EDO did not follow your view on what to present to the Commission as the staff's policy position. This impairs the ability of the Commission to function effectively; furthermore, your view of the role of the EDO is fundamentally contrary to that of the Commission and the way the NRC has functioned over the years.

Third, we are shocked to have received numerous reports from NRC senior staff about your remarks at the October 5 Senior Leadership Meeting. Your comments have been interpreted by those present not only to reflect your disdain for the Internal Commission Procedures, but also your contempt for the Commission. Your remarks to the NRC senior staff undermine the entire Commission. This conduct is of grave concern to us and is absolutely unacceptable.

In response to this persistent situation, we have decided to transmit the attached letter to the White House Chief of Staff to notify him of our serious concerns. We recognize that this is an extraordinary step, but do not believe that you have left us with viable alternatives.

□ 1050

THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, I rise today in opposition of H.R. 3630, the Middle Class Tax Relief and Job Creation Act. This bill is yet another example of Republicans bringing a partisan bill to the floor which has no chance of becoming law.

At this critical time in our economy, Republicans are continuing to pursue their own ideological agenda. Time and again, Republicans continue to choose brinksmanship over constructive engagement with Democrats. Allowing these extensions to expire would have a devastating impact on our economic growth and job creation.

Republicans must put aside partisan differences and work with Democrats so that we can assist millions of Americans who lost their jobs through no fault of their own. Putting money in the pockets of American families should be one of our top priorities. It just seems like common sense.

Although H.R. 3630 extends the Emergency Unemployment Compensation program until January 2013, it also lowers the amount of time benefits are provided from 99 weeks currently to 59 weeks. Furthermore, the bill also would allow States to require a high school diploma or being enrolled in classes for a GED to be eligible for benefits. The bill also offsets the cost by freezing Federal employee pay for another year through 2013.

Although recent data has shown that the national unemployment rate has dropped to 8.6 percent, the African American unemployment rate rose at the same time from 15.1 percent to 15.5 percent. High African American unemployment rates are a direct result of the high job loss in the public sector. During the past year, while the private sector has added 1.6 million jobs, State and local governments have shed at least 142,000 positions.

Because traditionally there has been racial discrimination in employment, blacks have relied on government jobs in large numbers since the Reconstruction era. As a matter of fact, one of the

first job openings for freed enslaved people was the United States Postal Service, which opened their doors and hired qualified ex-slaves during that period.

We will be passing legislation that helps the private sector, but we also need to be concerned about the public sector instead of freezing or limiting their pay. As a matter of fact, the private sector has been very derelict.

During World War II, even though the United States was way behind in our development of a war machine—ships, tanks, and boats—President Roosevelt had to send an Executive order to companies insisting that they hire African Americans because we were losing the effort, but they refused to break down racial discrimination even as we were being outmanned by our enemies. And so we find there is still the difficulty for African Americans to get into the private sector; and we find that, therefore, many are losing their jobs in the public sector.

H.R. 3630 also makes large cuts in health care programs. It cuts over $21 billion from the Affordable Care Act programs, which will increase the uninsured by 170,000 Americans.

Additionally, H.R. 3630 rolls back the Emergency Unemployment Compensation program substantially, making drastic cuts to Medicare, and contains controversial riders that should not be included in this bill.

We should not risk tax increases on middle class families, dropping unemployment benefits for those out of work, or preventing seniors from accessing their doctors through Medicare by including unrelated and controversial provisions.

The bill is fiscally careless, and it increases the deficit by $25.3 billion over the next 10 years, according to CBO.

Due to the more than $21.5 billion in provider cuts, the American Hospital Association is urging Congress to oppose this bill that will harm health care in communities across America.

Important funding for preventive care that was included in the Affordable Care Act is also subject to billions of dollars in cuts. Changes in the bill will result in 170,000 more uninsured Americans.

So, therefore, I urge defeat of this unfair plan, which also throws in the pipeline, which makes no sense.

CRISIS OF SEXUAL ABUSE OF CHILDREN IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, just a few minutes ago I heard one of my colleagues on another matter dealing with children raise the question: Who lobbies for our children?

Frankly, I don't want to live in a country that doesn't hold our children as the precious resources that they are, to be coddled and nurtured, given the opportunities of life irrespective of their ethnic background, religious background, economic background, where they live in this country. I think the greatest testimony of a country's moral values is how they protect and respect their children.

Just an hour or two ago, Mr. Sandusky, in a Pennsylvania courtroom, decided not to listen to numbers of his accusers in this sordid scandal of child sexual abuse. That is his legal privilege. And as someone who adheres to the Constitution of due process and a right to a trial by one's peers, I'm not here to quarrel with a legal system that allows an accused—in this instance, a proposed defendant—to defend themselves. But I am here to challenge the crisis of sexual abuse of children in America and the sordid salaciousness of the coverup that adults have participated in. Shame on us. Shame on us.

As the chair and founder of the Congressional Children's Caucus, I raise my iron and I ask the media around this country to come from underneath the rocks and begin to attack the coverup and quietness of professional or amateur sports, of college sports, of high school and primary and secondary sports, of nonprofits who deal with children who have an inkling or a knowledge of the sordidness and the dastardly actions of sexually abusing children and not saying one word. And so this week I'm going to ask my colleagues to join me in introducing legislation that will cease and desist Federal funding going to colleges and universities and nonprofits who are found to have covered up charges of child sexual abuse.

When is it going to stop?

The heinousness of the alleged acts of Mr. Fine in Syracuse by the State laws suggest that the statute of limitations cannot reach him. The Federal law must speak. The voice of America must speak. And the irony of it is I listened to a commentator this morning say, How long will the coach be able to stay in Syracuse in the prominence of their season this year? As long as he wants. And no one has gotten to the bottom of what happened to those boys at Syracuse University.

Added to that is an ESPN tape that they sat on for how many years and no recrimination, no accusations against an entity that enjoys the trust and confidence and enjoyment of the American sports fans to have held a tape and denied that tape to at least be vetted to determine the harshness of what happened to a child.

Child sexual abuse cases, 90,000 of them are reported, but the numbers of unreported abuse are far greater, because it is documented that children wait at least 2 years before they're willing to tell even family members. Why? Because we, as adults, have made it so harsh, so accusatory for the child. The child is in fact the defendant, the wronged person. And God forbid, don't accuse a famous adult, for then you are completely maligned, thrown on the trash heap of life.

□ 1100

The boys that Mr. Sandusky was accused of acting against happened to be vulnerable children, vulnerable families, at-risk children, parents, single mothers, who were looking for a male role model. Isn't that allowed in America?

Aren't we familiar with raising that impoverished child up and giving the opportunity to be raised up by their bootstraps, getting some wonderful male role model, in the instance of girls, a woman role model? Isn't that the American way, that everybody has a door open to the greatest country in the world?

But that trust was violated, and those children now, basically grownups, did not survive and will not survive the mental conditions that they will be subjected to.

Mr. Speaker, as I close, let me say that children have died because of child sexual abuse. Join me in supporting this legislation to be able to say zero tolerance for the cover up of sexual abuse of children. It's a pox on our house. Where are the children's lobbyists? We must be that lobbyist.

CHILD SEXUAL ABUSE STATISTICS

Although child sexual abuse is reported almost 90,000 times a year, the numbers of unreported abuse greater because the children are afraid to tell anyone what has happened, and the legal procedure for validating an episode is difficult (American Academy of Child & Adolescent Psychiatry, 2004).

It is estimated that 1 in 4 girls and 1 in 6 boys will have experienced an episode of sexual abuse while younger than 18 years. The numbers of boys affected may be falsely low because of reporting techniques (Botash, Ann, MD, Pediatric Annual, May, 1997).

Sixty-seven percent of all victims of sexual assault reported to law enforcement agencies were juveniles (under the age of 18); 34 percent of all victims were under age 12. One of every seven victims of sexual assault reported to law enforcement agencies were under 6. Forty percent of the offenders who victimized children under age 6 were juveniles (under the age of 18). (Bureau of Justice Statistics, 2000).

Most children are abused by someone they know and trust, although boys are more likely than girls to be abused outside of the family. A study in three states found 96 percent of reported rape survivors under age 12 knew the attacker. Four percent of the offenders were strangers, 20 percent were fathers, 16 percent were relatives and 50 percent were acquaintances or friends (Advocates for Youth, 1995).

OVERVIEW

Child sexual abuse has been at the center of unprecedented public attention during the last decade. All fifty states and the District of Columbia have enacted statutes identifying child sexual abuse as criminal behavior (Whitcomb, 1986). This crime encompasses different types of sexual activity, including voyeurism, sexual dialogue, fondling, touching of the genitals, vaginal, anal, or oral rape and forcing children to participate in pornography or prostitution.

CHILD SEXUAL ABUSERS

Perpetrators of child sexual abuse come from different age groups, genders, races and

socio-economic backgrounds. Women sexually abuse children, although not as frequently as men, and juvenile perpetrators comprise as many as one-third of the offenders (Finkelhor, 1994). One common denominator is that victims frequently know and trust their abusers.

Child abusers coerce children by offering attention or gifts, manipulating or threatening their victims, using aggression or employing a combination of these tactics. ''[D]ata indicate that child molesters are frequently aggressive. Of 250 child victims studied by DeFrancis, 50 percent experienced physical force, such as being held down, struck, or shaken violently'' (Becker, 1994).

CHILD SEXUAL ABUSE VICTIMS

Studies have not found differences in the prevalence of child sexual abuse among different social classes or races. However, parental inadequacy, unavailability, conflict and a poor parent-child relationship are among the characteristics that distinguish children at risk of being sexually abused (Finkelhor, 1994). According to the Third National Incidence Study, girls are sexually abused three times more often than boys, whereas boys are more likely to die or be seriously injured from their abuse (Sedlak & Broadhurst, 1996). Both boys and girls are most vulnerable to abuse between the ages of 7 and 13 (Finkelhor, 1994).

INCEST

Incest traditionally describes sexual abuse in which the perpetrator and victim are related by blood. However, incest can also refer to cases where the perpetrator and victim are emotionally connected (Crnich & Crnich, 1992). ''[I]ntrafamily perpetrators constitute from one-third to one-half of all perpetrators against girls and only about one-tenth to one-fifth of all perpetrators against boys. There is no question that intrafamily abuse is more likely to go on over a longer period of time and in some of its forms, particularly parent-child abuse, has been shown to have more serious consequences'' (Finkelhor, 1994).

SYMPTOMS OF CHILD SEXUAL ABUSE

Many sexually abused children exhibit physical, behavioral and emotional symptoms. Some physical signs are pain or irritation to the genital area, vaginal or penile discharge and difficulty with urination. Victims of known assailants may experience less physical trauma because such injuries might attract suspicion (Hammerschlag, 1996).

Behavioral changes often precede physical symptoms as the first indicators of sexual abuse (American Humane Association Children's Division, 1993). Behavioral signs include nervous or aggressive behavior toward adults, sexual provocativeness before an appropriate age and the use of alcohol and other drugs. Boys ''are more likely than girls to act out in aggressive and antisocial ways as a result of abuse'' (Finkelhor, 1994). Children may say such things as, ''My mother's boyfriend does things to me when she's not there,'' or ''I'm afraid to go home tonight.''

CONSEQUENCES OF CHILD SEXUAL ABUSE

Consequences of child sexual abuse range ''from chronic depression to low self-esteem to sexual dysfunction to multiple personalities. A fifth of all victims develop serious long-term psychological problems, according to the American Medical Association. These may include dissociative responses and other signs of posttraumatic-stress syndrome [sic], chronic states of arousal, nightmares, flashbacks, venereal disease and anxiety over sex or exposure of the body during medical exams'' (''Child Sexual Abuse . . .,'' 1993).

CYCLE OF VIOLENCE

Children who are abused or neglected are more likely to become criminal offenders as adults. A National Institute of Justice study found ''that childhood abuse increased the odds of future delinquency and adult criminality overall by 40 percent'' (Widom, 1992). Child sexual abuse victims are also at risk of becoming ensnared in this cycle of violence. One expert estimates that forty percent of sexual abusers were sexually abused as children (Vanderbilt, 1992). In addition, victims of child sexual abuse are 27.7 times more likely to be arrested for prostitution as adults than non-victims. (Widom, 1995). Some victims become sexual abusers or prostitutes because they have a difficult time relating to others except on sexual terms.

GOP POLICY RIDERS AND THE KEYSTONE PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise with my colleagues today to call for an immediate extension of the emergency unemployment benefits, including those who have hit the 99-week limit.

Also, I want to ask for the extension of the payroll tax holiday for millions of Americans. I also urge my colleagues to reject attempts to attach these urgently needed economic recovery actions with partisan proposals to gut the Clean Air Act and support Big Oil at the expense of middle and low-income individuals.

Republicans in the House have already tried to pass hundreds of anti-environmental bills, amendments, and policy riders. Apparently, this is not enough. Now Republicans want to combine repealing important Clean Air Act provisions with the extension of the payroll tax cut.

Ironically, Mr. Speaker, repealing these Clean Air Act standards for industrial boilers would cost our economy $21 billion to $52 billion per year in higher health care costs resulting from asthma, lung cancer, emergency department visits, hospitalizations, and premature deaths.

Not surprisingly, Republicans have also included expediting approval of the Keystone pipeline in exchange for a payroll tax extension. This is unacceptable. The proposed route for the Keystone pipeline is currently being reviewed and revisited by the State Department. Also, past State Department environmental impact statements have been found to lack key information on the real and potential environmental impacts of the pipeline.

Republican politicians must stop playing games with the American people and holding hostage the recovery of our entire economy just to score political points with their extreme Tea Party base. Instead of wrapping special interest policy riders and polluter giveaways into a tax extender package, Congress should focus on those policies which are demonstrated job creators; that is, the payroll tax cuts, domestic clean energy incentives, and unemployment compensation extension.

We must not fail to do the work of the American people, and we must not fail to extend these critical benefits before they run out. I call on Republicans to quickly bring a clean bill to the floor that extends emergency unemployment benefits for the millions of job seekers who continue to struggle to find a job in the middle of an economic disaster that the careless deregulation of the banks, two wars, and tax cuts for the wealthy created.

Also, it's really unconscionable that, while we're trying to increase the time limit for unemployment compensation past 99 weeks, the Republicans now want to reverse this to 59 weeks. This is just down right mean-spirited.

So let's have an up-or-down vote on a clean bill that extends the temporary reduction of the payroll tax cut for millions of Americans who really cannot afford a tax hike. Let's have an up-or-down vote on a clean bill that isn't filled with special interest policy riders and polluter giveaways. Let's have an up-or-down vote on a clean bill that keeps millions of families out of poverty.

Failing to extend these critical benefits would cripple our recovery, endanger the public health of our communities, and cost the economy over a half million jobs. We can't afford to ignore the needs of the millions of Americans who have run out of time and who are now losing their homes, falling out of the middle class, and relying more and more on government assistance.

We really should be taking actions to implement targeted programs and policies that ensure that we are a Nation that truly will provide ladders of opportunity and the removal of barriers to the American Dream. We should be taking strong action to protect public health and the full implementation of the Clean Air Act as a tool for cleaning up pollution from these power plants and commercial boilers.

We also should be working with other countries to reduce the impacts of climate change and to help poor countries adapt to climate impacts. This is nothing short of a national emergency, and we must do more to support middle and low-income families, protect the health of our communities, and support our hospitals and local businesses and get people back to work. This really should be a moral imperative during this holiday season.

THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. Mr. Speaker, I rise today to express my support for H.R. 3630, the

Middle Class Tax Relief and Job Creation Act of 2011.

First and foremost, I was glad to hear my colleague on the other side of the aisle recognize that lowering taxes, be them payroll taxes, income taxes, or whatever taxes you want to refer to, lowering taxes is a job creation policy initiative that should be supported by both sides of the aisle.

Now, I'm concerned about the payroll tax cut that is continued in this payroll tax bill today because these are the revenue sources for Social Security. But I have come to the conclusion that allowing all Americans to keep more money in their pocket, rather than allowing it to come to Washington, D.C. and to fuel the beast that has been created here in Washington and that is causing the national debt crisis that we now face and the out-of-control spending of Washington, I believe allowing Americans to keep more money in their pocket is a better policy position to take once and for all. And so I support the extension of the payroll tax rate where it is at.

This is not the time, in this economic climate, to take money out of hardworking American families and small businesses and their financial resources that they have to work on as they go forward putting people back to work. So I support the extension of the payroll tax cut.

But I would have to be very sensitive and clear with all Americans that this type of tax policy must be offset by a reduction in the spending that is the root cause of the crisis that we now face in Washington, D.C., so we must offset these tax cuts, and we will do and have done that in this bill.

I also am glad to see that our unemployment reform measures that are set forth in this bill have the opportunity to go into law. Right now we are at 99 weeks of unemployment. The President, in his own proposal, says we need to reduce those weeks of unemployment by 20 weeks. We, in this bill, want to go further, and we'll reduce the number of weeks to 59.

Why? Not because we're cold hearted, not because we're mean spirited, but we are being open and honest with the American people and saying that there is a cost to this indefinite unemployment extension policy that is coming from the other side of the aisle. What we have to do is realize that we have to live within our means once and for all.

And so, what this does is it lowers those numbers of weeks, it puts in commonsense reforms by making it a requirement that people are looking for a job. It gives the States the flexibility to implement drug testing and drug screening to make sure that the workforce of America has the ability to go back to work when those jobs are available.

I have been back in my district, and we do town halls all the time. And what I've heard from small business owners across our district is that one of the main reasons that they cannot hire individuals is because they simply cannot pass a drug test.

□ 1110

This commonsense reform that's contained in this bill will allow us to develop the workforce of America in a stronger and a better fashion so that people can be put back to work once and for all.

The other issue in this bill that I've been supportive of is the doc fix. Now, our health providers in America are being faced with major cuts, be it through ObamaCare, the Health Insurance Care Act, the Affordable Care Act, whatever you may call it. We're also seeing it in the possible sequestration that we're going to face next year.

But what we're doing in this bill is we're giving some certainty to our providers that over the next 2 years they'll know what their reimbursement rates will be. That is critical to the future of our health care industry, and therefore we support it. But we cannot be satisfied with this temporary solution. We must come up with a permanent fix to the doc fix so 2 years from now we are not right back in the situation we find ourselves today.

The final point that has caused me to support this bill as vigorously as I will today is that it is a jobs bill. The Keystone pipeline piece of legislation that is attached to this is being used as a political football. The President has said we can't wait to put people back to work. Well, in this bill with a stroke of a pen, the President will be able to put 20,000 families back to work with one signature—his signature. To me, that's what we should be doing in this Chamber. That's why I ask my colleagues to support this legislation.

PAYROLL TAX EXTENSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Over the last 3 years, much progress has been made in an effort to recover from the economic fallout, the Great Recession that the President inherited from the previous administration. More needs to be done to stabilize our economy and create jobs for the millions of Americans still out of work.

That progress may get derailed this week if the Republican majority refuses to extend tax cuts for 160 million Americans and unemployment benefits for 1.3 million Americans.

You'd think congressional Republicans who routinely label Democrat as the ''party of taxes,'' which is something Oliver Wendell Holmes said was the price we pay for civilization, that's what taxes are, would eagerly support tax cuts for 160 million Americans; but they don't. I'm buffed.

But you listen to the other side, they've got all kinds of reasons. They've got extensions. They've got all kinds of riders. The bottom line is it's a political fight to defeat the President of the United States. It's been their agenda since he was elected.

Every day my Republican colleagues come to the House floor to call for lower taxes, particularly for the millionaires. They call them the job creators. Yet, when the time comes to support a Democratic payroll tax proposal that lowers taxes and creates jobs, Republican support is not found.

Under the Democratic proposal, a family making $50,000 a year and struggling would save $1,500 next year.

But this tax cut does more than put money in the pockets of more than 160 million hardworking Americans and ensure they won't see a tax increase. It also creates jobs. Mark Zandi, the previous Republican Presidential candidate JOHN MCCAIN's economic adviser, said that expanding the payroll tax cut for employees would create 750,000 jobs. Conversely, he said the failure to do so would cost a million jobs.

But, apparently, tax breaks for those people, 160 million Americans, and creation of those jobs is not enough for my colleagues on the Republican side. They need more enticement to support a payroll cut.

So what's the red meat that gets them to do this?

They have to break their pledge. They made a pledge to America. They said they wouldn't put extraneous legislation together with other legislation to pass a mass bill. It would circumvent the will of the people. They promised to advance major legislation one issue at a time, but Republicans violated this pledge this time by stuffing anti-environmental riders into a must-pass payroll tax bill.

While cutting taxes for 160 million Americans seems like something Republicans would unequivocally support, the GOP leadership felt they had to violate that pledge and cram divisive riders into the bill to get support from people who want to put a potentially dangerous line in environmentally sensitive areas of pipeline that has shown repeatedly a failure to be done in an appropriate way, something that has been said would be a carbon bomb being set off and the end of the global warming fight. It would end the game.

Despite their claims that the riders would create jobs and stimulate the economy, reality doesn't align with those arguments. The reality is they would destroy our economy, our environment, and the lives of thousands of Americans.

The Boiler MACT provision in the bill would delay air toxin rules for at least 3½ years. That would result in 28,350 premature deaths, 17,000 heart attacks, nearly 19,000 hospital and emergency room visits, more than 1.2 million days of missed work, and 150,000 cases of asthma attacks.

The health benefits of these regulations are estimated to save up to $67 billion and save all of those lives. It's astonishing the Republicans would consider delaying a public health rule that

would prevent 8,000 premature deaths a year and save up to $67 billion, the sweetener that was needed to try to get these tax breaks for 160 million Americans.

I urge my colleagues to see the folly of their ways and pull these harmful riders out of the bill, to stop their effort to just defeat President Obama, and do what's right for the American public—to create jobs and to help people on unemployment, which will stimulate our economy.

In their Pledge to America, they describe what they called ''circumventing the will of the American people.'' That's what they're doing today. The will of the American people is not to have deaths and injuries, health and environmental policies destroyed, but to create jobs and to help people through this difficult recession.

I would ask that we defeat this bill, come back, work together, and do what's right for the American people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 16 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

On this day we ask Your blessing on the men and women, citizens all, whose votes have populated this people's House. Each Member of this House has been given the sacred duty of representing them.

This is a season of hope for many in our Nation—for some religious hope, for some celebratory hope, and for others hope for greater blessings in their lives. We ask that You might listen to the hopes of our Nation.

We ask Your blessing as well on the Members of this House, whose responsibilities are heavy as the first session of this 112th Congress nears its completion. Give each Member the wisdom to represent both local and national interests, a responsibility calling for the wisdom of Solomon. Grant them, if You will, a double portion of such wisdom.

Bless us this day and every day, and may all that is done within the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. HAHN) come forward and lead the House in the Pledge of Allegiance.

Ms. HAHN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

SOUTH CAROLINA WINS THE FIGHT AGAINST THE NLRB

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday the National Labor Relations Board announced that they had approved the requests by the International Association of Machinists to withdraw its complaint against Boeing. For the past year, the President's National Labor Relations Board has played the role of a Big Labor bully by threatening the jobs of hardworking South Carolinians by stalling the second line of the 787 Dreamliner production in Charleston.

Boeing chose to locate in South Carolina due to its welcoming business climate due in large part to its right-to-work laws. Instead of rewarding unions for their political investments, I urge the current administration to enact policies protecting the rights of workers and allowing for growth of small businesses creating jobs. The lesson of this NLRB intrusion is clear: do not locate your facilities in union States because if you enter, like a roach motel, you cannot leave.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

UNEMPLOYMENT INSURANCE EXTENSION

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Over 13 million Americans are looking for work. That means for every one job opening in the United States, there are four Americans actively seeking employment. Another 10 million people have given up looking for a full-time job altogether because companies just aren't hiring.

These are real people. They are more than just numbers. Ellen Andrews lost her job last year. She's been supporting herself and her 1-year-old son Henry with her unemployment benefits. They help her keep the lights on and keep food in the house until she can get a job.

But the Republican plan will change all that. It will cut 40 weeks of Federal benefits out from under people like Ellen; and it will force partisan policies, like the controversial Keystone XL pipeline, on to a bill that should be all about helping American families.

With the holidays around the corner, Congress should be about giving America hope and security, not playing partisan politics.

JOB CREATION

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, on December 10 Pamela from Greenwood Lake, New York, in our beautiful 19th District, sent the following letter to me: ''Stop any more Federal spending. Less is better. Europe is a lesson for us. We live in the greatest Nation on Earth.''

And, Pamela, you're absolutely right. If we are going to spread the blessings of the greatest opportunity society in history, then as we enter this holiday season, we need the promise of growth.

Your House of Representatives, Republicans and Democrats alike, have as of today passed 27 bills, job-growing, growth-promoting bills that protect American workers and job creators from tax increases, roll back burdensome regulations, and end the Federal spending that suffocates the economic engine of enterprise. And we keep them listed on a card so everybody knows.

I urge the Senate to act now to put those bills to work and put our people back to work and give every American good reason to look forward to a happy new year in this land of liberty.

PAYROLL TAX CUT

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, today the House will debate extending the payroll tax cut. I strongly urge extending this tax cut. If we don't, tens of millions of New York families will see an average tax increase of $1,000 next year, and as many as 400,000 jobs could be lost nationwide.

But, frankly, it is ridiculous that we are considering this legislation on the floor today. With so many unrelated riders attached to the bill, we know it is dead on arrival in the Senate. This charade will create anxiety among middle class Americans that their taxes are about to go up, and it will create economic uncertainty during the holiday season when so much of

our economy is based on consumer confidence and spending.

The same Congress that took us to the edge of a government shutdown and defaulting on our debt is again choosing brinksmanship over leadership, regardless of the impact on our economy and the middle class.

I urge the House to reject this bill and pass a clean extension of the payroll tax cut that we know will pass the Senate and become law immediately.

STAND WITH ISRAEL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the U.N. agency UNESCO sent a message to Israel loud and clear that the U.N. accepts the creation of a Palestinian state whether Israel likes it or not. UNESCO intervened in the peace process and formally recognized the Palestinian state by raising the flag in front of the whole world. No surprise there, just another day in the U.N.'s position of bigotry against all things Israel. Yet another reason to cut U.N. funding.

Israel is America's loyal ally and the lone free and democratic country in the Middle East. Its people are constantly under attack from the jihadists who wish to remove them from the Earth all in the name of religion. The same radicals who wish to kill innocent Israelis are also sworn enemies of America. Intimidation, terror, and murder are not acceptable and must be rejected by the entire international community, especially the U.N. The United States must make it clear that we stand with Israel in their fight against hate and extremism, whether the U.N. likes it or not.

And that's just the way it is.

HELPING SMALL BUSINESSES

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Mr. Speaker, this past weekend, I held a forum for small businesses and teamed them up with experts from the U.S. Government on how to discuss strategies in getting them into the global marketplace. It's also a reminder to me of the vast, untapped potential that lies before us as we address the critical needs for more jobs in this country.

With nearly 96 percent of the world's consumers living outside the U.S. and two-thirds of the world's purchasing power in foreign countries, we must help our small businesses learn how to export their products and services to other nations.

Small businesses I met on Saturday, like the Kean Wind Turbines and Maram's Dress Shop in Williamsville, are looking for a shot at this marketplace; but they need our help. After all, small businesses that export their goods and services are one-third less likely to fail than companies that do not export. Therefore, I'm urging every Member of Congress to work with their local businesses to help expose them to the amazing opportunities that await them if they are willing to leap into the global marketplace. I put our products and our businesses up against any global competitor anytime, anywhere.

□ 1210

HONORING CALHOUN YELLOW JACKETS

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize the undefeated Calhoun High School football team, the Yellow Jackets, who in my district won their first-ever Georgia High School Association Class AA State championship with a 27–24 win against the Buford High School Wolves last Friday, and give a special shoutout to Superintendent Dr. Michele Taylor and Principal Greg Green.

For the past 4 years, Calhoun has played Buford in the State championship, and this year, in truly nail-biting fashion, Calhoun prevailed in overtime on a 32-yard field goal by Adam Griffith.

Mr. Speaker, Buford is one of the best teams in the country, led by my friends Coach Jess Simpson and Athletic Director Dexter Wood. And it would have set a record had it won its fifth straight State championship, but Calhoun was finally able to stop them.

My congratulations to head Coach Hal Lamb and his staff, the outstanding young athletes and their families, and the whole high school community on this great victory. You've made us all proud. Go Yellow Jackets.

IRAN THREAT REDUCTION ACT

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, this week the House will consider the Iran Threat Reduction Act to bolster sanctions on the Iranian regime. It is time.

As the International Atomic Energy Agency recently reported, Iran could have a bomb within a year and is pursuing the means to trigger and deliver a nuclear weapon. We are out of time and have no choice but to enact the severest of sanctions in order to protect our ally Israel, our troops, and the entire region. And as the Israeli Prime Minister warned, there is nothing to stop Iran from exporting the bomb.

This bill will put in place debilitating sanctions on the Central Bank of Iran, which finances the nuclear program. The sanctions would deny those who do business with Iran Central Bank access to American markets. We are out of time, and we are running out of options. This bill gives us more of both.

I urge my colleagues to pass H.R. 1905, cut off the Central Bank of Iran, and send a message that a nuclear Iran is unacceptable.

BLOCK THE IMF FROM BAILING OUT EUROPE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, America is drowning in a sea of debt. But instead of addressing our own financial problems here at home, there is talk of another bailout—not for America, but for Europe.

Recent reports indicate that the International Monetary Fund, of which the U.S. is the leading contributor, may intervene to bail out failing European countries.

Washington needs to be focusing on policies that grow the U.S. economy and create jobs here, not shipping hard-earned tax dollars overseas. For this reason, I have cosponsored legislation to block the IMF from sending $108 billion in U.S. funds for a European bailout. I urge my colleagues in Congress to join me in this effort. Taxpayer dollars should not be used to bail out Europe. We need to take care of America first.

LET'S VOTE ON A CLEAN UNEMPLOYMENT BENEFITS BILL

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, we're running out of time. Just in California, where I come from, 356,000 Californians are at risk of losing critical unemployment benefits because this Congress has failed to act. These aren't just 356,000 strangers; these are our friends, these are our neighbors, these are our families. These are proud Americans who through no fault of their own have lost their jobs. They want to work, but because this Congress has failed to act, jobs are hard to find. And instead of just voting on extending these unemployment benefits, my Republican friends have asked us to approve other unrelated controversial items in this bill.

What I'm saying to my Republican friends is, can't we just vote on the unemployment benefits by themselves? Can't we debate the oil pipeline later? Do we have to gut clean air laws to extend benefits? Let's vote on this on its own and give Americans some hope.

NATIONAL GUARD'S 375TH BIRTHDAY

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. Mr. Speaker, today I rise to wish a very happy birthday to our National Guard. As the only active

noncommissioned officer in Congress, this anniversary is a landmark that I am personally very proud of.

Three hundred seventy-five years ago today, on December 13, 1636, the Massachusetts General Court in Salem declared that all able-bodied men between the ages of 16 and 60 were required to join the militia. These men were called upon when needed, and we proudly continue this tradition of citizen service.

Today our National Guard soldiers are called upon to serve both here in our communities and around the world in support of our current overseas operations. Our Nation's citizen soldiers dedicate themselves to the defense of our Nation both here and abroad. I personally would like to thank all of my fellow Guardsmen for the job they are doing, and thank you to all of our men and women in uniform, and especially their families.

Thank you, happy birthday, and God bless.

LIHEAP

(Mr. BASS of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS of New Hampshire. Mr. Speaker, the weather is cold in the Northeast. This year is no exception. In October, we had a huge snowstorm, an emergency declaration. Residents of the northern States—Maine, New Hampshire and Vermont—are over 80 percent dependent on heating oil. And we've depended—in the case of New Hampshire, 47,200 people—on the Low Income Energy Assistance Program. It is imperative that this program be adequately funded this year.

Mr. Speaker, the President, in his budget submission this year, proposed to cut LIHEAP funding by 50 percent. I urge our appropriators to do better than that this year because there are a lot of people in the Northeast that need this funding this year.

I urge support for adequate funding for low income energy assistance.

HUMAN RIGHTS DAY

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to speak about Human Rights Day.

This past Saturday, I was honored to speak in commemoration of Human Rights Day, a day chosen to honor the Universal Declaration of Human Rights. The declaration was the world's first bill of rights.

When many from all corners of the globe were fighting for basic freedoms—freedom of speech, freedom of religion, people from fear and repression—the declaration assured them that they were fighting the good fight and they were on the right side of history.

Today I stand to recognize the men and women who are still fighting for these freedoms, including the seven democracy and land rights activists and 15 youth activists who have been illegally detained by the Vietnamese Government.

All individuals deserve the right to peacefully express their concerns. I call on my colleagues to stand side by side with these brave individuals and raise their voice in demanding that the Government of Vietnam release all prisoners of conscience and uphold their commitment to human rights for all.

□ 1220

CREATING JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today the House will vote to extend critical provisions to help those seeking jobs, and we will do so without hurting job creators or adding to our national debt. Today's Tax Relief and Job Creation Act also extends the payroll tax holiday, preventing a tax increase on millions of Americans. I'm also very glad to see that we extend the doc fix for 2 years, preventing cuts that could lead many doctors to stop seeing Medicare patients. The bill also shows that the government doesn't have to spend money to create jobs; much of the time it just has to get out of the way.

The State Department has already declared that the planned route of the Keystone pipeline is the safest option, that the contractor is taking every safety precaution. We can see more than 120,000 jobs directly and indirectly created without a dime of taxpayer money.

Our bill proves that you don't need to raise taxes on some Americans to create jobs and provide essential benefits. We don't need to hurt job creators or add to future burdens in order to do the right thing.

PROTECTING SOCIAL SECURITY AND PROVIDING TAX RELIEF FOR MIDDLE CLASS FAMILIES

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, like so many of my colleagues, I think we should prevent 160 million taxpayers from getting a lump of coal and a tax hike this year, but we should not undermine Social Security.

Last year, it was a mistake to take the 2 percent tax cut from Social Security and say we'll cover the losses from general funds. We should not allow a 1-year mistake to become a permanent attack on Social Security and on the livelihood of its beneficiaries.

Social Security should not be used as a rainy day fund or a political bargaining chip. It should not be like another government agency that some years has a good budget and some years has the budget voted away.

President Roosevelt described it best. He said, ''We put these payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions. With those taxes in there, no damn politician can ever scrap my Social Security program.''

Now, here's a way to handle the problem and to keep the mechanism of Social Security intact: Make the changes within the existing system. Let's cut the payroll tax for 160 million Americans but make up the lost revenue by temporarily eliminating the cap on wages taxed.

As much as we need economic stimulus now, we need Social Security for generations to come.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAFFETZ). The Chair will remind Members to heed the gavel.

THE JOBS BILL

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, Americans have made their lists for the holidays. Drum roll, please.

Number 10, pass the doc fix for doctors who treat Medicare patients;

Number 9, continue the payroll tax holiday for American workers;

Number 8, approve the Keystone pipeline in the name of creating jobs;

Number 7, extend and reform employment benefits;

Number 6, repayment of subsidies and reduce all fraud, waste, and abuse;

Number 5, prevent the EPA from destroying jobs by onerous boiler MACT regulation;

Number 4, allow businesses to expense their costly purchases;

Number 3, include spectrum auctions for more broadband services;

Number 2, do all of this without adding to the deficit; and

Number 1, please create American jobs.

To my colleagues, don't be a grinch. Please help grant America's holiday wishes.

And to the President, make this your list, check it twice. America wants and needs jobs for the holidays.

HUNGER IN AMERICA

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, we're the richest, most prosperous nation in the world, but 49 million Americans went hungry in 2009; 16 million were children. These numbers would be higher if it weren't for programs like

SNAP, formerly known as food stamps, and WIC.

We have a hunger crisis in America, and we are not doing enough to prevent this terrible scourge.

During this holiday season, the House and Senate Hunger Caucuses are sponsoring the Hour for Hunger event. Congresswoman JO ANN EMERSON and I are encouraging every Member of this House to volunteer 1 hour to highlight efforts in their districts to fight hunger. Visit a food bank or a food pantry, host a food drive. It's not hard, but it's important and effective.

Finally, I want to urge the White House to host a Conference on Food and Nutrition so we can develop and implement a comprehensive and coordinated national strategy to end hunger in America once and for all.

Hunger is a political condition. All we need now is the political will to end it.

APPROVE THE KEYSTONE PIPELINE

(Mr. LANKFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANKFORD. Millions of Americans are jobless. In response, the House of Representatives has passed more than 20 jobs bills.

This past July, the North American-Made Energy Security Act urged President Obama to issue a final permitting decision on the Keystone pipeline, which will connect Canada's rich oil sands to the U.S. refineries along the gulf coast.

Our dependence on Middle East oil is a security and economic challenge that we must overcome.

The proposed pipeline would consist of over 1,700 miles capable of delivering more than half a million barrels of crude oil each day. In my home State of Oklahoma, this pipeline project is expected to add $1.2 billion in economic impact.

This pipeline presents a unique chance for America to truly cull back our precarious dependence on Middle East oil while also adding tremendous economic activity to our stagnant economy.

In early November of this year, the Obama administration made an unacceptable political decision to punt the approval of the Keystone pipeline until after the Presidential election. A few weeks ago, I formally asked the Secretary of State to at least approve the southern route of the pipeline from Cushing, Oklahoma, to the gulf. Our country has waited for Presidential approval for 3 years.

VOTE AGAINST H.R. 3630

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the Republican plan to extend the payroll tax is deeply flawed in many ways, but perhaps the most egregious are the fundamental changes it would make to some of our Nation's core institutions without any discussion or debate.

It would cut unemployment insurance benefits for 1 million Americans and impose new restrictive limits on workers who've been laid off. It would require millions of seniors to pay more for health care by slashing funding designed to lower costs. It would roll back essential EPA rules to keep our air clean, and it would actually increase the deficit by almost $26 billion over 10 years, according to the CBO.

The vast majority of Americans want the wealthiest to pay their fair share so we can get the country back on track and preserve government institutions. We need a reasonable solution to keep middle class tax cuts in place and maintain funding for Social Security.

Republicans are saying, sure, we'll give you a tax cut, but we're going to slash your husband's unemployment benefits in order to pay for it. That's not a way for families to preserve their standard of living.

Mr. Speaker, the American people want a government that is fair and just, not one that promotes economic imbalance and cynicism.

I urge my colleagues to vote against H.R. 3630.

FARMERS CONFRONTED BY OUT-OF-CONTROL REGULATION

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, last week the Illinois Farm Bureau Federation polled its members about the long-term challenges confronting them. It shouldn't surprise anyone that the number one thing that they named is government regulation. After all, Washington bureaucrats too often know nothing about rural America and challenges confronting our farming families. They've sought to burden them with new regulations on everything from spilt milk to dust.

But while those bureaucrats are trying to generate more regulations, here in the House we're working hard to cut it back. This year, we have passed numerous pieces of legislation to roll back the most egregious rules proposed by the EPA and others to ensure that America's family farmers have the regulatory certainty they need to survive and thrive over the next decade and beyond.

Now it's time for the Senate to act.

WE DON'T LEARN FROM HISTORY

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, I don't know what's the matter with us when we don't learn from history.

After the Great Depression, we passed the Social Security Act. Two major components: One is to keep our seniors safe in their years of retirement, and the second, to provide for those who may become unemployed through no fault of their own.

The bill that we're being asked to vote on today is going to cut unemployment, cut unemployment, the extended portion, which people have come to rely on for those who are looking for work and can't get it, and we're cutting the emergency portion of it as well by eliminating tiers.

But, Mr. Speaker, more than anything else, the part that just bothers me and forces me to speak is that we are going to make people qualify for unemployment. They've got to have a high school diploma or a GED equivalent.

Mr. Speaker, my father went to the ninth grade. He worked through his whole life. Imagine someone like him, and there are many people like my father, that will not qualify for unemployment, will not qualify because they didn't have a high school diploma.

□ 1230

LEFT TURN, BY TIM GROSECLOSE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Professor Tim Groseclose of UCLA has recently published a book, ''Left Turn, How Liberal Media Bias Distorts the American Mind.'' He uses clearly defined quantitative measures to evaluate the bias of media outlets.

In ''Left Turn,'' he scientifically measures the political content of media outlets and converts that content into a slant quotient of an outlet. To measure the bias, he compares slant quotients of news outlets to the political quotients of the typical American voter and political leaders.

Groseclose concludes that the great majority of all national media outlets have a liberal bias. He also points out the conservative bias of a very few outlets, but he determined their conservative bias is less than the liberal bias of most national media.

Mr. Speaker, Dr. Groseclose also cites evidence that the media has shifted the political views of Americans and caused them to be more liberal. So media bias is both real and unfortunate.

CONSUMER FINANCIAL PROTECTION BUREAU

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to applaud recent actions taken by the Consumer Financial Protection Bureau to better inform American consumers. Created last year by the Dodd-Frank Wall Street Reform law, the

CFPB's mission is to take the tricks and traps out of financial products we use every day like credit cards and mortgages.

So even though GOP Senators are filibustering the confirmation of the agency's top official, the Bureau is already at work on behalf of consumers. This project, Know Before You Owe, aims to simplify credit card agreements and student loan disclosure forms so consumers know exactly what they're getting into when they borrow.

Importantly, CFPB is asking consumers for their input on this important task. So I encourage all citizens to visit consumerfinance.gov to share their experiences about credit cards and loan agreements. Consumers can also file complaints about credit card companies or mortgage services and learn how to protect themselves from financial scams.

For the first time, we have a dedicated watchdog looking out exclusively for the interests of consumers. I urge all American consumers to take advantage of these great new resources.

TYPE 1 JUVENILE DIABETES

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, yesterday in Leawood, Kansas, I had the privilege to meet with a bright, energetic young man named Garrett. Garrett is 4 years old and suffers from type 1 juvenile diabetes.

Garrett's story is touching, and it is all too familiar to families across this country who struggle with the stress and strain of juvenile diabetes and the constant concern about the right diet, the right insulin levels, about the highest quality of life for their children.

Last month, I was pleased to hear the Food and Drug Administration issue new guidelines aimed at helping speed up the development of artificial pancreas systems.

Mr. Speaker, it's clear that we as a country need to continue to do all that we can to help bright children like Garrett who need better tools to manage their disease and prevent life threatening and costly complications.

A RESPONSIBLE TAX EXTENDER PACKAGE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, 160 million Americans stand on the brink of a tax hike. Republicans in Congress need to get serious about working together on a bipartisan package to extend the payroll taxes for the middle class and renew unemployment benefits.

The Republican extender package reduces eligibility for unemployment benefits by 40 weeks. It would require everyone receiving benefits to have a GED. My dad, who only had a third-grade education, would not be eligible. And it cuts $21 billion from affordable health care programs, causing 170,000 Americans to become uninsured.

Republicans are asking seniors to pay more for their Medicare, and they're asking the Federal employees to have serious cuts or salaries frozen until the year 2015. Yet they refuse to ask millionaires and billionaires to pay one more cent. No taxes, no jobs.

Let's pass a responsible plan to extend the payroll tax and unemployment benefits before it's too late.

TIME FOR CHANGE ON TAX EXTENDER

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, Joyce Timmons from Suitland, Maryland, called my office to say that the extra money in her paycheck from the soon-to-expire payroll tax cut is important to her and her family.

Joyce and 160 million workers are wondering why my Republican colleagues are now for raising taxes on working people before they were against raising taxes. That's right. The Republicans oppose extending the payroll tax cut except by blackmail.

By extending the tax cut, working people like Joyce Timmons would receive, on average, a thousand dollars next year. It's not a $10,000 bet; it's real money in the economy.

Republicans go out of their way to block job creation and protect tax cuts for the 1 percenters, but they want to raise taxes for the 99 percenters. And they won't stop there.

More than a million Americans have been out of work for a really long time, including 25,000 Marylanders; yet Republicans want to be the grinch who stole Christmas by denying an unemployment check so that people who want to work but can't find work can buy groceries, pay rent and utilities, and tide their families over.

Republicans want to go home for the holidays, but they want working people to pay more in taxes next year and lose out on an unemployment check.

The Grinch became a good guy; Scrooge found a heart; even Mr. Potter changed his tune. It's time for Republicans to change too.

HOW LOW CAN YOU GO?

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. This weekend I attended a senior citizen party and we had a dance contest, and two people would hold a stick and others would try to go under it. And the disk jockey would ask the question: How low can you go? Can you go to the floor?

And I submit that if we refuse to provide unemployment tax extensions, I'd have to ask the Congress: How low can you go? Can you go to the floor?

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 13, 2011 at 9:48 a.m.:

That the Senate passed with an amendment H.R. 1801.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 491 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 491

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

POINT OF ORDER

Ms. MOORE. Mr. Speaker, I raise a point of order against H. Res. 491 because the resolution violates Section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentlewoman has met the threshold burden under the rule, and the gentlewoman from Wisconsin and a Member opposed each will control 10 minutes of debate on the question of

consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. I thank you so much, Mr. Speaker.

Sadly, we're here once again with my Republican colleagues who are trying to ram through this fat-cat tax extenders legislation, providing mere crumbs from the master's table for working people that will neither help the American people weather this economic malaise nor create a single job.

□ 1240

To add insult to injury, the Rules Committee has rejected all attempts to allow any amendments to this horrible piece of legislation. I proposed four amendments, which were not considered, and in fact, the Republican majority rejected a Democratic substitute.

There is a song by the group Cameo—and I know Mr. DREIER will appreciate this—called ''Talkin' Out the Side of Your Neck.'' The lyrics are:

So you can see we're back into this same old mess.

Seems like every time we get out of one situation we're back into it all over again.

All you people that watch you talk, you better get it together or we won't get it done.

We sit down while you cuss and fuss. But guess who's suffering. Nobody but us.

That's exactly what the Republicans are doing—talking out of both sides of their necks. They talk and talk and talk, making false claims to the middle class, false promises, when they're really trying to protect the interests of the 1 percent; and like the song suggests, those in the middle class are the ones who are suffering.

Once again, through this sham piece of legislation, the Republicans claim to be creating jobs when the cruel thing is that, when 160 million workers are given a small payroll tax holiday, the cost is they are held hostage with the tax breaks for the fat cats. Additionally, the Congressional Budget Office reports that this legislation adds over $25 billion to our Nation's deficit.

But those grinches don't stop there, Mr. Speaker. They're trying to steal the holiday spirit from hardworking Americans. How? With this legislation.

Our overall unemployment rate did drop recently from 9.1 percent to 8.6 percent, and I am happy to be joined this afternoon by some of my colleagues from the Congressional Black Caucus who will talk to you a little bit more about how this pertains to black unemployment.

Briefly, though, while unemployment dropped for white men from 7.9 to 7.3 percent, black men endured a spike from 16.2 percent unemployment to a disturbing 16.5 percent. Of course, according to the Bureau of Labor Statistics, unemployment declined for every demographic group within the white community but increased for every demographic group within the African American community. Further, Mr. Speaker, this bill cuts the Federal unemployment program by more than half in 2012, eliminating 40 weeks of benefits, cutting benefits so drastically for those workers and communities that have been most hurt by this recession.

One of the most egregious aspects of this bill is that it promotes State drug testing for workers in order for them to qualify for unemployment benefits. Mr. Speaker, did the authors of this provision know about the Constitution of the United States? This bill also imposes new limits on unemployment compensation by restricting the benefits that employees have paid for.

This is just outrageous. It is time to stop the doublespeak and to give them real talk, and I urge all of my colleagues to vote against this legislation.

Mr. Speaker, at this time I want to yield to one of my good friends from the Congressional Black Caucus, the gentlelady from Ohio, Ms. MARCIA FUDGE.

(Ms. FUDGE asked and was given permission to revise and extend her remarks.)

Ms. FUDGE. I thank the gentlelady for yielding.

I rise today in strong opposition to this rule and the underlying bill.

How in good conscience can we allow States to fund re-employment programs with money that would otherwise be in the pockets of the unemployed?

My amendment mandates transparency and accountability. It requires States to make public the amount of money taken from the checks of unemployed Americans. It's not that I am against re-employment, Mr. Speaker, but I am against decreasing the amount of money that beneficiaries get every month. I mentioned Karen from Cleveland on the floor last week. Karen was laid off in March. Her unemployment check is allowing her to keep her home and to pay for expensive prescriptions. She relies on every single dollar.

Let's cut the partisan posturing, and let's extend unemployment insurance without unnecessary riders.

Ms. MOORE. At this time, Mr. Speaker, I would like to yield 2 minutes to my colleague from the Virgin Islands, Dr. DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the gentlelady for yielding.

Mr. Speaker, I rise in support of this point of order on H. Res. 491.

Here we go again with another misnamed bill that is designed not for middle class tax relief or for job creation but to hold a ''must pass'' vehicle hostage through some misguided Republican pet projects and policy initiatives that harm the environment and threaten public health. It is also a bill that is wasting time, time that could really be used to create jobs and help the middle class because, with these poison pills, it is going nowhere. Unfortunately, the good things in the bill are threatened because of these other provisions.

The payroll tax deduction, the 2-year SGR fix, as well as one or two other health care provisions are good parts of the bill that are needed by our Nation's families, our doctors and Medicare beneficiaries, but they should not be weighed down by the provisions that allow the Keystone pipeline to bypass regulations, that allow industrial boilers and incinerators to pollute, and that cut billions of dollars and, therefore, important services that are in the Affordable Care Act. With millions of our fellow Americans out of work, it also fails to provide the full extension of unemployment that is needed in this time of improved but still slow job creation—something the Republican leadership has talked a lot about but has done nothing to help.

This bill is pure politics. And what is it that my colleagues on the other side of the aisle do not understand about drug addiction being an illness?

One of the Republican Governors tried a similar proposal for food stamps in Florida. Not only was it bad policy, it yielded nothing. It unfairly targeted and branded poor people, and it wasted taxpayer dollars. All of this is designed to deny unemployment benefits that they have resisted and are still not fully funding. I hear a lot about class warfare, but real class warfare is protecting everything for the rich and punishing the poor, the middle class, the elderly, and the unemployed. It has got to stop.

I urge my colleagues to support this point of order and to vote against the rule and the bill. We need a clean extension of the payroll tax, 99 weeks of unemployment, and a 2-year SGR fix. Yet it should not be paid for by taking funds from programs that are needed to protect public health and safety.

Ms. MOORE. Mr. Speaker, I would inquire of the remaining time on this side.

The SPEAKER pro tempore. The gentlewoman has 3 minutes remaining.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. MOORE. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to say that I am going to be claiming time in opposition to the point of order that my friend has raised, and I'm not going to consume the entire amount of time. So, when I do that, I would like to yield 1 minute to my friend in the spirit of the season and in the spirit of bipartisanship.

I would just like to state that for the record.

Ms. MOORE. That is very kind of you, Mr. DREIER.

I would now yield 1 minute to my good friend from Oakland, California, Representative BARBARA LEE.

Ms. LEE of California. I want to thank the gentlelady for yielding time and for her leadership on an issue so critical to extending a safety net to those who are desperately looking for jobs and who need this bridge over troubled waters at this point.

Mr. Speaker, the Republican bill would gut unemployment benefits to the millions of Americans who are looking for work when there are, roughly, four people for every one job. It would reduce unemployment benefits down to 59 weeks from 99 weeks at a time when we are facing a serious crisis among our long-term unemployed. It makes no economic sense, and quite frankly, it is heartless.

The Lee-Scott amendment would have replaced these Republican Christmastime cuts with real extensions of unemployment benefits, and it would have added an additional 14 weeks of unemployment insurance for the millions of Americans who have already exhausted their benefits, but the Republicans did not make any amendments in order—no fixes allowed to the heartless and senseless cuts that this contains.

This bill is really a sham. It's a shame, and it's a disgrace. It will cost our Nation jobs, and it is a slap in the face to job seekers. We should really be about the work of reigniting the American Dream, not making it more of a nightmare for people as this bill would do.

Ms. MOORE. I would now yield 1 minute to my good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentlewoman from Wisconsin for yielding.

I rise in strong support of her opposition to this amendment. I rise in strong support of the passage of the underlying bill.

This resolution fails to recognize that there are disproportionate opportunities and a lack of opportunities for members of some groups, such as minority groups who are African American and who are Hispanics. There is no consideration given to these facts. Therefore, I must be in opposition to the rule and to the bill.

□ 1250

Ms. MOORE. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman from Wisconsin has 1½ minutes remaining.

Ms. MOORE. I would yield 1 minute to my good friend from Texas, SHEILA JACKSON LEE.

Mr. DREIER. Mr. Speaker, if the gentlewoman will yield, I will just remind her that when I claim my time, I will be yielding an additional minute to my friend. So she certainly can feel free to yield any of that time once I do that.

Ms. MOORE. That is quite generous of the gentleman. And so I will yield a minute and a half to my very eloquent colleague, the gentlelady from Texas, Representative SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, I join with my colleague from Wisconsin in thanking the gentleman from California for his generosity, but I also thank my colleague from Wisconsin for her astute assessment that causes me to pause.

Her point of order is whether or not this is what we call ''an unfunded mandate,'' this bill that we will be discussing on the floor of the House. And even though the rule says that the points of order or the issues of being an unfunded mandate have been waived, please understand that that is an action that can be taken. It doesn't mean that it eliminates the truth.

And I raise a question, whether this humongous bill that we are going to discuss, that does not answer the crisis of what we are facing—which is 6 million people without unemployment insurance who will not able to pay mortgage, rent, food, to be able to have a quality of life, to create income, to create some 700,000 jobs on the unemployment end, and to pull 3.2 million people out of poverty—is now going by the wayside. And the payroll tax cut now is shackled with unwanted baggage.

So I rise to argue the point of order as to unfunded mandates and argue to support the position of Mr. LEVIN from the Ways and Means Committee, which is to declare the unemployment issue an emergency, to do the payroll tax and a surtax on 1 percent of the American population for 10 years starting in 2013, and adopt a fix, used and paid for with Medicare savings. This is an unfunded mandate. This is not a bill that should pass, and we should support the unemployed and those who need a payroll tax cut.

The SPEAKER pro tempore. The time of the gentlewoman from Wisconsin has expired.

Mr. DREIER. Mr. Speaker, I rise to claim time in opposition to the point of order and in support of proceeding with the resolution.

The SPEAKER pro tempore. The gentleman from California is recognized for 10 minutes.

Mr. DREIER. With that, as I said, in the spirit of bipartisanship, which is the basis of the underlying legislation and the spirit of the Christmas season, I am happy to yield not just a minute, Mr. Speaker, but I would like to yield a minute and a half to my good friend from Milwaukee, with whom I share an affection for our great, fine music.

Ms. MOORE. Again, I want to thank the gentleman for allowing our side to have some voice in this matter. He yielded me time in the name of the season; so I will frame my remaining remarks in that frame.

The season is the reason;

'Tis almost treason to extend full benefits to corporations, who are people,

And leave those who are unemployed feeble.

The season is the reason to extend full benefits to the unemployed. It is almost a ploy to provide tax breaks to corporations and to leave the people with no resources.

I ask my colleagues to support my point of order. It would be egregious if we were to move forward on this bill, on this resolution, without considering the plight that we would put the unemployed in.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time, as I have said, to speak in opposition to the point of order and in support of our moving ahead with the resolution.

My friend is a very, very thoughtful poet herself, and I've been the beneficiary of much of her fine work. She and I share an affection for R&B music. She quoted Cameo and ''Talkin' Out The Side Of Your Neck.'' I don't really know that song, I have to admit, Mr. Speaker; but I'll have to check it out.

But what I would like to do is, since we've heard of the eloquence of Cameo and the eloquence of GWEN MOORE, the great poet, I would like to quote William Shakespeare. William Shakespeare said, ''In such business, action is eloquence.''

Now we have before us a measure that is designed to do one thing and one thing only, and that is to focus on getting our economy growing and generating job opportunities for the American people. The American people are hurting. We know that. There are people across this country hurting. And as my friends have just outlined, there are individuals who have suffered greatly. It is absolutely imperative that we do everything that we can to ensure that they have job opportunities and that those who are unable to find job opportunities have the assistance that they and their families need to proceed, especially during this time of year. Any action that my colleagues are proposing on the other side will simply delay our effort that will ensure that we extend the payroll tax holiday for an additional year, and it will prevent us from providing those benefits to people who are unable to find work today.

So I will be discussing the underlying legislation when we proceed with consideration of this rule, but I urge my colleagues to oppose this point of order and allow us to proceed with consideration of the resolution so that we can put into place a legislative package that will get the American people back to work and ensure opportunity for all.

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

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 174, not voting 32, as follows:

[Roll No. 917]

YEAS—227

Adams	Bachus	Biggert
Aderholt	Barletta	Bilbray
Akin	Bartlett	Bilirakis
Alexander	Barton (TX)	Black
Amash	Bass (NH)	Blackburn
Amodei	Benishek	Bonner
Austria	Berg	Boren

Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—174

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—32

Bachmann
Bishop (UT)
Bono Mack
Burton (IN)
Carnahan
Castor (FL)
Coble
Duffy
Filner
Fortenberry
Giffords
Gutierrez
Hirono
Johnson (GA)
Johnson (IL)
Lewis (GA)
Loebsack
Mack
Matheson
Myrick
Napolitano
Olson
Pastor (AZ)
Paul
Rivera
Rogers (MI)
Rothman (NJ)
Schock
Scott (SC)
Shuler
Smith (WA)
Thompson (MS)

□ 1322

Messrs. CARNEY, GRIJALVA, BERMAN, RICHMOND, Ms. RICHARDSON, and Mrs. MCCARTHY of New York changed their vote from ''yea'' to ''nay.''

Mr. WALDEN changed his vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 917 I was unavoidably delayed. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 917, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 917. Had I been present, I would have voted ''nay'' on the question of consideration of the resolution, H. Res. 491, providing for consideration of H.R. 3630, to provide incentives for the creation of jobs, and for other purposes.

The SPEAKER pro tempore (Mr. DOLD). The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend from Worcester, Mr. MCGOVERN, pending which I yield myself such time as I may consume. During consideration of this resolution, all time will be yielded for debate purposes only.

GENERAL LEAVE

Mr. DREIER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

House Resolution 491 is a closed rule, which, as we all know, is customary under both Democrats and Republicans for a measure that has emerged from the Ways and Means Committee. But we have chosen in this rule to expand the debate time so that both Democrats and Republicans will have an opportunity to be heard. So we have expanded the debate from 60 to 90 minutes, a 50 percent increase in the amount of time, because of the gravity of this measure, because there are Members who want to be heard. We will have this hour debate on the rule itself, which clearly will get at the substance of the legislation, and then we will have an additional hour and a half, so a total of 2½ hours.

Mr. Speaker, we all know what our job is here. Right now our job is jobs. Our job is jobs. We have a responsibility to put into place policies which will encourage job creation and economic growth, and that's exactly what this legislation is designed to do.

Our fellow Americans across this country are hurting. Part of the area that I represent in southern California has a 14 percent unemployment rate, substantially larger than the national average. We have people in my State of California and across this Nation who have lost their jobs, who have lost their homes, who have lost their businesses.

We, today, are dealing, very sadly, with a chronic unemployment rate. It has been sustained for a longer period of time than has been the case since the Great Depression. And it seems to me that, as we look at where we're going on this, we have to recognize what it is that gave us this positive number of a reduced unemployment rate from 9 percent to 8.6 percent. It was because, very sadly, hundreds of thousands of Americans decided to give up looking for work, and that's what allowed the unemployment rate to drop. But we know that it is not acceptable; and especially as we go into this holiday season, Mr. Speaker, to have so many Americans who are suffering is not acceptable.

And that's why we are here today, to take steps to ensure that we, first and foremost, put into place job opportunities and, second, address the needs of middle-income working Americans and those who are struggling to make ends meet and don't have jobs. And that's why we have chosen to not only extend unemployment benefits—and we're doing so, I'm happy to say, with very important reforms, very important reforms that deal with things ranging

from drug testing to encouraging people to qualify for their GEDs. It doesn't mandate it. It gives States an opportunity to in fact waive it if they choose, but it encourages people to move in the direction of seeking opportunities. Our goal, as we extend unemployment benefits, is to encourage reemployment of our fellow Americans who are having a difficult time trying to make ends meet.

This measure also, as we know, Mr. Speaker, puts into place a policy that will allow for the extension of the so-called holiday for the payroll tax. Now, I will admit that I am a supply-side, growth-oriented guy. I came here over three decades ago with Ronald Reagan, believing very strongly that we need to put into place pro-growth economic policies. The extension of the payroll tax holiday, based on analyses from economists from both the left and the right, is that it's not necessarily a pro-growth measure. But, Mr. Speaker, as we look at where we're headed today, during difficult times, it's important for us to realize that anyone who opposes what we are doing here today is standing in the way and preventing us from moving ahead with providing that payroll tax holiday for our fellow Americans.

□ 1330

I know that there are a lot of people who will say—and as I look at my friend from Worcester, I recall last night in the Rules Committee when he said we've been doing everything under the sun here except for focusing on job creation and economic growth.

Well, Mr. Speaker, as I think everyone knows, Democrats and Republicans alike, our fellow Americans know, there are 27 pieces of legislation that have passed the House of Representatives, which happens to be for the Republican majority. And at this moment, all 27 of those measures sit in the United States Senate, and they have not passed. And the Senate, of course, has a Democratic majority.

Bipartisanship is what we want. That's what the American people want, and I'm happy to say that this measure is a bipartisan bill. One of the things that makes it a bipartisan measure, beyond extending unemployment benefits, beyond extending the payroll tax holiday, is this thrust towards creating jobs by proceeding with the Keystone XL pipeline.

Now, Mr. Speaker, we know that there has been some controversy around this earlier, but while we look at the imperative of expanding the payroll tax holiday and ensuring that the American people, who are struggling, have the benefits that they desperately need, we need to get at the root cause of the problem. And the root cause of the problem is that we have not put into place policies, we've not been able to pass out of both houses of Congress and get to the President's desk policies that can immediately jump-start and get our economy growing.

I'm looking at my friend from New Jersey (Mr. ANDREWS) over here. He and I have talked on numerous occasions over the past several years about our shared goal of putting into place tax reform, reducing the top rate on job creators from 35 to 25 percent, while closing loopholes.

I know my friend from Worcester regularly talks about subsidies and loopholes that exist for the oil industry and a wide range of other areas. We want to do this in the context of overall tax reform, and I hope very much that we can get to the point where, in a bipartisan way, we can do that. That's a policy that both President Obama and former President Clinton have talked about, this dealing, as Mr. ANDREWS and I have discussed in the past, with this tax issue. These are the kinds of policies that can enjoy bipartisan support, Democrats and Republicans working together to ensure that we can get this economy growing.

And I will say that this Keystone XL pipeline is one of those items, as we all know, that enjoys bipartisan support. It would immediately create jobs based on the projection of that construction. And while we look at our quest, I don't think we're going to gain total energy self-sufficiency in this global economy, but we would have greater energy self-sufficiency working very closely with one of our closest allies, our ally to the north, Canada, in ensuring that we can proceed with this. We know that the question mark over whether or not we're going to proceed with the pipeline has raised an understandable quest of the Canadians to deal with the Chinese.

And so, Mr. Speaker, as we look at these challenges, this is a bipartisan measure. Let anyone stand up and start pointing the finger of blame at Republicans. But I will tell you that we have—90 percent of the items in this measure have enjoyed bipartisan support. Many of these are proposals that President Obama has made within his jobs package. So that's why we've got an opportunity to do this. I believe, Mr. Speaker, that we can do it.

Unfortunately, we can't simply legislate full employment in the United States. Legislating full employment is not an option. I know that some of my friends on the other side of the aisle might like to figure that we could legislate full employment. If we could do that, we wouldn't be faced with the difficulty that we have today.

What we can do is we can encourage America's innovators and entrepreneurs with pro-growth policies, and that's what we have repeatedly sent to the Senate. I hope that our colleagues in the other body will report those out.

And so, Mr. Speaker, I'm going to encourage my colleagues to support this very, very important, bipartisan legislation, get it to the other body so that our Senate colleagues can consider this, and get it to the President's desk so that the American people, who want to have a degree of confidence that they're not going to see a tax increase take place, and that they're going to, in fact, if they're struggling and don't have a job opportunity, have their benefits continue, and to ensure that we get at the root cause of the problem by putting into place opportunities for private sector jobs to be created. I urge an ''aye'' vote.

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

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, before I begin, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Mr. Speaker, can you tell us how many Democrats have cosponsored H.R. 3630?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry but may engage that point in debate.

Mr. MCGOVERN. I raised the issue, Mr. Speaker, because the gentleman said this was a bipartisan bill and I don't know of any Democrats that are cosponsors of the bill.

First of all, let me thank the distinguished chairman of the Rules Committee, my good friend, Mr. DREIER, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I rise in strong opposition to this closed rule and to the underlying bill. This bill and this process is so lousy, I barely know where to begin today.

Let's start with the process. The bill, the way this bill was conceived, drafted and brought up may be the worst yet under this Republican-controlled Congress. Simply, this process is shameful. It's an embarrassment. This 369-page monstrosity was presented on Friday afternoon.

The gentleman says that this was reported by the Ways and Means Committee. It was presented by the chairman of the Ways and Means Committee. It was not reported out of that committee. I use the word presented because it was introduced on a day when no committees met and we had no votes in the House.

It was referred to 12 committees, 12 different committees. That's more than half the committees in the House of Representatives. But not a single committee held a hearing or a markup on this bill. It never saw the light of day in any of these committees.

There are 348 Members who sit on the committees that have jurisdiction over this bill. That's 348 Members of the House who should have had an opportunity to offer amendments and question witnesses about this bill in committee hearings or markups. Not one of these Members had an opportunity.

And last night in the Rules Committee, Members came up, 12 amendments were offered. Every single one of them was rejected.

Mr. LEVIN, the ranking member on the Ways and Means Committee, asked for a Democratic substitute to be made in order. That was rejected too.

The gentleman from California says that it's traditional, when Ways and Means bills are presented, that they be done so under a closed rule. That's when it's a tax bill. This is a tax bill plus 1,000 other things that have nothing to do with tax issues.

And this lousy process, I will say to my colleagues, leads to bad legislating. Just look at this bill. It's long, and it's sloppy. The Republicans who rushed to put this bill together have already found an error which we're trying to correct in the rule. Who knows how many other errors there are?

Last year Speaker BOEHNER and Majority Leader CANTOR, Whip MCCARTHY and other members of the Republican leadership rolled out their Pledge to America, their campaign pledge to run this House in a more open way. Yet all year long they have been chipping away at their pledge, and now we have this bill that flat out breaks their pledge.

In their pledge, the House Republicans promised to, and I quote, ''end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people. Instead, we will advance major legislation one issue at a time.'' That's what they said.

Yet we have three provisions—extension of the payroll tax cut, extension of unemployment insurance, and SGR, or doc fix—that are must pass by the end of this year. And do we have a clean bill that is free from unrelated provisions? Of course not. That would be logical and make too much sense.

No, Mr. Speaker, the bill we have before us is loaded up with goodies to mollify the extreme right wing that is in charge of this House. Along with the extension of the payroll tax cut and doc fix, this bill includes the following: Requires the approval of the controversial Keystone pipeline; requires millions of seniors to pay more for health care; increases taxes on working families by forcing large, end-of-the-year health care payments; slashes prevention funding that actually reduces Medicare and Medicaid costs; undermines air quality, endangering the health of children and families by blocking mercury pollution reduction; cuts retirement programs for Federal workers; and extends the pay freeze for Federal workers.

Each of these provisions are different. They have nothing to do with one another. Why are they all bunched together in this one bill?

And these policies are bad for America. They are bad for the American people. Yet the Republican leadership continues to push these extreme and harmful policies.

And even though the unemployment insurance program needs to be extended, this bill actually erodes the support program by cutting unemployment insurance benefits for 1 million Americans who lost their jobs through no fault of their own. And it imposes new limits on unemployment compensation by restricting benefits employees have paid for.

□ 1340

Why is it so difficult for this Republican-controlled House to help the middle class and those struggling to get into the middle class? Why do they throw roadblock after roadblock in front of middle class Americans who are trying to make their lives better? Why do they continue to make it virtually impossible for us to help average people, while at the same time they do everything in their power to protect subsidies for big oil companies and tax cuts for the Donald Trumps of the world?

Extension of the payroll tax cut, extension of the unemployment insurance program, and the doc fix should not be controversial. And these extensions should have been done a long, long time ago.

My friends on the other side of the aisle are playing a very risky game. We know this failure to extend the payroll tax cut will mean a $1,500 tax increase on middle class Americans. We know that 160 million Americans will see their taxes go up if we don't act before the end of the year. So why are Republicans bringing a bill to the floor that we know will not pass the Senate?

We know, by the way, the President will not sign it. I have a Statement of Administration Policy, which I would like to place in the RECORD, which basically makes it very clear that the President would veto this bill.

EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT, AND BUDGET,

Washington, DC, December 13, 2011.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3630—MIDDLE CLASS TAX CUT ACT OF 2011

(Rep. Camp, R-Michigan, and 5 others)

The Administration strongly opposes H.R. 3630. With only days left before taxes go up for 160 million hardworking Americans, H.R. 3630 plays politics at the expense of middle-class families. H.R. 3630 breaks the bipartisan agreement on spending cuts that was reached just a few months ago and would inevitably lead to pressure to cut investments in areas like education and clean energy. Furthermore, H.R. 3630 seeks to put the burden of paying for the bill on working families, while giving a free pass to the wealthiest and to big corporations by protecting their loopholes and subsidies.

Instead of working together to find a balanced approach that will actually pass both Houses of the Congress, H.R. 3630 instead represents a choice to refight old political battles over health care and introduce ideological issues into what should be a simple debate about cutting taxes for the middle class.

This debate should not be about scoring political points. This debate should be about cutting taxes for the middle class.

If the President were presented with H.R. 3630, he would veto the bill.

So why are we wasting precious time?

The Republican leadership insists on playing chicken with the American people just to score cheap political points. This is not a time for political theater. This is the time for responsible leadership. It's time to do the right thing for the American people and drop these controversial provisions from this bill.

This is not the time to increase taxes on middle class Americans. It's time to extend the payroll tax cut and unemployment insurance and the doc fix.

Mr. Speaker, this House needs to get back to doing the people's business, and the people's business is jobs. It would be nice if my Republican friends would allow the President's jobs bill to come to the floor for a vote rather than bills that reaffirm our national motto or make it easier for unsafe people to carry concealed weapons from one State to another.

I say to my Republican friends, the American people are outraged. They're outraged at Republican indifference to the middle class. They're outraged by Republicans' callous attitude to the most vulnerable in this country. They're outraged that Republicans are playing politics with their lives.

Mr. Speaker, I urge my Republican colleagues to do the right thing, to pass a clean extension of the payroll tax cut, properly extend unemployment insurance and the doc fix. Do the right thing, and do it the right way. That's all the American people are asking for.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say to my colleague that he has performed just as I had expected, pointing the finger of blame when we're trying to work in a bipartisan way to make sure that we get this done. We want the doc fix. We want to ensure that people who can't make ends meet and are looking for work have access to those benefits. We want to extend the payroll tax holiday.

We also feel it imperative that we get at the root cause of exactly what my friend just said, Mr. Speaker, and that is creating jobs. And everyone knows, Democrat and Republican alike, many leaders in organized labor focus on the fact that the Keystone XL pipeline is a job creator and can go a long way towards doing exactly what my friend and I share in common as a goal.

With that, Mr. Speaker, I am happy to yield 2 minutes to a hardworking new member of your class, Mr. Speaker, the gentleman from Lawrence, South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. There are but two points I want to bring up in support of the bill before us today.

Thomas Jefferson said this: ''A wise and frugal Government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government.''

I believe that America works better when hardworking Americans keep

more of the money that they earn, keep more of their paycheck. That's why I support the payroll tax cut provision in this bill.

The second point, Mr. Speaker, is this: the administration can be for jobs, or the administration can support a radical environmentalist policy. Mr. Speaker, I believe that they are mutually exclusive and you cannot support both.

The Keystone pipeline is a segue to job creation in this Nation. You remember the jobs created in the 1970s with the Alaskan pipeline? I do. The Keystone pipeline will create both construction jobs and long-term jobs as our Nation refines the hydrocarbons into energy products here in American refineries. Failure not to do this means the possibility that this Canadian oil will be refined in and used by China.

Today, we can pursue North American energy independence by partnering with our closest ally and largest trading partner, Canada. Or we can continue the same failed policies of this administration which lead to higher prices at the pump for Americans and the continuation of sending dollars overseas for Middle Eastern oil.

This bill cuts taxes, it reduces spending, it ends the regulatory quagmire for American businesses and provides a path forward for American energy security.

I support its passage, and I ask that God will continue to bless America.

Mr. MCGOVERN. Mr. Speaker, at this time I am very proud to yield 1 minute to the gentlewoman from California, the Democratic leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding and appreciate his presentation on why we are here today and why the rule that is being brought to the floor is not the right one, because it does not allow for us to have options for the American people to be considered.

One of those options I want to talk about has been described by the President.

President Obama last week in Kansas made a glorious speech harking back to President Roosevelt's speech about the middle class and its importance to America's democracy, how it is the backbone of our democracy. President Obama said last week we are greater together when everyone engages in fair play, where everyone gets a fair shot and everyone does their fair share. This isn't about one percentage and another percentage. It's about all Americans working together.

President Obama put those words into legislative action with his proposal for a payroll tax cut for middle income families, as well as unemployment insurance for those who have lost their jobs through no fault of their own.

Democrats have a proposal today which we cannot take up on the floor because the Republican rule is perhaps afraid of the vote we might get because it does so much for America's working families.

I want to remind our colleagues that for a long time the Republican leadership did not support a payroll tax cut at all. Rhetoric coming from the Republicans was, We don't believe in extending the payroll tax cut; however, we do want to make permanent the tax cut for the wealthiest people in America—those making over $1 million a year.

So the President taking this to the public and the reinforcement of that message by our Democratic colleagues in the House and in the Senate has made the payroll tax cut an issue too hot for the Republicans to handle.

So they're bringing a bill to the floor today which says they're for a payroll tax cut, but has within it the seeds of its own destruction because it has poison pills, which they know are not acceptable to the President and do not do the best effort for the American people.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. You have plenty of time, Mr. Chairman. You're the chairman of the committee; I'm not.

Mr. DREIER. I just wanted to ask a question.

Ms. PELOSI. I'm not going to yield to you because you make your points all day. I'm making mine now.

And one of the points I would like to make is about the Democratic substitute which the chairman of the committee said we could not bring to the floor. But it's important for the American people to know that it mirrors what the President has proposed.

The bill would cut taxes by $1,500 for the typical American family. It would secure a critical lifeline for those who have lost their jobs through no fault of their own. It would ensure that seniors still get to see the doctor of their choice with a permanent doc fix that is contained in the bill. Our proposal would protect and extend the tax cut for 160 million Americans while asking 300,000 people, those making over a million dollars a year, to pay their fair share.

□ 1350

The Republicans not only said no to the bill; they said, no, your substitute cannot even be considered on the floor.

The President has said—and the Democrats in Congress agree with him—that we cannot go home unless we pass a tax cut for the middle class, that we cannot go home unless we pass the unemployment benefits for America's working families.

Across the country, families are sitting at their tables. Christmas is coming. I say it over and over that Christmas is coming. For some, the goose is getting fat, and for others, it's very slim pickings. Families are sitting around their tables, having to make difficult choices: Can we put gas in the car and still afford to put food on the table? As the holiday season comes upon us, can we buy toys for our children during the holidays and be able to pay the bills when they come due in January?

As families gather around those tables, making those decisions, Democrats have put our ideas on the table. We are willing and ready to reach across the aisle in order to complete our work and give 160 million Americans the gift of greater opportunity and security, of hope and optimism during the holiday season and the New Year. You cannot do this by saying, We're going to put something in the bill that the President says he will not sign.

It's hard to understand how you can say you're for something except you're going to put up obstacles to its passage. The macroeconomic advisers have said that the proposal the President has put forward will make a difference of 600,000 jobs to our economy. If we fail to do this, we are, again, risking those jobs and we're missing the opportunity. As the previous speaker said, let's put the money in the pockets of America's workers.

Welcome to the payroll tax cut, I say to our Republican colleagues—what you have long resisted but what the President has demonstrated there is public support for.

Let's reject this rule so that we can have a fair debate on the President's proposal, which is fair to America's workers and stronger in terms of the macroeconomic impact it will have to inject demand into the economy, which will create more jobs and make the holiday season a brighter one for many more Americans.

Let us put the Republican proposal on the table and the President's proposal on the table, which has the full support of Democrats and Republicans in the House and Senate, as opposed to the Republican proposal they put forth in the Senate, which didn't even win the support of a majority of the Republicans. Let's come together; let's find our common ground; let's get the job done; but let's understand that we cannot leave Congress—that we cannot go home—until we meet the needs of the American people.

I urge my colleagues to vote ''no'' on the previous question and to fully support the best possible payroll tax cut for the middle class, unemployment benefits for our workers, as well as for our seniors to have the ability to have the doctors of their choice.

I thank the gentleman from Michigan (Mr. LEVIN) for his leadership on this important legislation.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

I'd be happy to yield to my dear California colleague, Ms. PELOSI, if she would want to respond to anything I'm about to say here as I was looking forward to getting to debate.

First of all, my colleague from California began by saying that there was no opportunity for Democrats to have a proposal that is considered. Members of the minority, the Democrats, are entitled to a motion to recommit. That is provided in this measure, although we often were denied that when we were in the minority.

Second, the gentleman from Massachusetts (Mr. MCGOVERN) did, in fact, propose that we have a substitute made in order; but, Mr. Speaker, since last Friday, when this bill was made available, the gentleman from Michigan (Mr. LEVIN), the ranking member of the committee, never came forward with a substitute for us in the Rules Committee. We only received one just a few minutes ago.

Then to the important point about the so-called ''poison pills'' that my California colleague mentioned, the distinguished minority leader: The idea of saying that we want to encourage those who are unemployed to move towards GED qualification does not seem to me to be a poison pill.

Mr. Speaker, the idea of saying that we should have drug testing—and that's, again, optional drug testing—so that people who are receiving these unemployment benefits are not using those resources to purchase drugs is obviously not a poison pill. Then the idea of having millionaires benefit from the program, which we eliminate in this proposal, should not be a poison pill.

So, Mr. Speaker, with that, I am very happy to yield 2½ minutes to another hardworking member of the freshman class, the gentleman from Bryan, Texas (Mr. FLORES).

Mr. FLORES. Mr. Speaker, I rise today to talk about options for American middle class jobs and American energy security. In this regard, I want to talk about two real-world examples that highlight the differences between President Obama's plan and the GOP plan for America's job creators.

Option A is Obama's plan. Option B is the GOP plan. Here are the examples: Under option A, Solyndra. Under option B, the Keystone XL pipeline.

How many part-time jobs were created under option A? One thousand. They have come and gone. Under the Keystone XL pipeline, there were over 20,000.

How many full-time jobs from Solyndra? None. They're gone. How many full-time jobs from option B, the Keystone XL pipeline? Thousands.

What did option A do for America's improved energy security? Nothing. How about for option B? Yes, we get improved American energy security.

In reducing the demand for Middle Eastern oil, Solyndra provided none. The Keystone XL pipeline will offset Middle Eastern demand by 700,000 barrels per day.

The cost to American taxpayers for Solyndra? Over $1.5 billion wasted. For the Keystone XL pipeline? Nothing. Nada.

What was the taxpayer return on Solyndra? There was none. What is the taxpayer return on the Keystone XL pipeline? It's infinite.

Who benefited from Solyndra? The President's political contributors. Who benefits from the Keystone XL pipeline? The American middle class.

How do you get more information? Go to jobs.GOP.gov for more information about the GOP plan for America's job creators.

Mr. Speaker, we can't wait for more middle class, Main Street jobs, so I urge my colleagues to vote for both the rule and the underlying bill. H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, is just the answer that we need at this critical time.

I also wish all Americans a very Merry Christmas.

Mr. MCGOVERN. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from New York, the ranking member of the Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. I thank the gentleman for yielding to me.

Mr. Speaker, there are no Democrats on this bill. I don't know what all this bipartisan talk is about. The gentleman from Michigan (Mr. LEVIN) didn't even see it. None of us knew.

Mr. DREIER. Will the gentlelady yield?

Ms. SLAUGHTER. No. If you don't mind, I'd like to get through my speech. We've heard this all day.

I understand that there is great hope for a number of Democrat votes—and I don't know how that will turn out—but, frankly, I don't think that this bill will ever see the light of day anyway. There is not much support for it in the Senate, and the President said he won't sign it. So what I am hopeful for is that, when we really get down to business here, we can have a bipartisan bill. It is possible to do that. Just invite the Democrats to take part in it.

Let me make it clear that you cannot call anything ''bipartisan'' when there is not a single Democrat on it. Also, a motion to recommit is nowhere near a substitute bill, which we were not allowed to do.

Instead of extending tax cuts to the middle class and giving assistance to the unemployed, this majority is holding the middle class hostage in order to extract concessions for their friends in Big Oil. Furthermore, instead of asking those with the most to help those with the least, which is what we are supposed to do, today's bill asks millions of seniors to pay more for health care. In exchange, the majority will graciously continue the Federal unemployment insurance programs, although they are grievously cut; and 10 States will get waivers not to have to pay unemployment insurance at all. So that's a sort of Russian roulette idea.

They cut the maximum number of weeks as Christmas approaches, which is the time of goodwill toward men, women, and children who are out of work through no fault of their own. In a country where there are four persons applying for each and every available job, that gives us some idea of how dire it is to face this Christmas and the rest of this year without jobs.

□ 1400

Why can't the Grand Old Party help the middle class without demanding a quid pro quo?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady 1 additional minute.

Ms. SLAUGHTER. Why can't they serve the middle class without playing Secret Santa for special interests like the Keystone XL?

In addition to the misguided brinksmanship of the majority, today's bill flies in the face of regular order and makes a mockery of the majority's CutGo rules for all bills. We've seen in the Rules Committee the fact that it has been waived many times today. It is waived yet again. And it says to the Office of Management and Budget and the Congressional Budget Office that they count the savings in this bill but not the cost. If only middle class families could use that kind of accounting.

This is hardly the deliberate and thoughtful legislative process that the majority promised us when they assumed office almost 12 months ago. So because of the rushed process and the legislative acrobatics used to mask the true cost of the bill, I strongly oppose today's rule and the underlying legislation and urge my colleagues to vote ''no.''

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

Mr. MCGOVERN. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

Ninety-eight days ago, the President of the United States came to this Chamber and proposed to create jobs by cutting taxes for middle class families by about $1,500 per year. For 98 days, the majority refused to take up legislation that would enact that jobs plan. So finally today we have their version of it, which unfortunately does not cut taxes for middle class people the way we proposed but at least avoids a tax increase on those families which is looming on January 1.

But I can't support this bill because of how it pays for that middle class tax relief. First let me say this: I agree as a general rule when we cut taxes here on anyone, we ought to pay for it, not increase the deficit. But the majority has never subscribed to that principle until today.

So when the wealthiest people in America got an enormous tax reduction in their tax rates in 2001 and again in 2003, there was no requirement that we offset that in order to pay for it. But now that middle class families are getting some relief, all of a sudden, there has to be.

Let's talk about what that offset is. One major portion of it essentially reduces unemployment benefits for Americans down the line. And as I understand this, there are some reforms that really ought to take place. When I hear about GEDs and drug testing, I think that is fairly sensible. But it

isn't sensible to say to someone, If you've been looking for work day after day and week after week and trying your best to find your next job, it's your fault if you didn't find it. But that is essentially what this bill says. If you are unemployed, look in the mirror. It's your fault.

I don't think the authors of this bill know many unemployed people. I know they don't know that for every four unemployed people in America today, there is one job. For every one job that's listed as being open, there are four unemployed people for that job. I don't think they understand that even though there is a law against age discrimination in this country, age discrimination in this country is an everyday painful fact of life for a lot of people over about 40 years old in this country.

So I would say to all those who are about to vote to extend middle class tax relief by blaming the unemployed for their own plight that they ought to walk for just a day or a week or a month in the shoes of a 50-year-old man or woman who has been out of work for a year and a half, who has circled every want ad, gone to every Web site, taken every job interview he or she could get, and still cannot find a job. We should vote against this bill.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. At this time I would like to yield 2 minutes to the gentleman from Michigan, the ranking member of the Ways and Means Committee who was denied his right to have a substitute when he was at the Rules Committee, Mr. LEVIN.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. You know, when there is an issue as serious as this, you would think that the majority would let us introduce a substitute. Instead, the answer is a stone wall. So I am going to explain what is in my substitute. I want the American public to know what would be in it.

A 1-year extension and expansion of the employee payroll tax cut to 3.1 percent, as the President proposed; a 1-year extension on the bonus depreciation; and a 1-year extension on unemployment insurance is in the bill that Mr. DOGGETT and a lot of us introduced, H.R. 3346—and a 10-year SGR fix.

I want the American public to understand what's at stake here and how we pay for it. This chart shows very vividly what the Republicans essentially are doing. I want everybody to look at it. Under their proposal, seniors sacrifice $31 billion. Under their proposal, Federal employees sacrifice $40 billion. Under their proposal, unemployed Americans—unemployed, looking for work—sacrifice $11 billion. And under their proposal, essentially people earning over $1 million sacrifice nothing, nothing. They don't pay for this bill, while seniors and everybody else indicated here, Federal workers and the unemployed, do.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. LEVIN. I will just say to the majority, get in the shoes of the unemployed. If you don't, I think those who deny it deserve their unemployment.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my distinguished colleague from the Committee on Financial Services, the gentleman from Fullerton, California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in support of this rule. This is a question, as it relates to this Keystone pipeline project, of whether we're serious about an economic recovery in this country. And frankly, it's a question about whether or not we're serious about our national security.

Now, we have a shovel-ready project here, the Keystone pipeline, that will create tens of thousands of jobs. By the Chamber's estimate and by the estimate of the unions involved in supporting this, it's actually hundreds of thousands in terms of the consequences of developing this resource and bringing it down from Alberta, Canada. These are good jobs, good jobs for men and women in this country that are involved in manufacturing pipe and earth movers.

And frankly, when you think about it, why, why do we keep delaying this at a time when unemployment is as high as it is? Because I can tell you, the Canadians aren't waiting. The Chinese are not waiting. Make no mistake about it, the Canadians will develop and export the oil they're developing in western Canada. The Prime Minister met with Hu Jintao of China, and the deal that they're talking about striking is one that accrues to the benefit of China at the expense of the United States. If this energy does not transit the United States and go to refineries here, it will go to China, and it will fuel their manufacturing sector.

□ 1410

That is what we are concerned about. We are concerned about throwing away this opportunity. I don't know about you, but it sure bothers me to see China playing in our hemisphere and the administration does not seem to care.

Americans have been told about the importance of energy independence. We have been on the hook, my friends, to Middle East producers for decades now; and we're sending billions every year to that cartel. And these countries in that cartel are unstable. They all collude to control prices, and we have a chance instead to get this oil from our allies, and we're being told by this administration and by the other side of the aisle that despite the jobs that this would create, that this is going to be stopped.

Well, today we have a chance to develop an energy resource in the Americas, working with our Canadian allies, creating good jobs, creating access to cheaper energy here. Energy in China is 20 percent higher than energy here in the United States. Why would we want to inverse that? Why don't we want the cheaper source of energy here? Yet the administration stalls and gives the advantage to China.

I just want to tell you, colleagues, support this rule, support the underlying legislation. Take a stand for jobs. Take a stand for American security and consider the fact that China has already advantaged itself in Africa and Latin America and elsewhere at our expense.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding to me.

I rise today in strong opposition to this act and in opposition to the rule. It's a shame that the majority is playing legislative chicken with middle class tax cuts on a bill that will never be signed into law.

I'm open-minded on the Keystone pipeline, but it has no place in this bill. It's mixing apples with oranges. It's a poison pill. It's designed to kill it. The President has already said that he won't sign a bill like this. So what do my Republican colleagues do? They give us more so they can score some political points with their base.

The American people want us to meet in the middle. The American people want us to approve things to move the country forward. We need to pass a simple extension of middle class tax relief. We need to pass a simple extension of unemployment insurance. This is what we should do. This is what the American people want us to do. Unemployment is hovering around 9 percent. People need help, and we're not helping them.

This bill also forces millions of seniors to pay more for health care while giving the 300,000 wealthiest Americans another free pass. That's not right. This is unacceptable. We cannot solve our debt problem on the backs of working families.

Mr. Speaker, I have always prided myself as a moderate and someone who wants to work across the aisle. The chairman knows that. We have spoken many, many times. I plead with my colleagues on the other side of the aisle, I think the American people want us to do some good work in the closing days of this session. We need unemployment extension. We need a middle class tax cut extension. Let's not mix apples with oranges. Let's pass a clean bill and go home and say we did something good for the country.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute, and I would be happy to engage my friend if he'd like to. Let me make a couple of comments.

First, I think that as we look at the issue of the Keystone XL pipeline, the notion of saying that somehow we're trying to appeal to our base when we

know the most outspoken and enthusiastic supporters of the Keystone XL pipeline happen to be the labor unions, organized labor in this country. We know because they want to create jobs, and they are supportive of this so that we can create jobs.

People throw around terms like ''poison pill,'' why are we using this issue. Because as we extend unemployment benefits to people who are unable to find jobs, and as we extend the payroll tax holiday, we feel that it's absolutely essential that we get at the root cause of the problem. We have protracted unemployment in this country. Very, very sadly. We know it has gone on for an extended period of time—the end of the last administration into this administration. We all know that we were promised that if we passed the stimulus bill that the unemployment rate would not exceed 8 percent. Now it's at 8.6 percent. I'm gratified that it went from 9 percent to 8.6 percent. But why did it do that?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 30 seconds, Mr. Speaker.

Because hundreds of thousands of Americans have chosen to give up even looking for work. And so we're saying, yes, we will agree to extend unemployment benefits; yes, we will agree to extending for another year the payroll tax holiday. But let's get at the root cause of the problem. So that's why we see these as being very closely intertwined.

It's true the President did say that he would reject this; but I believe if we can pass it through this House with bipartisan support, pass it through the United States Senate and get it to the President's desk, that extending unemployment benefits at this time of year especially, and that payroll tax holiday, with a measure that the President has indicated support for, dealing with the XL pipeline, that the President will, in fact, sign it.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to insert in the RECORD a letter from William Samuel, the director of the government affairs department at the AFL–CIO, in strong opposition to H.R. 3630.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, December 13, 2011.

DEAR REPRESENTATIVE: On behalf of the AFL–CIO, I am writing to urge you to oppose the Middle Class Tax Relief and Job Creation Act of 2011 (H.R. 3630), which would replace a modest surtax on income over $1 million with drastic benefit reductions for jobless workers, pay cuts for public employees, reduced premium assistance for low- and middle-income individuals buying health insurance, cutbacks in preventive health services, and higher premiums for many Medicare beneficiaries.

H.R. 3630 would cut the federal unemployment insurance (UI) program by more than half in 2012, reducing benefit eligibility by 14 weeks in every state and by 40 weeks in states with the highest unemployment rates. These benefit cuts would reduce economic activity by $22 billion and cost 140,000 jobs.

Even more troubling, H.R. 3630 would fundamentally change the nature of unemployment insurance and erode the unemployment safety net for the future. Unemployment insurance (UI) is a social insurance program, to which workers make contributions in the form of reduced wages. H.R. 3630 would change the nature of UI by allowing states to require jobless workers to ''work off'' their benefits, in effect allowing UI to be transformed into a workfare program. H.R. 3630 would further undermine social insurance by introducing means testing, which would surely be used to restrict UI eligibility to fewer and fewer workers over time.

The authors of this legislation do not seem to understand that America faces a continuing jobs crisis, and they seem to think that jobless workers—rather than Wall Street—are to blame for high unemployment and the lack of jobs. In addition to cutting unemployment benefits, H.R. 3630 would allow drug testing of all workers before they can receive benefits; require workers without a high school degree to be enrolled in classes before they can receive benefits; and make jobless workers pay out of their own pockets for reemployment services offered by the government.

In order to spare millionaires from having to pay one more penny in taxes, H.R. 3630 would also require federal employees to sacrifice even more than they have already. Not only would H.R. 3630 extend the current pay freeze for federal employees, but it would also raise $37 billion in revenues by increasing federal employee pension contributions and reducing their retirement income.

H.R. 3630 would also have a substantial negative impact on the health care of working families. It would impose daunting subsidy repayment requirements on families whose economic circumstances improve, which would deter 170,000 people from accepting premium assistance under the Affordable Care Act, according to the Joint Tax Committee. As a result, thousands of middle- and lower-income families would be unable to afford health insurance. In addition, H.R. 3630 would increase Medicare premiums for at least 25 percent of all beneficiaries, requiring many in the middle class to pay substantially more, and would reduce federal support for new preventive services.

H.R. 3630 would protect the most privileged one percent of all Americans from having to pay one more penny in taxes, and it would do so by demanding still more sacrifice and pain from jobless workers, federal employees, and low- and middle-income families. The authors of H.R. 3630 obviously have more sympathy for millionaires than for the victims of the economic crisis caused by Wall Street. We urge you to vote against this cruel and selfish piece of legislation.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

At this time I would like to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, unrelated, partisan riders often have received scorn in the past. In 2008, for example, now-Speaker BOEHNER mentioned his strong distaste, stating: ''Attaching these riders is the sort of stunt that has made Americans extremely cynical about Washington.'' But when finally agreeing to vote on a payroll tax cut for 160 million Americans, this bill is riddled with riders.

Preventative health care, for example, improves wellness and lowers costs. When provided the opportunity for free preventative services, 70 percent of Medicare recipients enrolled. But this bill cuts that care. Why? It's a rider.

What do payroll tax cuts and shipping more gasoline to China have in common? Republican Senator LINDSEY GRAHAM acknowledged this political gamesmanship saying: ''I think we should debate the Keystone pipeline, and we should debate tax policy separately.'' Sadly, it's another rider in this bill.

Finally, Republicans included a poison pill with actual poison—mercury, arsenic, and other toxins. What does gutting the Clean Air Act have to do with payroll tax cuts? Nothing. It's a rider.

I strongly support extending the payroll tax cut to help 160 million Americans; but first we need to cut the partisan riders.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, I rise in strong opposition to the rule and to the underlying bill. This rule rejected all attempts to amend the bill, limits the general debate time, and contains egregious provisions which allow States to apply measures such as drug testing; you've got to have a high school diploma or be enrolled in a GED program. Well, I can tell you, Mr. Speaker, that people who are addicted to drugs don't need testing. What they need is treatment. People who are sick need health care. People who are unemployed need a job and the opportunity to work, or they need benefits until such time as they can receive it.

This bill goes in the wrong direction. I strongly oppose it.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my very good friend from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Thank you, Mr. Chairman.

I think coupling—putting the unemployment extension, the tax holiday, the doc fix, and a real jobs bill together—which is what the American people have been telling Congress for the entire year, that they want to see tangible job creation. There's no better job creator in the pipeline—pun intended—than Keystone XL.

□ 1420

It's a 1,700-mile, $7 billion, shovel-ready project—not the fake shovel-ready in the stimulus, but real, ready, earnestly ready to start digging right now. The only holdup for Keystone pipeline's permit is the politics of the 2012 election. The process sits in the State Department.

So what we say is in this bill, State Department, use the information that has been sitting on your desk collecting dust. You said you would make a decision by December 31. We just want you to make it 60 days after the permit's again requested, with the carve-out for the Nebraska exemption.

Why is it so important? Well, it really does displace 700,000 barrels of imported oil, almost the entire amount from Venezuela or about half from Saudi Arabia. It creates 20,000 jobs nearly instantaneously, 20,000 new jobs.

It seems to me that as we're talking about putting food on the table and Christmastime that this is meat and potatoes. The potatoes will sustain you like the unemployment insurance, but what people really want is the red meat of good, high-paying jobs, labor that they can go to. And I bet you that the AFL–CIO wants this Keystone pipeline built.

Mr. MCGOVERN. Mr. Speaker, again, the AFL–CIO still opposes this bill.

At this time I would like to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman from Massachusetts. I don't think anyone disagrees with my good friend who discussed the Keystone pipeline that it would create jobs. There's nothing that has been said that would suggest that at the appropriate time of review that that project would not go forward.

But what we're talking about today is a crisis in the American public dealing with two major issues: continuing a tax relief and tax cut for working and middle class Americans, number one; and, number two, to keep 6 million Americans from rolling into the street and falling on their own spear for lack of unemployment insurance being extended, disallowing them to pay their mortgage, disallowing them to pay their rent, and, in essence, saying to them there is no light at the end.

It is also about Republicans and their commitment to the American people. In their pledge to America, the GOP leadership indicated in September that they would end the practice of packaging unpopular bills with must-pass legislation. This is must-pass legislation. And look what they're doing besides the pipeline provision that has been supported in a bipartisan manner yet this in the wrong process; they have got broadband spectrum; they are ending jobless benefits to the extent that they are requiring burdensome drug testing on college persons who can't find a job; they are suggesting that if you can't find a job, it's your own fault; changes to Medicare that are burdening senior citizens; and, on top of that, we've got an appropriations bill to deal with.

My friends, there is a simple way of doing this. The Payroll tax can be increased by the surtax on just the 300,000 top 1% of America for 10 years, allowing 160 million Americans to get payroll tax relief.

How do we help the 6 million persons who need unemployment insurance? We call it an emergency. It is an emergency.

How do we fix Medicare reimbursement for our doctors? We use the savings from the ending of the Iraq war. It's a simple, clean process, a simple vote to help Americans.

How can they violate their pledge, Mr. Speaker, of not putting everything under the Christmas tree on a bill that must pass on behalf of the American people? That's the challenge today.

I'm against the rule and the underlying bill.

Mr. DREIER. Mr. Speaker, may I inquire of my friend how many speakers he has on his side?

Mr. MCGOVERN. I have at least two more speakers.

Mr. DREIER. In light of that, Mr. Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

The President has announced that we cannot leave Congress without passing an extension of the middle class tax cut and an extension of unemployment benefits.

Now, originally, the ''no new taxes'' folks in the GOP Republican Senate said that they couldn't do that, that they were going to let the middle class tax increase expire, they were going to let the taxes increase on the middle class, but they were going to refuse to raise taxes on the superrich. Now, if you were not superrich, this was bad news for 99 percent of all Americans; and they spoke out, and they said they would like this tax cut.

Now the Republicans have come back with all types of riders that the President does not support. We need a clean bill.

The payroll tax cut that the Democrats are supporting would mean that a typical middle class family would have 1,000 extra dollars to spend.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady an additional 30 seconds.

Mrs. MALONEY. The nonpartisan Congressional Budget Office found that the payroll tax cut is one of the most powerful tools that we could use to increase the number of full-time jobs. The other policy option that they supported for stimulating the economy was extending the unemployment benefits.

So it's time for our colleagues across the aisle to get with the spirit of this season. Pass the tax cut without the harmful riders; pass the extension of unemployment benefits; and—excuse my Dickens—stop with all the humbug and let's get forward with helping the economy and helping the American people.

Mr. DREIER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 1½ minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I thank the gentleman and I thank the House.

There is a time, a place, and a season for everything. I would argue to the House that this is not the time for us to be playing around with the financial fortunes of 160 million Americans that are enjoying a tax cut today that we'd like to extend and the President would like to extend going forward over the next year.

Now we've had some 21 consecutive months of private sector job growth in this country. Now, I know that the President has almost had to lift this economy single-handedly since the GOP has decided they don't want to do anything to help move the American economy forward; but the idea that you would actually stand in the way of, at a minimum, keeping this tax cut in place, and to do it in the holiday season—as we prepare our Christmas tree at home and my wife and daughters have been decorating it—we all need to understand that in this Christmas season that it is wrong for us to approach the holidays and to create this uncertainty.

We've got so much concern about uncertainty in the business community but no concern about uncertainty in the homes of 160 million Americans.

Now, if we want to pass any bill on any day, you have a majority, you can do it. You don't have to merge the pipeline with this tax cut. You don't have to tie the fortunes of 160 million Americans' economic fortune together with the pipeline.

We could move this today. The President is prepared to sign it. I would urge my colleagues, let's do this in the appropriate way.

Mr. MCGOVERN. I advise the gentleman from California that I am the last speaker.

Mr. DREIER. Then, Mr. Speaker, I will close after the gentleman does.

Mr. MCGOVERN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 4½ minutes.

Mr. MCGOVERN. Mr. Speaker, I would like to place in the RECORD an article from Politico entitled, ''GOP takes packaging path,'' talking about how my Republican friends have broken their Pledge to America.

[From Politico, Dec. 11, 2011]

GOP TAKES PACKAGING PATH

(By Jake Sherman)

The year-end rush to extend the payroll tax holiday has House Republicans struggling to keep up with a key promise from last year's election as they bundle together a hodgepodge of issues before skipping town for Christmas.

In the Pledge to America, released by GOP leadership under much fanfare in September 2010, Republicans said they would ''end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people. Instead, we will

advance major legislation one issue at a time,'' they said.

They'll be doing the exact opposite this week.

The year-end legislative package centered on extending the payroll tax has turned into a holiday tree filled with legislative ornaments ranging from the Keystone XL oil pipeline, the sale of broadband spectrum, an extension of jobless benefits, changes to Medicare and easing of certain environmental standards. On top of that, the House will also try to clear a nearly $1 trillion catch-all year-end spending bill—the type of appropriations package that Speaker John Boehner (R-Ohio) himself has decried as inadequate.

Republicans bristle at the comparison, insisting they're in full compliance with their election-season promises, but the manner with which they're passing the legislation underscores larger issues Congress has to contend with as a winter chill settles on Washington: Republicans want to score political points from Democrats; the Senate is split; President Barack Obama is in reelection mode; and tax provisions are slated to expire as the Christmas recess looms.

A GOP leadership aide said the comparison is ''a half-assed attempt at a 'gotcha' story—and it's weak even for POLITICO on a quiet Friday afternoon.''

Michael Steel, a spokesman for Boehner, said the extension bill ''does not fit the definition of 'must-pass' legislation—which generally refers to funding bills, or an increase in the debt limit—nor does it contain any 'unpopular' provisions. Therefore, it is entirely consistent with the Pledge to America.''

Any number of Republicans, though, have said that the tax holiday must be extended, saying its expiration would amount a tax increase when it's least needed.

Whether it's a ''must pass'' or not, the package of bills is seen as critical for both parties: If Congress doesn't act, taxes will go up on more than 100 million families, jobless benefits will expire and doctors who treat Medicare patients will have their fees slashed.

Over the past week, the narrative has shifted significantly. Both Republicans and Democrats now say they want to extend the provisions, recognizing both the political and economic peril that would come from allowing the measures to run out.

The argument is now over how the government will pay for it and what will ride alongside it for Republicans to say they tried to create jobs.

It's all pretty familiar to Capitol Hill onlookers and could help explain Congress's 9 percent approval rating. The year-end dash—Boehner says he wants the House to be done by Friday—mirrors Congress's work during the previous 10 months. There's political posturing on both sides and panicked legislating, all set against the backdrop of a looming holiday deadline.

Here's where things stand: Top GOP aides say the Republicans' Middle Class Tax Relief and Job Creation Act represents their last offer. The legislation extends the payroll tax holiday, jobless benefits and the ''doc fix,'' in addition to other sweeteners. To blunt conservative angst about the bill and to offset its cost, GOP leaders tacked on language to force President Barack Obama to restart the Keystone XL pipeline project, in addition to easing environmental standards on boilers and slashing money from the Democrats' health care law.

It will hit the House floor this week. Senate Republican leaders say it has enough steam to sail through the upper chamber. Senate Minority Leader Mitch McConnell (R-Ky.) said on ''Fox News Sunday'' that Democrats such as Sens. Barbara Milkulski of Maryland and Ron Wyden of Oregon support rolling back the boiler regulation. Some Democrats, including lawmakers from labor-friendly districts, support the pipeline construction.

But Senate Majority Leader Harry Reid (D-Nev.) said flatly that the House bill with the pipeline won't pass—and Democrats are weighing what bill to put on the floor this week.

''It's the highest priority of the president and the Democrats in Congress,'' Senate Majority Whip Dick Durbin of Illinois said of the payroll tax extension on NBC's ''Meet the Press.''

But there's still blowback on the pipeline issue.

Sen. Lindsey Graham (R-S.C.), also appearing on NBC, said flatly that the ''pipeline is probably not gonna sell.''

''At the end of the day, the payroll tax will get extended as it is now,'' Graham said. ''It won't get expanded; it'll get extended. And we'll find a way to pay for it in a bipartisan fashion.''

Senate Democrats say that's what they're trying to do. Democratic sources suggest the party might abandon its plan to institute a surtax on millionaires, eyeing instead a package with more palatable spending cuts to attract Republican support.

There are a few question marks on the House side. When the package was rolled out, the conference rallied behind Boehner. But should it fray, so might its support. Boehner told members in a closed meeting he wants all 242 House Republicans to support the bill.

If the Republican support does not stay intact, House Democrats will again be necessary for passage. It's an open question what they would support to offset the cost of the bill.

On Friday, House Minority Leader Nancy Pelosi (D-Calif.) was cool on changes to Medicare—including means testing for millionaires—and cutting unemployment benefits from 99 to 59 weeks.

''Some things [that] might be acceptable in terms of a big, bold and balanced plan are unacceptable if we're not only not going to the place where President Obama wants to go on the payroll tax cut, have a more modest proposal and on top of that, have consumers of Medicare pay the price,'' Pelosi said.

She minced no words when talking about the Keystone pipeline.

''This is not about the Keystone pipeline,'' she said. ''The Keystone pipeline is a completely separate issue. People on both sides of the issue agree that this shouldn't be on this package. It's just not polite; it's a poison pill designed to sink the payroll tax cut.''

Mr. Speaker, the House Republicans have designed a bill to fail, and it contains poison pills which will result in tax hikes for 160 million workers and the loss of hundreds of thousands of existing jobs. They say they're for extending the payroll tax cut for middle class Americans, they say they want to help the unemployed, but yet they demand a ransom in order for us to get this passed. And the ransom that they are demanding is quite high.

You've heard from Members on our side of all the poison pills that are in this bill. I have introduced into the RECORD the statement from the administration saying that they would veto this bill, because it is so awful, if it comes to the desk of the President. We know that the United States Senate will not move on this bill.

So why are we wasting our time with precious few days left in the session? Why aren't we doing what most Americans want us to do, and that is to extend the payroll tax cut for middle class Americans and extend unemployment insurance for the millions of people who are out of work, through no fault of their own, because it's the right thing to do?

My friends on the other side of the aisle have no problem with bailing out big banks on Wall Street, but when it comes to helping middle class families and working people, they squawk.

□ 1430

You've heard over and over that this is the Christmas season; we're supposed to be generous in our hearts. I don't feel the generosity on the other side. I don't feel the compassion. I'm not sure if my colleagues understand how Americans are struggling, what it feels like to be out of work. People who are in their 50s and 60s who have lost their job and can't find another job, and my colleagues are trying to make it more difficult for them to be able to get benefits so they can keep their homes and put food on the table.

My friend from California talks about, well, Mr. LEVIN, the ranking member of the Ways and Means Committee, didn't submit a substitute, he only asked for one. Well, this bill, I will again remind everybody, was presented to us on Friday when Members were home. And we had an emergency Rules Committee—which bypasses the normal procedures and the normal time given for Members to be able to offer amendments. So, I mean, everything was stacked against anybody offering an amendment in advance.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to make in order Mr. LEVIN's amendment in the nature of a substitute, which extends middle class tax relief, unemployment benefits, and the doc fix the right way.

I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I will just close again by urging my colleagues to stand with working people in this country, to stand with those who have lost their jobs through no fault of their own. I mean, it's so easy for the other side to stand with big oil companies and protect tax breaks for the wealthiest in this country. Let's have a little justice in our tax system, a little fairness.

I urge my colleagues to vote ''no'' and defeat the previous question so we can amend this bill and make it actually address these urgent issues in a thoughtful and reasonable way, I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. DREIER. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 8½ minutes.

Mr. DREIER. Mr. Speaker, I rise in strong support of the rule and the underlying legislation.

There is a way to ensure that President Obama will sign this legislation. There is a way to ensure that he will sign this legislation, and that way is if we have Democrats join with Republicans in an overwhelming bipartisan vote.

Now, the message that we've gotten is that they're poison pills—''hostage'' is the term that both the President and my colleague have just used in trying to move forward the important provisions of expanding the payroll tax so that working Americans can keep more of their own money, and the doc fix to ensure that doctors are reimbursed and that Medicare beneficiaries are able to have access to the health care that they need. And of course for those at this time of year who are struggling and need their unemployment benefits expanded, there is a way to get that done. Our goal is to get at the root cause of the problem.

As I said in the opening, Mr. Speaker, right now our job is jobs. Our job is jobs. And that's exactly what we're trying to do. Tragically, tragically we are dealing with a protracted unemployment problem in this country. You know it's been going on for an extended period of time. The only reason that we saw the unemployment rate drop from 9 percent to 8.6 percent is that hundreds of thousands of Americans have given up looking for work.

Now, as we listen to people say that at this time of year we need to make sure that we create jobs, we have to make sure that there are opportunities out there. My friend from New Jersey (Mr. ANDREWS) was talking about the fact that there are four people looking for one job. Let's put into place the kinds of policies that will allow us to see the private sector create jobs. We cannot legislate full employment. We cannot legislate full employment, but what we can do is we can pass legislation that will lay the groundwork for America's entrepreneurs, for America's innovators to have success by creating job opportunities.

There are 27 pieces of legislation that we have passed from this House that is in the Republican majority that are now sitting in the Democratic-controlled Senate. Those measures—increasing access to capital for small business men and women to create opportunities, making sure that we decrease the regulatory burden, which we all know has undermined job creation and economic growth in this country—these are the kinds of measures that are out there that we hope very much will be considered in the Senate.

Now, as we look at the issue of so-called ''poison pills,'' which my California colleague, Ms. PELOSI, the distinguished minority leader, talked about—and I tried to engage in a discussion with her on the House floor. I yielded to her and she chose to walk off the floor rather than engaging in a discussion. I guess the reason is that it's sort of hard to claim that encouraging an individual to move towards GED qualification is a poison pill. Isn't it kind of hard to claim that saying that we should allow States to engage in drug testing for people who are on unemployment is a poison pill? Making sure we reimburse for overpayments to recapture those hard-earned tax dollars, how can that be a poison pill? These are commonsense proposals to deal with the fact that we have a $15 trillion national debt.

And the American people know that Big Government is a problem. Just this morning I read the Gallup poll which shows that we are at near-record levels with Democrats, Republicans, and Independents being suspicious of Big Government. What we need to do is we need to unleash this potential that is out there, and this measure will do that.

Now, we keep hearing that politics is being played with this. Well, Mr. Speaker, we've gotten the word today that the majority leader of the United States Senate, Mr. REID, has chosen to prevent Members from signing the conference report for the absolutely essential spending bill that is out there, the minibus spending bill, because of this issue that's before us right now. If that isn't playing politics, I don't know what is.

Right now we're faced with the threat of a government shutdown on Friday. If the Democrats don't sign that appropriations conference report—which has been negotiated in good faith again between both Democrats and Republicans with the House and the Senate—we're going to be faced with a government shutdown that Leader REID will in fact have created by preventing Members from signing that conference report.

We need to come together and do that, sign that conference report, get that work done. This measure, this measure, once again, Mr. Speaker, will get at the core problem that we face, and that is the lack of jobs that exist.

The Keystone XL pipeline will create, as has been said, 20,000 to 25,000 jobs, if not more, immediately—immediately—and it will allow us to decrease our dependence on overseas oil. And it will allow us to work closely, as my friend Mr. ROYCE said, with our close ally to the north, Canada, rather than see them—understandably—engage in a stronger relationship with China.

There are so many benefits to this, so many benefits all the way across the board that I believe that, since roughly 80 to 90 percent of the provisions in here have been proposed by President Obama—many of which were discussed in his jobs bill that 98 days ago he proposed here in his address to the Joint Session of Congress. We are bringing these items up. We keep being told, bring up the jobs bill, bring up the jobs bill. This measure does just that.

Mr. Speaker, I urge my Democratic colleagues to join with Republican colleagues so that we can do what the American people want us to do, especially at this time of year. As we go into the holiday season dealing with these issues, it would be a very important message to send around the United States of America and throughout the world.

I began, as we were debating the point of order, by raising the famous quote of William Shakespeare, and I'll close with that, Mr. Speaker: ''In such business, action is eloquence.''

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 491 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

(1) Strike ''The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except:'' and insert the following:

The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto, to final passage without intervening motion except:

(2) Strike ''and (2)'' and insert the following:

(2) the amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII and numbered 1, if offered by Representative Levin of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and which shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3)

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 491, if ordered; and motions to suspend the rules with regard to H.R. 3246, if ordered, and S. 384, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 15, as follows:

[Roll No. 918]

YEAS—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Bachmann
Brady (TX)
Coble
Duffy
Filner
Giffords
Gutierrez
Hanna
Larson (CT)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne

□ 1504

Mr. LUJÁN, Ms. RICHARDSON, Mr. BERMAN, Ms. CLARKE of New York, and Mr. BECERRA changed their vote from ''yea'' to ''nay.''

Mr. ROGERS of Alabama changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 918, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 918. Had I been present, I would have voted "nay" on ordering the previous question of the rule, H. Res. 491, providing for consideration of H.R. 3630, to provide incentives for the creation of jobs, and for other purposes.

Mr. LARSON of Connecticut. Mr. Speaker, on Tuesday, December 13, 2011, I missed rollcall 918. Had I present, I would have voted "no."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 180, not voting 17, as follows:

[Roll No. 919]

AYES—236

Adams
Aderholt
Akin
Alexander
Amash
Amodei

Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—180

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—17

Bachmann
Coble
Duffy
Filner
Giffords
Gohmert
Griffin (AR)
Gutierrez
Hastings (FL)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne
Scott, David
Tsongas

□ 1512

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRIFFIN of Arkansas. Mr. Speaker, on rollcall No. 919, my battery went out on my beeper, and so it never went off. As a result, I missed the vote. Had I been present, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 919, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have vote "no."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 919. Had I been present, I would have voted "no" on agreeing to the resolution, H. Res. 491, providing for consideration of H.R. 3630, to provide incentives for the creation of jobs, and for other purposes.

SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3246) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The question was taken.

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

RECORDED VOTE

Mr. CICILLINE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 415, not voting 18, as follows:

[Roll No. 920]

AYES—415

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski

LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

Bachmann
Bilirakis
Coble
Crawford
Duffy
Filner
Giffords
Grijalva
Gutierrez
Hirono
Inslee
Kinzinger (IL)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne

□ 1519

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for :

Mr. FILNER. Mr. Speaker, on rollcall 920, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 920. Had I been present, I would have voted "aye" on the motion to suspend the rules and pass H.R. 3246, to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building."

U.S. POSTAL SERVICE BREAST CANCER RESEARCH AUTHORITY ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 384) to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The question was taken.

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 1, not voting 15, as follows:

[Roll No. 921]

AYES—417

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—1

Amash

NOT VOTING—15

Bachmann
Coble
Duffy
Filner
Giffords
Gutierrez
Honda
Kinzinger (IL)
Mack
Myrick
Napolitano
Pastor (AZ)
Paul
Payne
Turner (OH)

□ 1526

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 921, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mrs. NAPOLITANO. Mr. Speaker, on Tuesday, December 13, 2011, I was absent during rollcall vote No. 921. Had I been present, I would have voted "aye" on the motion to suspend the rules and pass S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. DAVIS of Illinois. Mr. Speaker, pursuant to clause 2(a), paragraph 1 of rule IX, I rise to give notice of my intention to offer a resolution to raise a question of the privileges of the House.

The form of the resolution is as follows:

H. RES. ———

Whereas although our Nation's economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for the 13.3 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure;

Whereas the national unemployment rate is 8.6 percent, with over 42.8 percent of all unemployed workers, more than 5.7 million people, having been out of work for more than 6 months;

Whereas while there were 1.8 unemployed Americans for every job opening in December 2007, when the Great Recession began, data recently released by the Department of Labor show that, as of October 2011, there were over 4.3 unemployed Americans for every job opening;

Whereas data recently released by the Department of Labor show that, as of October 2011, there were 3.3 million job openings, which is well below the 4.8 million job openings in March 2007, when job openings were at their highest point during the most recent business cycle;

Whereas recent data demonstrate that most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work, including the 100,000 Illinoisans estimated to have exhausted their benefits in 2010 and the additional 100,000 Illinoisans who, it is estimated, would exhaust their benefits in 2012 if current law were extended;

Whereas unemployment benefits are a critical lifeline for our citizens and our economy, including by keeping 3.2 million Americans (including nearly 1 million children) from falling into poverty in 2010 alone; generating $2 in economic stimulus for every $1 the Federal Government spent during this recession; and saving or creating 1.1 million jobs as of the fourth quarter of 2009 alone;

Whereas all Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis;

Whereas the recently-introduced Republican proposal to address the unemployment crisis facing our Nation fails to protect Americans by drastically cutting 40 weeks of unemployment assistance and imposing new restrictions that would make it more difficult and costly for employees to receive the benefits for which they have paid;

Whereas the Republican proposal fails to protect Americans by cutting the number of Federally-funded weeks of unemployment benefits from 73 to 33 in high unemployment States, abandoning over 1 million Americans in 2012 by slashing their benefits;

Whereas the Republican proposal would likely result in the following States, with elevated unemployment rates, losing 40 weeks of unemployment benefits in 2012: Alabama, California, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington;

Whereas the Republican proposal would cause all other States to lose between 14 and 34 weeks of Federal unemployment benefits;

Whereas the Republican proposal would erode the unemployment safety net by undermining the requirement that unemployment dollars fund unemployment benefits to help individual workers cover basic necessities, such as food and housing;

Whereas the Republican proposal would further erode the unemployment safety net by undermining the eligibility standard that unemployment benefits be determined solely on the basis of a claimant's unemployment;

Whereas the Republican proposal demands untested, punitive measures that hurt unemployed workers, including deducting money from one's unemployment check to pay for required reemployment assessments and delayed or prohibited benefits depending on educational attainment;

Whereas the Republican proposal would disproportionately harm groups of Americans who are hardest hit by unemployment and long-term unemployment, including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma;

Whereas now that emergency assistance is about to expire, the Republican proposal reflects comfort with $180 billion in tax breaks for the wealthiest 3 percent of Americans for 2012, but not the $50 billion needed to help millions of the neediest Americans who still cannot find a job;

Whereas the Economic Policy Institute estimates that the Republican proposal would result in as much as $22 billion in lost economic growth, and the Center for American Progress estimates that the Republican proposal would lead to a loss of approximately 275,000 jobs in 2012;

Whereas it will tarnish the dignity and integrity of the House proceedings if the House considers a bill that cuts critical emergency assistance to millions of Americans, hinders economic recovery, and disproportionately harms older Americans, Americans from racial and ethnic minority groups, low-income Americans, and Americans without a high school degree;

Whereas it will tarnish the dignity and integrity of the House proceedings if the Republican Leadership holds hostage the 2.5 million Americans who, the Department of Labor estimates, will lose their benefits by March 2012 if Congress fails to act, in order to push a radical agenda the American people have already rejected; and

Whereas failure to allow consideration of amendments to protect vulnerable Americans during consideration of a bill that substantially and permanently changes Federal unemployment benefits tarnishes the integrity of the legislative process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the immediate need to extend current emergency unemployment benefits to promote our Nation's economic recovery by stimulating purchases, creating jobs, and preventing the loss of jobs;

(2) recognizes the immediate need to extend current emergency unemployment benefits to help the approximately 6 million unemployed Americans who will lose benefits if current emergency unemployment benefits are not extended through 2012;

(3) disapproves of drastically limiting Federal unemployment benefits until economic growth is robust and the Nation is in a period of full employment; and

(4) calls on the Leadership of the House to bring to a vote a clean extension of all current emergency unemployment benefits for a full year to protect the millions of Americans who will lose benefits if the current statute sunsets at the end of December 2011 or if H.R. 3630, as posted by the Committee on Rules on December 9, 2011, is enacted.

The SPEAKER pro tempore. The Chair would now entertain the resolution.

Does the gentleman from Illinois wish to offer it at this point?

Mr. DAVIS of Illinois. Yes, I do.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. ———

Whereas although our Nation's economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for the 13.3 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure;

Whereas the national unemployment rate is 8.6 percent, with over 42.8 percent of all unemployed workers, more than 5.7 million people, having been out of work for more than 6 months;

Whereas while there were 1.8 unemployed Americans for every job opening in December 2007, when the Great Recession began, data recently released by the Department of Labor show that, as of October 2011, there were over 4.3 unemployed Americans for every job opening;

Whereas data recently released by the Department of Labor show that, as of October 2011, there were 3.3 million job openings, which is well below the 4.8 million job openings in March 2007, when job openings were at their highest point during the most recent business cycle;

Whereas recent data demonstrate that most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work, including the 100,000 Illinoisans estimated to have exhausted their benefits in 2010 and the additional 100,000 Illinoisans who, it is estimated, would exhaust their benefits in 2012 if current law were extended;

Whereas unemployment benefits are a critical lifeline for our citizens and our economy, including by keeping 3.2 million Americans (including nearly 1 million children) from falling into poverty in 2010 alone; generating $2 in economic stimulus for every $1

the Federal Government spent during this recession; and saving or creating 1.1 million jobs as of the fourth quarter of 2009 alone;

Whereas all Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis;

Whereas the recently-introduced Republican proposal to address the unemployment crisis facing our Nation fails to protect Americans by drastically cutting 40 weeks of unemployment assistance and imposing new restrictions that would make it more difficult and costly for employees to receive the benefits for which they have paid;

Whereas the Republican proposal fails to protect Americans by cutting the number of Federally-funded weeks of unemployment benefits from 73 to 33 in high unemployment States, abandoning over 1 million Americans in 2012 by slashing their benefits;

Whereas the Republican proposal would likely result in the following States, with elevated unemployment rates, losing 40 weeks of unemployment benefits in 2012: Alabama, California, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington;

Whereas the Republican proposal would cause all other States to lose between 14 and 34 weeks of Federal unemployment benefits;

Whereas the Republican proposal would erode the unemployment safety net by undermining the requirement that unemployment dollars fund unemployment benefits to help individual workers cover basic necessities, such as food and housing;

Whereas the Republican proposal would further erode the unemployment safety net by undermining the eligibility standard that unemployment benefits be determined solely on the basis of a claimant's unemployment;

Whereas the Republican proposal demands untested, punitive measures that hurt unemployed workers, including deducting money from one's unemployment check to pay for required reemployment assessments and delayed or prohibited benefits depending on educational attainment;

Whereas the Republican proposal would disproportionately harm groups of Americans who are hardest hit by unemployment and long-term unemployment, including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma;

Whereas now that emergency assistance is about to expire, the Republican proposal reflects comfort with $180 billion in tax breaks for the wealthiest 3 percent of Americans for 2012, but not the $50 billion needed to help millions of the neediest Americans who still cannot find a job;

Whereas the Economic Policy Institute estimates that the Republican proposal would result in as much as $22 billion in lost economic growth, and the Center for American Progress estimates that the Republican proposal would lead to a loss of approximately 275,000 jobs in 2012;

Whereas it will tarnish the dignity and integrity of the House proceedings if the House considers a bill that cuts critical emergency assistance to millions of Americans, hinders economic recovery, and disproportionately harms older Americans, Americans from racial and ethnic minority groups, low-income Americans, and Americans without a high school degree;

Whereas it will tarnish the dignity and integrity of the House proceedings if the Republican Leadership holds hostage the 2.5 million Americans who, the Department of Labor estimates, will lose their benefits by March 2012 if Congress fails to act, in order to push a radical agenda the American people have already rejected; and

Whereas failure to allow consideration of amendments to protect vulnerable Americans during consideration of a bill that substantially and permanently changes Federal unemployment benefits tarnishes the integrity of the legislative process: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the immediate need to extend current emergency unemployment benefits to promote our Nation's economic recovery by stimulating purchases, creating jobs, and preventing the loss of jobs;

(2) recognizes the immediate need to extend current emergency unemployment benefits to help the approximately 6 million unemployed Americans who will lose benefits if current emergency unemployment benefits are not extended through 2012;

(3) disapproves of drastically limiting Federal unemployment benefits until economic growth is robust and the Nation is in a period of full employment; and

(4) calls on the Leadership of the House to bring to a vote a clean extension of all current emergency unemployment benefits for a full year to protect the millions of Americans who will lose benefits if the current statute sunsets at the end of December 2011 or if H.R. 3630, as posted by the Committee on Rules on December 9, 2011, is enacted.

The SPEAKER pro tempore. Does the gentleman from Illinois wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. DAVIS of Illinois. I do.

The SPEAKER pro tempore. The gentleman will present those arguments.

Mr. DAVIS of Illinois. Mr. Speaker, in order to qualify as a question of the privileges of the House under rule IX, the resolution must address ''the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.''

The resolution I offer seeks to express the position of the House that the Republican proposal to address the unemployment crisis facing our Nation and the procedures used to bring it to the floor tarnish the dignity and integrity of the House proceedings and the integrity of the legislative process.

All Members of the House of Representatives have a responsibility to protect Americans and our country from physical and economic harm, especially during times of national crisis. Yet, contrary to this mandate, the Republican proposal to address the unemployment crisis threatens to damage our national economy as well as the well-being of millions of Americans.

By drastically cutting benefits—especially for employees and States hardest hit by unemployment—by 40 weeks and imposing punitive restrictions on access to benefits, the Republican proposal will almost certainly harm millions of Americans and our Nation's economic well-being.

The SPEAKER pro tempore. The Chair would remind the gentleman from Illinois that argument must be confined as to whether or not the matter is privileged under rule IX, and may not address the substance of the resolution.

Mr. DAVIS of Illinois. Thank you very much, Mr. Speaker.

Given the unemployment crisis that does in fact exist in our country, and given the great needs that exist for people to feel a sense of comfort and security, given the fact that older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans with——

The SPEAKER pro tempore. The Chair would again ask the gentleman to address whether or not this resolution is privileged under rule IX.

Mr. DAVIS of Illinois. Mr. Speaker, it is my position and my belief that the Republican proposal tarnishes the legislative process by making substantial permanent changes to Federal unemployment benefits, and that, when passed—if passed—that the country will have experienced difficulties that could have been avoided.

The SPEAKER pro tempore. The Chair would ask the gentleman if he has any additional observations relative to the question of privilege, and not on the substance of the resolution.

Mr. DAVIS of Illinois. Mr. Speaker, let me thank you for your comments. Actually, I am at the end of my comments, and I would yield back the balance of my time.

The SPEAKER pro tempore. The Chair thanks the gentleman for his creativity.

Does any other Member wish to be heard on the question of privilege?

The Chair is prepared to rule.

As the Chair ruled in similar circumstances on October 2 and October 3, 2002, a resolution expressing the sentiment that Congress should act on a specified legislative measure does not constitute a question of privileges of the House under rule IX.

The mere invocation of legislative powers provided in the Constitution coupled with identification of a desired policy end does not meet the requirements of rule IX and is really a matter properly initiated through introduction in the hopper under clause 7 of rule XII.

Accordingly, the resolution offered by the gentleman from Illinois does not constitute a question of the privileges of the House under rule IX.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 491, I call up the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 491, the amendment printed in House Report 112–328 is considered adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3630

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 ''Middle Class Tax Relief and Job Creation Act of 2011''.

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

TITLE I—JOB CREATION INCENTIVES

Subtitle A—North American Energy Access

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the ''North American Energy Security Act''.

SEC. 1002. PERMIT FOR KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) REPORT.—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) EFFECT OF NO FINDING OR ACTION.—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) REQUIREMENTS.—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) MODIFICATION.—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) EFFECT OF NO APPROVAL.—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

Subtitle B—EPA Regulatory Relief

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''EPA Regulatory Relief Act of 2011''.

SEC. 1102. LEGISLATIVE STAY.

(a) ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this subtitle referred to as the ''Administrator'') shall—

(1) propose regulations for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incinerator units, subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, process heaters, or incinerator units are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act'') for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) STAY OF EARLIER RULES.—The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a):

(1) ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'', published at 76 Fed. Reg. 15608 (March 21, 2011).

(2) ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'', published at 76 Fed. Reg. 15554 (March 21, 2011).

(3) ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 76 Fed. Reg. 15704 (March 21, 2011).

(4) ''Identification of Non-Hazardous Secondary Materials That Are Solid Waste'', published at 76 Fed. Reg. 15456 (March 21, 2011).

(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—With respect to any standard required

by subsection (a) to be promulgated in regulations under section 112 of the Clean Air Act (42 U.S.C. 7412), the provisions of subsections (g)(2) and (j) of such section 112 shall not apply prior to the effective date of the standard specified in such regulations.

SEC. 1103. COMPLIANCE DATES.

(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated pursuant to section 1012, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time needed to—

(i) obtain necessary permit approvals; and

(ii) procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to section 1012(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

SEC. 1104. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act''), in promulgating rules under section 1012(a) addressing the subject matter of the rules specified in paragraphs (3) and (4) of section 1012(b), the Administrator—

(1) shall adopt the definitions of the terms ''commercial and industrial solid waste incineration unit'', ''commercial and industrial waste'', and ''contained gaseous material'' in the rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

SEC. 1105. OTHER PROVISIONS.

(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating rules under section 1012(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) REGULATORY ALTERNATIVES.—For each regulation promulgated pursuant to section 1012(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order No. 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

Subtitle C—Extension of 100 Percent Expensing

SEC. 1201. EXTENSION OF ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) EXTENSION OF 100 PERCENT BONUS DEPRECIATION.—

(1) IN GENERAL.—Paragraph (5) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013'', and

(B) by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for paragraph (5) of section 168(k) of such Code is amended by striking ''PRE-2012 PERIODS'' and inserting ''PRE-2013 PERIODS''.

(B) Clause (ii) of section 460(c)(6)(B) of such Code is amended to read as follows:

''(ii) is placed in service—

''(I) after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)), or

''(II) after December 31, 2011, and before January 1, 2013 (January 1, 2014, in the case of property described in section 168(k)(2)(B)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2011.

(b) EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Paragraph (4) of section 168(k) of such Code is amended to read as follows:

''(4) ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation elects to have this paragraph apply for any taxable year—

''(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer in such taxable year,

''(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

''(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

''(B) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

''(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

''(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

''(ii) LIMITATION.—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

''(I) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis), or

''(II) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2011.

''(iii) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

''(I) as 1 taxpayer for purposes of this paragraph, and

''(II) as having elected the application of this paragraph if any such corporation so elects.

''(C) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

''(i) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof, and

''(iii) only adjusted basis attributable to manufacture, construction, or production—

''(I) after March 31, 2008, and before January 1, 2010, and

''(II) after December 31, 2010, and before January 1, 2013, shall be taken into account under subparagraph (B)(ii) thereof.

''(D) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

''(E) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph may be revoked only with the consent of the Secretary.

''(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation's distributive share of partnership items under section 702—

''(I) paragraph (1) shall not apply to any eligible qualified property, and

''(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

''(iii) CERTAIN PARTNERSHIPS.—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times during the taxable year by one corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), each partner shall be treated as having an amount equal to such partner's allocable share of the eligible property for such taxable year (as determined under regulations prescribed by the Secretary).

''(iv) SPECIAL RULE FOR PASSENGER AIRCRAFT.—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (B)(i)(I) and (C).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after December 31, 2011.

(3) TRANSITIONAL RULE.—In the case of a taxable year beginning before January 1, 2012, and ending after December 31, 2011, the bonus depreciation amount determined under paragraph (4) of section 168(k) of Internal Revenue Code of 1986 for such year shall be the sum of—

(A) such amount determined under such paragraph as in effect on the date before the date of enactment of this Act taking into account only

property placed in service before January 1, 2012, and

(B) such amount determined under such paragraph as amended by this Act taking into account only property placed in service after December 31, 2011.

TITLE II—EXTENSION OF CERTAIN EXPIRING PROVISIONS AND RELATED MEASURES

Subtitle A—Extension of Payroll Tax Reduction

SEC. 2001. EXTENSION OF TEMPORARY EMPLOYEE PAYROLL TAX REDUCTION THROUGH END OF 2012.

Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by striking ''calendar year 2011'' and inserting ''calendar years 2011 and 2012''.

Subtitle B—Unemployment Compensation

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''Extended Benefits, Reemployment, and Program Integrity Improvement Act''.

PART 1—REFORMS OF UNEMPLOYMENT COMPENSATION TO PROMOTE WORK AND JOB CREATION

SEC. 2121. CONSISTENT JOB SEARCH REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) of the Social Security Act is amended by adding at the end the following:

''(11)(A) A requirement that, as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work.

''(B) For purposes of this paragraph, the term 'actively seeking work' means, with respect to an individual, that such individual is actively engaged in a systematic and sustained effort to obtain work, as determined based on evidence (whether in electronic format or otherwise) satisfactory to the State agency charged with the administration of the State law.

''(C) The specific requirements that must be met in order to satisfy this paragraph shall be established by the State agency, and shall include at least the following:

''(i) Registration for employment services within 10 days after making initial application for regular compensation.

''(ii) Posting a resume, record, or other application for employment on such database as the State agency may require.

''(iii) Applying for work in such manner as the State agency may require.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

SEC. 2122. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT.

(a) SOCIAL SECURITY ACT.—Paragraph (10) of section 303(a) of the Social Security Act is amended to read as follows:

''(10)(A) A requirement that, as a condition of eligibility for regular compensation for any week and in addition to State work search requirements—

''(i) a claimant shall meet the minimum educational requirements set forth in subparagraph (B); and

''(ii) any claimant who has been referred to reemployment services shall participate in such services.

''(B) For purposes of this paragraph, an individual shall not be considered to have met the minimum educational requirements of this subparagraph unless such individual—

''(i) has earned a high school diploma;

''(ii) has earned the General Educational Development (GED) credential or other State-recognized equivalent (including by meeting recognized alternative standards for individuals with disabilities); or

''(iii) is enrolled and making satisfactory progress in classes leading to satisfaction of clause (i) or (ii).

''(C) The requirements of subparagraph (B) may be waived for an individual to the extent that the State agency charged with the administration of the State law deems such requirements to be unduly burdensome.''.

(b) INTERNAL REVENUE CODE OF 1986.—Paragraph (8) of section 3304(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(8) compensation shall not be denied to an individual for any week in which the individual is enrolled and making satisfactory progress in education or training which has been previously approved by the State agency;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

SEC. 2123. STATE FLEXIBILITY TO PROMOTE THE REEMPLOYMENT OF UNEMPLOYED WORKERS.

Title III of the Social Security Act (42 U.S.C. 501 and following) is amended by adding at the end the following:

''DEMONSTRATION PROJECTS

''SEC. 305. (a) The Secretary of Labor may enter into agreements, with up to 10 States per year that submit an application described in subsection (b), for the purpose of allowing such States to conduct demonstration projects to test and evaluate measures designed—

''(1) to expedite the reemployment of individuals who have established a benefit year and are otherwise eligible to claim unemployment compensation under the State law of such State; or

''(2) to improve the effectiveness of a State in carrying out its State law with respect to reemployment.

''(b) The Governor of any State desiring to conduct a demonstration project under this section shall submit an application to the Secretary of Labor. Any such application shall include—

''(1) a general description of the proposed demonstration project, including the authority (under the laws of the State) for the measures to be tested, as well as the period of time during which such demonstration project would be conducted;

''(2) if a waiver under subsection (c) is requested, a statement describing the specific aspects of the project to which the waiver would apply and the reasons why such waiver is needed;

''(3) a description of the goals and the expected programmatic outcomes of the demonstration project, including how the project would contribute to the objective described in subsection (a)(1), subsection (a)(2), or both;

''(4) assurances (accompanied by supporting analysis) that the demonstration project would operate for a period of at least 1 calendar year and not result in any increased net costs to the State's account in the Unemployment Trust Fund;

''(5) a description of the manner in which the State—

''(A) will conduct an impact evaluation, using a methodology appropriate to determine the effects of the demonstration project; and

''(B) will determine the extent to which the goals and outcomes described in paragraph (3) were achieved; and

''(6) assurances that the State will provide any reports relating to the demonstration project, after its approval, as the Secretary of Labor may require.

''(c) The Secretary of Labor may waive any of the requirements of section 3304(a)(4) of the Internal Revenue Code of 1986 or of paragraph (1) or (5) of section 303(a), to the extent and for the period the Secretary of Labor considers necessary to enable the State to carry out a demonstration project under this section.

''(d) A demonstration project under this section—

''(1) may be commenced any time after the date of enactment of this section;

''(2) may not be approved for a period of time greater than 3 years, subject to extension upon request of the Governor of the State involved for such additional period as the Secretary of Labor may agree to, except that in no event may a demonstration project under this section be conducted after the end of the 5-year period beginning on the date of enactment of this section; and

''(3) may not be extended without sufficient data to show that the project—

''(A) did not increase the net cost to the State's account in the Unemployment Trust Fund during the initial demonstration period; and

''(B) may be reasonably projected not to increase the net cost to the State's account in the Unemployment Trust Fund during the extended period requested.

''(e) The Secretary of Labor shall, in the case of any State for which an application is submitted under subsection (b)—

''(1) notify the State as to whether such application has been approved or denied within 30 days after receipt of a complete application; and

''(2) provide public notice of the decision within 10 days after providing notification to the State in accordance with paragraph (1).

Public notice under paragraph (2) may be provided through the Internet or other appropriate means. Any application under this section that has not been denied within the 30-day period described in paragraph (1) shall be deemed approved, and public notice of any approval under this sentence shall be provided within 10 days thereafter.

''(f) The Secretary of Labor may terminate a demonstration project under this section if the Secretary determines that the State has violated the substantive terms or conditions of the project.

''(g) Funding certified under section 302(a) may be used for an approved demonstration project.''.

SEC. 2124. ASSISTANCE AND GUIDANCE IN IMPLEMENTING SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) IN GENERAL.—For purposes of assisting States in establishing, improving, and administering self-employment assistance programs, the Secretary shall—

(1) develop model language that may be used by States in enacting such programs, as well as periodically review and revise such model language;

(2) provide technical assistance and guidance in establishing, improving, and administering such programs; and

(3) establish reporting requirements for States in regard to such programs, including reporting on—

(A) the number of businesses and jobs created, both directly and indirectly, by self-employment assistance programs; and

(B) the estimated Federal and State tax revenues collected from such businesses and their employees.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language, guidance, and reporting requirements developed by the Secretary pursuant to subsection (a) shall—

(1) allow sufficient flexibility for States and participating individuals; and

(2) ensure accountability and program integrity.

(c) CONSULTATION.—In developing the model language, guidance, and reporting requirements pursuant to subsection (a), the Secretary shall consult with employers, labor organizations, State agencies, and other relevant program experts.

(d) ENTREPRENEURIAL TRAINING PROGRAMS.—The Secretary shall coordinate with the Administrator of the Small Business Administration to

ensure that adequate funding is reserved and made available for the provision of entrepreneurial training to individuals participating in self-employment assistance programs.

SEC. 2125. IMPROVING PROGRAM INTEGRITY BY BETTER RECOVERY OF OVERPAYMENTS.

(a) USE OF UNEMPLOYMENT COMPENSATION TO REPAY OVERPAYMENTS.—Section 3304(a)(4)(D) of the Internal Revenue Code of 1986 and section 303(g)(1) of the Social Security Act are amended by striking ''may'' and inserting ''shall''.

(b) USE OF UNEMPLOYMENT COMPENSATION TO REPAY FEDERAL ADDITIONAL COMPENSATION OVERPAYMENTS.—Section 303(g)(3) of the Social Security Act is amended by inserting ''Federal additional compensation,'' after ''trade adjustment allowances,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

SEC. 2126. DATA STANDARDIZATION FOR IMPROVED DATA MATCHING.

(a) IN GENERAL.—Title IX of the Social Security Act is amended by adding at the end the following:

''DATA STANDARDIZATION FOR IMPROVED DATA MATCHING

''Standard Data Elements

''SEC. 911. (a)(1) The Secretary of Labor, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate standard data elements for any category of information required under title III or this title.

''(2) The standard data elements designated under paragraph (1) shall, to the extent practicable, be nonproprietary and interoperable.

''(3) In designating standard data elements under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate—

''(A) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(B) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(C) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulations Council.

''Data Standards for Reporting

''(b)(1) The Secretary of Labor, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate data reporting standards to govern the reporting required under title III or this title.

''(2) The data reporting standards required by paragraph (1) shall, to the extent practicable—

''(A) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

''(B) be consistent with and implement applicable accounting principles; and

''(C) be capable of being continually upgraded as necessary.

''(3) In designating reporting standards under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply after September 30, 2012.

SEC. 2127. DRUG TESTING OF APPLICANTS.

Section 303 of the Social Security Act is amended by adding at the end the following:

''(k)(1) Nothing in this Act or any other provision of Federal law shall be considered to prevent a State from—

''(A) testing an applicant for unemployment compensation for the unlawful use of controlled substances as a condition for receiving such compensation; or

''(B) denying such compensation to such applicant on the basis of the result of such testing.

''(2) For purposes of this subsection—

''(A) the term 'unemployment compensation' has the meaning given such term in subsection (d)(2)(A); and

''(B) the term 'controlled substance' has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

PART 2—PROVISIONS RELATING TO EXTENDED BENEFITS

SEC. 2141. SHORT TITLE.

This part may be cited as the ''Unemployment Benefits Extension Act of 2011''.

SEC. 2142. EXTENSION AND MODIFICATION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

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

(1) in subsection (a)—

(A) by striking ''Except as provided in subsection (b), an'' and inserting ''An''; and

(B) by striking ''January 3, 2012'' and inserting ''January 31, 2013''; and

(2) by amending subsection (b) to read as follows:

''(b) TERMINATION.—No compensation under this title shall be payable for any week subsequent to the last week described in subsection (a).''.

(b) MODIFIED TIERS OF EMERGENCY UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking subsections (b) through (e) and inserting the following:

''(b) FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be an amount (in this title referred to as 'first-tier emergency unemployment compensation') equal to the lesser of—

''(A) 80 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 20 times the individual's average weekly benefit amount for the benefit year.

''(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

''(c) SECOND-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount established in an individual's account under subsection (b)(1) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount (in this title referred to as 'second-tier emergency unemployment compensation') equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State, under the Federal-State Extended Unemployment Compensation Act of 1970, if section 203(d) of such Act—

''(i) were applied by substituting '4' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State, under the Federal-State Extended Unemployment Compensation Act of 1970, if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether or not the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by paragraph (1), is further amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (d).

(c) ORDER OF PAYMENTS REQUIREMENT.—

(1) IN GENERAL.—Section 4001(e) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended to read as follows:

''(e) COORDINATION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that, under the State law or other applicable rules of such State, the payment of extended compensation for which an individual is otherwise eligible may or must be deferred until after the payment of any emergency unemployment compensation under section 4002, as amended by the Unemployment Benefits Extension Act of 2011, for which the individual is concurrently eligible.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 4001(b)(2) of such Act is amended—

(A) by striking ''or extended compensation''; and

(B) by striking ''(except as provided under subsection (e))''.

(d) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking ''and'' at the end; and

(2) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 2302 of the Unemployment Benefits Extension Act of 2011; and''.

(e) EFFECTIVE DATES; TRANSITION RULES RELATING TO SUBSECTION (b).—

(1) IN GENERAL.—The amendments made by—

(A) subsection (a) shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312);

(B) subsections (b) and (c) shall take effect on December 28, 2011, and shall apply with respect to weeks of unemployment beginning after that date; and

(C) subsection (d) shall take effect on the date of enactment of this Act.

(2) TRANSITION RULES FOR THE APPLICATION OF THE AMENDMENTS MADE BY SUBSECTION (b) IN THE CASE OF INDIVIDUALS HAVING RESIDUAL AMOUNTS IN THEIR ACCOUNT.—

(A) EXHAUSTION OF RESIDUAL AMOUNTS.—In the case of an individual who, as of any time during the last week ending before January 3, 2012, has amounts remaining in an account established under section 4002 of the Supplemental Appropriations Act, 2008, emergency unemployment compensation shall continue to be payable to such individual from the amounts so remaining, subject to section 4007(b) of such Act, as amended by this subtitle.

(B) NON-AUGMENTATION RULE.—

(i) IN GENERAL.—Except as provided in clause (ii), after exhausting the amounts remaining in the individual's account under subparagraph (A), no augmentation (or further augmentation) to such account may be made.

(ii) EXCEPTION.—In the case of an individual whose residual amounts (as described in subparagraph (A)) represent amounts that were established in such individual's account under section 4002(b) of the Supplemental Appropriations Act, 2008, as in effect before the date of enactment of this Act, no augmentation to such account may be made except in accordance with section 4002(c) of such Act, as amended by this subtitle.

(3) TRANSITION RULES FOR THE APPLICATION OF THE AMENDMENTS MADE BY SUBSECTION (b) IN THE CASE OF INDIVIDUALS BETWEEN TIERS.—

(A) IN GENERAL.—In the case of an individual for whom an emergency unemployment compensation account has been established under section 4002 of the Supplemental Appropriations Act, 2008, as in effect before the date of enactment of this Act, but who is not covered by paragraph (2), no augmentation (or further augmentation) to such account shall be allowable, except as provided in subparagraph (B).

(B) EXCEPTION.—

(i) RULE.—In the case of a first-tier exhaustee, augmentation shall be allowable in a manner similar to that described in paragraph (2)(B)(ii).

(ii) DEFINITION.—For purposes of this subparagraph, the term ''first-tier exhaustee'' means an individual—

(I) who is described in subparagraph (A); and

(II) whose emergency unemployment compensation account—

(aa) has been exhausted of amounts described in section 4002(b) of the Supplemental Appropriations Act, 2008, as in effect before the enactment of this Act; but

(bb) has never been augmented.

(4) WEEK DEFINED.—For purposes of this subsection, the term ''week'' has the meaning given such term under section 4006 of the Supplemental Appropriations Act, 2008.

SEC. 2143. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

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

(1) by striking ''January 4, 2012'' each place it appears and inserting ''January 31, 2013''; and

(2) in subsection (c), by striking ''June 11, 2012'' and inserting ''January 31, 2013''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''January 31, 2013''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2011'' and inserting ''January 31, 2013''; and

(2) in subsection (f)(2), by striking ''December 31, 2011'' and inserting ''January 31, 2013''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312; 26 U.S.C. 3304 note).

SEC. 2144. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 96 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''January 31, 2013''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

PART 3—IMPROVING REEMPLOYMENT STRATEGIES UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 2161. IMPROVED WORK SEARCH FOR THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Section 4001(b) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) are able to work, available to work, and actively seeking work.''.

(b) ACTIVELY SEEKING WORK.—Section 4001 of such Act is amended by adding at the end the following:

''(h) ACTIVELY SEEKING WORK.—

''(1) IN GENERAL.—For purposes of subsection (b)(4), the term 'actively seeking work' means, with respect to any individual, that such individual is actively engaged in a systematic and sustained effort to obtain work, as determined based on evidence (whether in electronic format or otherwise) satisfactory to the State agency charged with the administration of the State law.

''(2) SPECIFIC REQUIREMENTS.—The specific requirements that must be met in order to satisfy subsection (b)(4), to the extent that it relates to actively seeking work, shall be established by the State agency, and shall include the following:

''(A) Registration for employment services within 30 days after the date on which occurs whichever of the following events occurs first, in the case of the individual referred to in paragraph (1):

''(i) The submission of the claim on the basis of which amounts described in section 4002(b) (as amended by the Unemployment Benefits Extension Act of 2011) first become payable to such individual.

''(ii) The submission of the claim on the basis of which amounts described in section 4002(c) (as amended by the Unemployment Benefits Extension Act of 2011) first become payable to such individual.

''(B) Posting a resume, record, or other application for employment on such database as the State agency may require.

''(C) Applying, in such manner as the State agency may require, for work.''.

SEC. 2162. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—

(1) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by inserting after subsection (h) (as added by section 2161) the following:

''(i) PROVISION OF SERVICES AND ACTIVITIES.—

''(1) IN GENERAL.—An agreement under this section shall require the following:

''(A) The State which is party to such agreement shall provide reemployment services and reemployment and eligibility assessment activities to each individual—

''(i) who, on or after the 30th day after the date of enactment of the Extended Benefits, Reemployment, and Program Integrity Improvement Act, begins receiving amounts described in subsection (b) and (c) of 4002 of the Supplemental Appropriations Act of 2008, as amended by the Extended Benefits, Reemployment, and Program Integrity Improvement Act; and

''(ii) while such individual continues to receive emergency unemployment compensation under this title.

''(B) As a condition of eligibility for emergency unemployment compensation for any week—

''(i) a claimant shall meet the minimum educational requirements set forth in section 303(a)(10)(B) of the Social Security Act;

''(ii) a claimant who has been duly referred to reemployment services shall participate in such services; and

''(iii) a claimant shall be actively seeking work (determined applying subsection (h)).

''(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

''(A) shall include—

''(i) the provision of labor market and career information;

''(ii) an assessment of the skills of the individual;

''(iii) orientation to the services available through the one-stop centers established under title I of the Workforce Investment Act of 1998; and

''(iv) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

''(B) may include the provision of—

''(i) comprehensive and specialized assessments;

''(ii) individual and group career counseling;

''(iii) training services;

''(iv) additional reemployment services; and

''(v) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops.

''(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate in such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that—

''(A) such individual has completed participating in such services or activities; or

''(B) there is justifiable cause for failure to participate or to complete participating in such services or activities, as determined in accordance with guidance to be issued by the Secretary.''.

(2) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessment activities required to be provided under the amendment made by paragraph (1).

(b) FUNDING.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 2142(b), is further amended by adding at the end the following:

''(e) OPTIONAL FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—In order to carry out section 4001(i)(2), a State may withhold up to $5 from any amount otherwise payable to an individual under this title for any week.''.

SEC. 2163. STATE FLEXIBILITY TO SUPPORT LONG-TERM UNEMPLOYED WORKERS WITH IMPROVED REEMPLOYMENT SERVICES.

Title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''DEMONSTRATION PROJECTS

''SEC. 4008. (a) The Secretary may enter into an agreement under this section, with any State which has an agreement with the Secretary under section 4001 and which submits an application under subsection (b), for the purpose of allowing such State to divert, in any month, a number of emergency unemployment compensation beneficiaries not to exceed 20 percent of the total number of beneficiaries, attributable to such State and receiving emergency unemployment compensation for the first week of such month, to conduct demonstration projects to test and evaluate measures designed—

''(1) to expedite the reemployment of individuals who establish initial eligibility for unemployment compensation under the State law of such State; or

''(2) to improve the effectiveness of a State in carrying out its State law with respect to reemployment.

''(b) The Governor of any State desiring to conduct a demonstration project under this section shall submit an application to the Secretary. Any such application shall include—

''(1) a description of the activities to be carried out by the State to assist in the reemployment of eligible individuals to be served in accordance with this part, including activities the State intends to carry out and an estimate of the amounts the State intends to allocate to those respective activities;

''(2) a description of the performance outcomes to be achieved by the State through the activities carried out under this part, including the employment outcomes to be achieved by participants and the processes the State will use to track performance, consistent with guidance provided by the Secretary regarding such outcomes and processes;

''(3) the timelines for implementation of the activities described in the application and the number of emergency unemployment compensation claimants expected to be enrolled in such activities for each quarter;

''(4) assurances that the State will participate in the evaluation activities carried out by the Secretary under this section;

''(5) assurances that the State will provide appropriate reemployment services to individuals participating in the demonstration project;

''(6) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters, including employment outcomes;

''(7) the specific aspects of the project to which the waiver would apply and the reasons why such waiver is needed;

''(8) a description of the goals and the expected programmatic outcomes of the demonstration project, including how the project would contribute to the objective described in subsection (a)(1), subsection (a)(2), or both;

''(9) assurances (accompanied by supporting analysis) that the demonstration project would not result in any increased net costs to the emergency unemployment compensation program;

''(10) a description of the manner in which the State—

''(A) will conduct an impact evaluation, using a control or comparison group or other valid methodology, of the demonstration project; and

''(B) will determine the extent to which the goals and outcomes described in paragraph (8) were achieved; and

''(11) assurances that the State will provide any reports relating to the demonstration project, after its approval, as the Secretary may require.

''(c) Activities that may be pursued under a demonstration project under this section, including—

''(1) subsidies for employer-provided training, such as wage subsidies;

''(2) work sharing or short-time compensation; and

''(3) enhanced employment strategies, which may include services such as—

''(A) assessments, counseling, and other intensive services that are provided by staff on a one-to-one basis and may be customized to meet the reemployment needs of emergency unemployment compensation claimants and individuals;

''(B) comprehensive assessments designed to identify alternative career paths;

''(C) case management;

''(D) reemployment services that are provided more frequently and more intensively than such reemployment services have previously been provided by the State;

''(E) self-employment assistance programs;

''(F) services that are designed to enhance communication skills, interviewing skills, and other skills that would assist in obtaining reemployment;

''(G) direct disbursements to employers who hire individuals receiving emergency unemployment compensation to cover part of the cost of wages that exceed the unemployed individual's prior benefit level; and

''(H) other innovative activities which use a strategy that is different from the reemployment strategies described above and which are designed to facilitate the reemployment of individuals receiving emergency unemployment compensation.

''(d) The Secretary shall, in the case of any State for which an application is submitted under subsection (b)—

''(1) notify the State as to whether such application has been approved or denied within 30 days after receipt of a complete application; and

''(2) provide public notice of the decision within 10 days after providing notification to the State in accordance with paragraph (1).

Public notice under paragraph (2) may be provided through the Internet or other appropriate means. Any application under this section that has not been denied within such 30 days shall be deemed approved, and public notice of any approval under this sentence shall be provided within 10 days thereafter.

''(e) The Secretary may terminate a demonstration project under this section if the Secretary determines that the State has violated the substantive terms or conditions of the project.

''(f) Authority to carry out a demonstration project under this section shall terminate with respect to any State after compensation under this title ceases to be payable with respect to such State.''.

SEC. 2164. PROMOTING PROGRAM INTEGRITY THROUGH BETTER RECOVERY OF OVERPAYMENTS.

Section 4005(c)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''may'' and inserting ''shall'';

(2) by striking ''exceed'' and inserting ''be less than''; and

(3) by striking ''made.'' and inserting ''made, unless the amount to be repaid is less than 50 percent of the weekly benefit amount.''.

SEC. 2165. RESTORE STATE FLEXIBILITY TO IMPROVE UNEMPLOYMENT PROGRAM SOLVENCY.

Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is repealed.

Subtitle C—Medicare Extensions; Other Health Provisions

PART 1—MEDICARE EXTENSIONS

SEC. 2201. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(13) UPDATE FOR 2012 AND 2013.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2012 and for 2013, the update to the single conversion factor shall be 1.0 percent for the year.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2014 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2014 and subsequent years as if subparagraph (A) had never applied.''.

(b) MANDATED STUDIES ON PHYSICIAN PAYMENT REFORM.—

(1) STUDY BY SECRETARY ON OPTIONS FOR BUNDLED OR EPISODE-BASED PAYMENT.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study that examines options for bundled or episode-based payments, to cover physicians' services currently paid under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4), for one or more prevalent chronic conditions (such as cancer, diabetes, and congestive heart failure) or episodes of care for one or more major procedures (such as medical device implantation). In conducting the study the Secretary shall consult with medical professional societies and other relevant stakeholders. The study shall include an examination of related private payer payment initiatives.

(B) REPORT.—Not later than January 1, 2013, the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance in the Senate a report on the study conducted under this paragraph. The Secretary shall include in the report recommendations on suitable alternative payment options for services paid under such fee schedule and on associated implementation requirements (such as timelines, operational issues, and interactions with other payment reform initiatives).

(2) GAO STUDY OF PRIVATE PAYER INITIATIVES.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines initiatives of private entities offering or administering health insurance coverage, group health plans, or other private health benefit plans to base or adjust physician payment rates under such coverage or plans for performance on quality and efficiency as well as demonstration of care delivery improvement activities (such as adherence to evidence based guidelines and patient shared decision making programs). In conducting such study, the Comptroller General shall consult, to the extent appropriate, with medical professional societies and other relevant stakeholders.

(B) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance in the Senate a report on the study conducted under this paragraph. Such report shall include an assessment of applicability of the payer initiatives described in subparagraph (A) to the Medicare program and recommendations on modifications to existing Medicare performance-based payment initiatives.

(3) MEDPAC STUDY OF ALIGNING PAYMENT INCENTIVES.—Not later than March 1, 2013, the Medicare Payment Advisory Commission shall conduct a study, and submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance in the Senate a report, that examines the feasibility of aligning private payer quality and efficiency programs with those in the Medicare program. In conducting such study, the Medicare Payment Advisory Commission shall consult with medical professional societies and other relevant stakeholders. Such report shall include recommendations on how to achieve such alignment.

(4) COLLABORATION.—The Secretary, Comptroller General, and Commission may collaborate to the extent beneficial in conducting their respective studies and submitting their respective reports under this subsection.

(c) STUDY AND REVIEW OF MEASURES TO IMPROVE PHYSICIAN PAYMENTS, HEALTH OUTCOMES, AND EFFICIENCY.—During the 112th Congress, the Committees on Energy and Commerce and Ways and Means of the House of Representatives and the Committee on Finance in the Senate shall each study and review value-based measures and practice arrangements which may improve health outcomes and efficiency in the Medicare program to the end of replacing the Medicare sustainable growth rate in a fiscally responsible manner and establishing a sustainable payment system. In conducting such study and review, the committees shall solicit comments from stakeholder physician groups, including State medical associations.

SEC. 2202. AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)), as amended by section 106(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended—

(1) in the matter preceding clause (i), by striking ''2012'' and inserting ''2013''; and

(2) in each of clauses (i) and (ii), by striking ''2012'' and inserting ''2013'' each place it appears.

(b) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)), as amended by section 106(c) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended in the first sentence by striking ''2012'' and inserting ''2013''.

(c) GAO REPORT UPDATE.—Not later than October 1, 2012, the Comptroller General of the United States shall update the GAO report GAO–07–383 (relating to Ambulance Providers: Costs and Expected Medicare Margins Vary Greatly) to reflect current costs for ambulance providers.

(d) MEDPAC REPORT.—The Medicare Payment Advisory Commission shall conduct a study of—

(1) the appropriateness of the add-on payments for ambulance providers under paragraphs (12)(A) and (13)(A) of section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l));

(2) the effect these additional payments have on the Medicare margins of ambulance providers; and

(3) whether there is a need to reform the Medicare ambulance fee schedule under such section and, if so, what should such reforms be, including rolling the add-on payments into the base rate.

Not later than July 1, 2012, the Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on such study and shall include in the report such recommendations as the Commission deems appropriate.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to ambulance services furnished on or after January 1, 2012.

SEC. 2203. MEDICARE PAYMENT FOR OUTPATIENT THERAPY SERVICES.

(a) APPLICATION OF ADDITIONAL REQUIREMENTS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended—

(1) by inserting ''(A)'' after ''(5)'';

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2013'';

(3) in the first sentence, by inserting ''and if the requirement of subparagraph (B) is met'' after ''medically necessary'';

(4) in the second sentence, by inserting ''made in accordance with such requirement'' after ''receipt of the request''; and

(5) by adding at the end the following new subparagraphs:

''(B) In the case of outpatient therapy services for which an exception is requested under the first sentence of subparagraph (A), the claim for such services contains an appropriate modifier (such as the KX modifier used as of the date of the enactment of this subparagraph) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

''(C)(i) In applying this paragraph with respect to a request for an exception with respect to expenses that would be incurred for outpatient therapy services (including services described in subsection (a)(8)(B)) that would exceed the threshold described in clause (ii) for a year, the request for such an exception, for services furnished on or after July 1, 2012, shall be subject to a manual medical review process that is similar to the manual medical review process used for certain exceptions under this paragraph in 2006.

''(ii) The threshold under this clause for a year is $3,700. Such threshold shall be applied separately—

''(I) for physical therapy services and speech-language pathology services; and

''(II) for occupational therapy services.''.

(b) APPLICATION OF THERAPY CAP TO THERAPY FURNISHED AS PART OF HOSPITAL OUTPATIENT SERVICES.—Paragraphs (1) and (3) of section 1833(g) of such Act are each amended by striking ''but not described in section 1833(a)(8)(B)'' and inserting ''but (with respect to services furnished before July 1, 2012) not described in subsection (a)(8)(B)''.

(c) REQUIREMENT FOR INCLUSION ON CLAIMS OF NPI OF PHYSICIAN WHO REVIEWS THERAPY PLAN.—Section 1842(t) of such Act (42 U.S.C. 1395u(t)) is amended—

(1) by inserting ''(1)'' after ''(t)''; and

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

''(2) Each request for payment, or bill submitted, for therapy services described in paragraph (1) or (3) of section 1833(g) furnished on or after July 1, 2012, for which payment may be made under this part shall include the national provider identifier of the physician who periodically reviews the plan for such services under section 1861(p)(2).''.

(d) IMPLEMENTATION.—The Secretary of Health and Human Services shall implement such claims processing edits and issue such guidance as may be necessary to implement the amendments made by this section in a timely manner. Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction. Of the amount of funds made available to the Secretary for fiscal year 2012 for program management for the Centers for Medicare & Medicaid Services, not to exceed $7,500,000 shall be available for such fiscal year to carry out section 1833(g)(5)(C) of the Social Security Act (relating to manual medical review), as added by subsection (a). Of the amount of funds made available to the Secretary for fiscal year 2013 for such program management, not to exceed $7,500,000 shall be available for such fiscal year to carry out such section.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2012.

(f) MEDPAC REPORT ON IMPROVED MEDICARE THERAPY BENEFITS.—Not later than March 1, 2013, the Medicare Payment Advisory Commission shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report making recommendations on how to improve the outpatient therapy benefit under part B of title XVIII of the Social Security Act. The report shall include recommendations on how to reform the payment system for such outpatient therapy services under such part so that the benefit is better designed to reflect individual acuity, condition, and therapy needs of the patient. Such report shall include an examination of private sector initiatives relating to outpatient therapy benefits.

(g) COLLECTION OF ADDITIONAL DATA.—

(1) STRATEGY.—The Secretary of Health and Human Services shall implement, beginning on January 1, 2013, a claims-based data collection strategy that is designed to assist in reforming the Medicare payment system for outpatient therapy services subject to the limitations of section 1833(g) of the Social Security Act. Such strategy shall be designed to provide for the collection of data on patient function during the course of therapy services in order to better understand patient condition and outcomes.

(2) CONSULTATION.—In proposing and implementing such strategy, the Secretary shall consult with relevant stakeholders.

(h) GAO REPORT ON MANUAL MEDICAL REVIEW PROCESS IMPLEMENTATION.—Not later than May 1, 2013, the Comptroller General of the United States shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report on the implementation of the manual medical review process referred to in section 1833(g)(5)(C) of the Social Security Act. Such report shall include aggregate data on the number of individuals and claims subject to such process, the number of reviews conducted under such process, and the outcome of such reviews.

SEC. 2204. WORK GEOGRAPHIC ADJUSTMENT.

(a) IN GENERAL.—Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

(b) REPORT.—Not later than June 1, 2012, the Medicare Payment Advisory Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that assesses whether any geographic adjustment is needed under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) to distinguish the difference in work effort by geographic area and, if so, what that level should be and where it should be applied. The report shall also assess the impact of the work geographic adjustment under such section, including the extent to which the floor impacts access to care.

PART 2—OTHER HEALTH PROVISIONS

SEC. 2211. QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2011'' and inserting ''December 2012''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(Q) for the period that begins on January 1, 2012, and ends on September 30, 2012, the total allocation amount is $450,000,000; and

''(R) for the period that begins on October 1, 2012, and ends on December 31, 2012, the total allocation amount is $280,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (P)'' and inserting ''(P), or (R)''.

SEC. 2212. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

(a) EXTENSION.—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) EXTENDING APPLICATION OF TERMINATION OF ELIGIBILITY BASED ON INCOME TO INITIAL EXTENSION PERIOD.—

(1) INCOME REPORTING REQUIREMENTS.—Subsection (b)(2)(B)(i) of section 1925 of such Act (42 U.S.C. 1396r–6) is amended—

(A) by striking ''additional extended assistance under this subsection'' and inserting ''continued extended assistance under subsection (a)''; and

(B) by inserting ''(and, in the case of a State that makes an election under subsection (a)(5), the 7th month and the 11th month)'' after ''4th month''.

(2) TERMINATION.—Subsection (a)(3) of such section is amended—

(A) in subparagraph (B)—

(i) by inserting ''or (D)'' after ''subparagraph (A)''; and

(ii) by striking the period at the end and inserting the following: '', which notice shall include (in the case of termination under subparagraph (D)(ii), relating to no continued earnings) a description of how the family may reestablish eligibility for medical assistance under the State plan. No termination shall be effective under subparagraph (D) earlier than 10 days after the date of mailing of such notice.'';

(B) in subparagraph (C)—

(i) by designating the matter beginning with ''With respect to'' as a clause (i) with the heading ''DEPENDENT CHILDREN.—'' and appropriate indentation; and

(ii) by adding at the end the following new clause:

''(ii) MEDICALLY NEEDY.—With respect to an individual who would cease to receive medical assistance because of subparagraph (D) but who may be eligible for assistance under the State plan because the individual is within a category of person for which medical assistance under the State plan is available under section 1902(a)(10)(C) (relating to medically needy individuals), the State may not discontinue such assistance under such subparagraph until the State has determined that the individual is not eligible for assistance under the plan.''; and

(C) by adding at the end the following new subparagraph:

''(D) QUARTERLY INCOME REPORTING AND TEST.—Subject to subparagraphs (B) and (C), extension of assistance during the 6-month period described in paragraph (1) to a family shall terminate (during the period) at the close of the 4th month of the 6-month period (or 4th, 7th, or 11th month in case of a State that makes an election under paragraph (5)) if—

''(i) the family fails to report to the State, by the 21st day of such month, the information required under subsection (b)(2)(B)(i), unless the family has established, to the satisfaction of the State, good cause for the failure to report on a timely basis;

''(ii) the caretaker relative had no earnings in one or more of the previous 3 months, unless such lack of any earnings was due to an involuntary loss of employment, illness, or other good cause, established to the satisfaction of the State; or

''(iii) the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) during the immediately preceding 3-month period exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

Information described in clause (i) shall be subject to the restrictions on use and disclosure of information provided under section 402(a)(9). Instead of terminating a family's extension under clause (i), a State, at its option, may provide for suspension of the extension until the month after the month in which the family reports information required under subsection (b)(2)(B)(i), but only if the family's extension has not otherwise been terminated under clause (ii) or (iii). The State shall make determinations under clause (iii) for a family each time a report under subsection (b)(2)(B)(i) for the family is received.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall, subject to subparagraph (B), apply to assistance furnished for months beginning with January 2012.

(B) TRANSITION FOR CURRENT BENEFICIARIES.—

(i) IN GENERAL.—Subject to clause (ii), such amendments shall not apply to any individual who is receiving extended assistance under subsection (a) of section 1925 of the Social Security Act for December 2011 during the period of assistance that includes such month.

(ii) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR 12 MONTHS EXTENDED ASSISTANCE.—In the case of a State that makes an election under paragraph (5) of such section, such amendments shall apply to an individual who is receiving such extended assistance for such month if such month is within the first 6 months of the 12-month period referred to in such paragraph but only with respect to the second 6 months of such 12-month period.

SEC. 2213. MODIFICATION TO REQUIREMENTS FOR QUALIFYING FOR EXCEPTION TO MEDICARE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877(i) of the Social Security Act (42 U.S.C. 1395nn(i)) is amended—

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking ''had'';

(B) in clause (i), by inserting ''had'' before ''physician ownership''; and

(C) by amending clause (ii) to read as follows:

''(ii) either—

''(I) had a provider agreement under section 1866 in effect on such date; or

''(II) was under construction on such date.''; and

(2) in paragraph (3)—

(A) by amending subparagraph (E) to read as follows:

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term 'applicable hospital' means a hospital that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries.''; and

(B) in subparagraph (F)(iii), by striking ''subparagraph (E)(iii)'' and inserting ''subparagraph (E)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if as if included in the enactment of subsection (i) of section 1877 of the Social Security Act (42 U.S.C. 1395nn).

PART 3—OFFSETS

SEC. 2221. ADJUSTMENTS TO MAXIMUM THRESHOLDS FOR RECAPTURING OVERPAYMENTS RESULTING FROM CERTAIN FEDERALLY-SUBSIDIZED HEALTH INSURANCE.

The table specified in clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

''If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 100 percent	$600
At least 100 percent and less than 150 percent	$800
At least 150 percent but less than 200 percent	$1,000
At least 200 percent but less than 250 percent	$1,500
At least 250 percent but less than 300 percent	$2,200
At least 300 percent but less than 350 percent	$2,500
At least 350 percent but less than 400 percent	$3,200.''.

SEC. 2222. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (3), by adding at the end ''and''; and

(2) by striking each of paragraphs (4) through (6) and inserting the following:

''(4) for fiscal year 2013 and each subsequent fiscal year, $640,000,000.''.

SEC. 2223. PARITY IN MEDICARE PAYMENTS FOR HOSPITAL OUTPATIENT DEPARTMENT EVALUATION AND MANAGEMENT OFFICE VISIT SERVICES.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (D), by striking ''The Secretary'' and inserting ''Subject to subparagraph (H), the Secretary''; and

(B) by adding at the end the following new subparagraph:

''(H) PARITY IN FEE SCHEDULE AMOUNT FOR SPECIFIED EVALUATION AND MANAGEMENT SERVICES.—

''(i) IN GENERAL.—In the case of covered OPD services that are specified evaluation and management services furnished during 2012 or a subsequent year, there shall be substituted for the medicare OPD fee schedule amount established under subparagraph (D) for such services and year, before application of any geographic or other adjustment, an amount equal to the product of the conversion factor established under section 1848(d) for such year and the amount by which—

''(I) the non-facility practice expense relative value units under the fee schedule under section 1848 for such year for physicians' services that are such specified evaluation and management services; exceeds

''(II) the facility practice expense relative value unit under such fee schedule for such year and services.

''(ii) BUDGET NEUTRALITY.—In determining the adjustments under paragraph (9)(B) for 2012 or a subsequent year, the Secretary shall not take into account under such paragraph or paragraph (2)(E) any changes in expenditures that result from the application of this subparagraph.

''(iii) SPECIFIED EVALUATION AND MANAGEMENT SERVICES DEFINED.—For the purposes of this subparagraph, the term 'specified evaluation and management services' means the HCPCS codes in the range 99201 through 99215 as of January 1, 2011 (and such codes as subsequently modified by the Secretary).''; and

(2) in paragraph (9)(B), by striking ''If the Secretary'' and inserting ''Subject to paragraph (3)(H)(ii), if the Secretary''.

SEC. 2224. REDUCTION OF BAD DEBT TREATED AS AN ALLOWABLE COST.

(a) HOSPITALS.—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv)—

(A) by striking ''a subsequent fiscal year'' and inserting ''fiscal years 2001 through 2012''; and

(B) by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(v) for cost reporting periods beginning during fiscal year 2013, by 35 percent of such amount otherwise allowable,

''(vi) for cost reporting periods beginning during fiscal year 2014, by 40 percent of such amount otherwise allowable, and

''(vii) for cost reporting periods beginning during a subsequent fiscal year, by 45 percent of such amount otherwise allowable.''.

(b) SKILLED NURSING FACILITIES.—Section 1861(v)(1)(V) of such Act (42 U.S.C. 1395x(v)(1)(V)) is amended—

(1) in the matter preceding clause (i), by striking ''with respect to cost reporting periods beginning on or after October 1, 2005'' and inserting ''and (beginning with respect to cost reporting periods beginning during fiscal year 2013) for covered skilled nursing services described in section 1888(e)(2)(A) furnished by hospital providers of extended care services (as described in section 1883)'';

(2) in clause (i), by striking ''reduced by'' and all that follows through ''allowable; and'' and inserting the following: ''reduced by—

''(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, 30 percent of such amount otherwise allowable;

''(II) for cost reporting periods beginning during fiscal year 2013, by 35 percent of such amount otherwise allowable;

''(III) for cost reporting periods beginning during fiscal year 2014, by 40 percent of such amount otherwise allowable; and

''(IV) for cost reporting periods beginning during a subsequent fiscal year, by 45 percent of such amount otherwise allowable; and''; and

(3) in clause (ii), by striking ''such section shall not be reduced.'' and inserting ''such section—

''(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, shall not be reduced;

''(II) for cost reporting periods beginning during fiscal year 2013, shall be reduced by 15 percent of such amount otherwise allowable;

''(III) for cost reporting periods beginning during fiscal year 2014, shall be reduced by 30 percent of such amount otherwise allowable; and

''(IV) for cost reporting periods beginning during a subsequent fiscal year, shall be reduced by 45 percent of such amount otherwise allowable.''.

(c) CERTAIN OTHER PROVIDERS.—Section 1861(v)(1) of such Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

''(W)(i) In determining such reasonable costs for providers described in clause (ii), the amount of bad debts otherwise treated as allowable costs which are attributable to deductibles and coinsurance amounts under this title shall be reduced—

''(I) for cost reporting periods beginning during fiscal year 2013, by 15 percent of such amount otherwise allowable;

''(II) for cost reporting periods beginning during fiscal year 2014, by 30 percent of such amount otherwise allowable; and

''(III) for cost reporting periods beginning during a subsequent fiscal year, by 45 percent of such amount otherwise allowable.

''(ii) A provider described in this clause is a provider of services not described in subparagraph (T) or (V), a supplier, or any other type of entity that receives payment for bad debts under the authority under subparagraph (A).''.

(d) CONFORMING AMENDMENT FOR HOSPITAL SERVICES.—Section 4008(c) of the Omnibus Budget Reconciliation Act of 1987, as amended by section 8402 of the Technical and Miscellaneous Revenue Act of 1988 and section 6023 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following new sentence: ''Effective for cost reporting periods beginning on or after October 1, 2012, the provisions of the previous two sentences shall not apply.''.

SEC. 2225. REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) in paragraph (3)(A) by striking ''paragraphs (6) and (7)'' and inserting ''paragraphs (6), (7), and (8)''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.—With respect to fiscal 2021 and each subsequent fiscal year, for purposes of applying paragraph (3)(A) to determine the DSH allotment for a State, the amount of the DSH allotment for the State under paragraph (3) for fiscal year 2020 shall be treated as if it were such amount as reduced under paragraph (7).''.

Subtitle D—TANF Extension

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the ''Welfare Integrity and Data Improvement Act''.

SEC. 2302. EXTENSION OF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012'';

(2) in subparagraph (B)—

(A) by inserting ''(as in effect just before the enactment of the Welfare Integrity and Data Improvement Act)'' after ''this paragraph'' the 1st place it appears; and

(B) by inserting ''(as so in effect)'' after ''this paragraph'' the 2nd place it appears; and

(3) in subparagraph (C), by striking ''2003'' and inserting ''2012''.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking ''2011'' and inserting ''2012''.

(c) MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''fiscal year'' and all that follows through ''2012'' and inserting ''a fiscal year''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''for fiscal years 1997 through 2011,''; and

(B) by striking ''407(a) for the fiscal year,'' and inserting ''407(a),''.

(d) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''each of fiscal years 1997'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(e) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking ''each of fiscal years 1997 through 2002'' and inserting ''fiscal year 2012''.

(f) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(g) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking ''appropriated'' and all that follows and inserting ''appropriated $2,917,000,000 for fiscal year 2012.''.

(h) GRANTS TO TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking ''for fiscal years 1997 through 2003'' and inserting ''fiscal year 2012''.

(i) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112–35) or section 403(b) of the Social Security Act for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 2303. DATA STANDARDIZATION.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

''(d) DATA STANDARDIZATION.—

''(1) STANDARD DATA ELEMENTS.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standard data elements for any category of information required to be reported under this part.

''(B) REQUIREMENTS.—In designating the standard data elements, the Secretary shall, to the extent practicable—

''(i) ensure that the data elements are nonproprietary and interoperable;

''(ii) incorporate interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(iii) incorporate interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(iv) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

''(2) DATA REPORTING STANDARDS.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standards to govern the data reporting required under this part.

''(B) REQUIREMENTS.—In designating the data reporting standards, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language. Such standards shall, to the extent practicable—

''(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

''(ii) be consistent with and implement applicable accounting principles; and

''(iii) be capable of being continually upgraded as necessary.''.

(b) APPLICABILITY.—The amendments made by this subsection shall apply with respect to information required to be reported on or after October 1, 2012.

SEC. 2304. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) STATE REQUIREMENT TO PREVENT UNAUTHORIZED SPENDING OF BENEFITS.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any transaction in—

''(i) any liquor store;

''(ii) any casino, gambling casino, or gaming establishment; or

''(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

''(B) DEFINITIONS.—For purposes of subparagraph (A)—

''(i) LIQUOR STORE.—The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

''(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms 'casino', 'gambling casino', and 'gaming establishment' do not include a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.''.

(b) PENALTY.—Section 409(a) of such Act (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES.—

''(A) IN GENERAL.—If, within 2 years after the date of the enactment of this paragraph, any State has not reported to the Secretary on such State's implementation of the policies and practices required by section 408(a)(12), or the Secretary determines that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—

''(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and

''(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.

''(B) REDUCTION OF APPLICABLE PENALTY.—The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.

''(C) STATE NOT RESPONSIBLE FOR INDIVIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A).''.

(c) CONFORMING AMENDMENT.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by striking ''or (13)'' and inserting ''(13), or (16)''.

SEC. 2305. TECHNICAL CORRECTIONS.

(a) Section 404(d)(1)(A) of the Social Security Act (42 U.S.C. 604(d)(1)(A)) is amended by striking ''subtitle 1 of Title'' and inserting ''Subtitle A of title''.

(b) Sections 407(c)(2)(A)(i) and 409(a)(3)(C) of such Act (42 U.S.C. 607(c)(2)(A)(i) and 609(a)(3)(C)) are each amended by striking ''403(b)(6)'' and inserting ''403(b)(5)''.

(c) Section 409(a)(2)(A) of such Act (42 U.S.C. 609(a)(2)(A)) is amended by moving clauses (i) and (ii) 2 ems to the right.

(d) Section 409(c)(2) of such Act (42 U.S.C. 609(c)(2)) is amended by inserting a comma after ''appropriate''.

(e) Section 411(a)(1)(A)(ii)(III) of such Act (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

TITLE III—FLOOD INSURANCE REFORM

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Flood Insurance Reform Act of 2011''.

SEC. 3002. EXTENSIONS.

(a) EXTENSION OF PROGRAM.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

(b) EXTENSION OF FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

SEC. 3003. MANDATORY PURCHASE.

(a) AUTHORITY TO TEMPORARILY SUSPEND MANDATORY PURCHASE REQUIREMENT.—

(1) IN GENERAL.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by adding at the end the following new subsection:

''(i) AUTHORITY TO TEMPORARILY SUSPEND MANDATORY PURCHASE REQUIREMENT.—

''(1) FINDING BY ADMINISTRATOR THAT AREA IS AN ELIGIBLE AREA.—For any area, upon a request submitted to the Administrator by a local government authority having jurisdiction over any portion of the area, the Administrator shall make a finding of whether the area is an eligible area under paragraph (3). If the Administrator finds that such area is an eligible area, the Administrator shall, in the discretion of the Administrator, designate a period during which such finding shall be effective, which shall not be longer in duration than 12 months.

''(2) SUSPENSION OF MANDATORY PURCHASE REQUIREMENT.—If the Administrator makes a finding under paragraph (1) that an area is an eligible area under paragraph (3), during the period specified in the finding, the designation of such eligible area as an area having special flood hazards shall not be effective for purposes of subsections (a), (b), and (e) of this section, and section 202(a) of this Act. Nothing in this paragraph may be construed to prevent any lender, servicer, regulated lending institution, Federal agency lender, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, at the discretion of such entity, from requiring the purchase of flood insurance coverage in connection with the making, increasing, extending, or renewing of a loan secured by improved real estate or a mobile home located or to be located in such eligible area during such period or a lender or servicer from purchasing coverage on behalf of a borrower pursuant to subsection (e).

''(3) ELIGIBLE AREAS.—An eligible area under this paragraph is an area that is designated or will, pursuant to any issuance, revision, updating, or other change in flood insurance maps that takes effect on or after the date of the enactment of the Flood Insurance Reform Act of 2011, become designated as an area having special flood hazards and that meets any one of the following 3 requirements:

''(A) AREAS WITH NO HISTORY OF SPECIAL FLOOD HAZARDS.—The area does not include any area that has ever previously been designated as an area having special flood hazards.

''(B) AREAS WITH FLOOD PROTECTION SYSTEMS UNDER IMPROVEMENTS.—The area was intended to be protected by a flood protection system—

''(i) that has been decertified, or is required to be certified, as providing protection for the 100-year frequency flood standard;

''(ii) that is being improved, constructed, or reconstructed; and

''(iii) for which the Administrator has determined measurable progress toward completion of such improvement, construction, reconstruction is being made and toward securing financial commitments sufficient to fund such completion.

''(C) AREAS FOR WHICH APPEAL HAS BEEN FILED.—An area for which a community has appealed designation of the area as having special flood hazards in a timely manner under section 1363.

''(4) EXTENSION OF DELAY.—Upon a request submitted by a local government authority having jurisdiction over any portion of the eligible area, the Administrator may extend the period during which a finding under paragraph (1) shall be effective, except that—

''(A) each such extension under this paragraph shall not be for a period exceeding 12 months; and

''(B) for any area, the cumulative number of such extensions may not exceed 2.

''(5) ADDITIONAL EXTENSION FOR COMMUNITIES MAKING MORE THAN ADEQUATE PROGRESS ON FLOOD PROTECTION SYSTEM.—

''(A) EXTENSION.—

''(i) AUTHORITY.—Except as provided in subparagraph (B), in the case of an eligible area for which the Administrator has, pursuant to paragraph (4), extended the period of effectiveness of the finding under paragraph (1) for the area, upon a request submitted by a local government authority having jurisdiction over any portion of the eligible area, if the Administrator finds that more than adequate progress has been made on the construction of a flood protection system for such area, as determined in accordance with the last sentence of section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)), the Administrator may, in the discretion of the Administrator, further extend the period during which the finding under paragraph (1) shall be effective for such area for an additional 12 months.

''(ii) LIMIT.—For any eligible area, the cumulative number of extensions under this subparagraph may not exceed 2.

''(B) EXCLUSION FOR NEW MORTGAGES.—

''(i) EXCLUSION.—Any extension under subparagraph (A) of this paragraph of a finding under paragraph (1) shall not be effective with respect to any excluded property after the origination, increase, extension, or renewal of the loan referred to in clause (ii)(II) for the property.

''(ii) EXCLUDED PROPERTIES.—For purposes of this subparagraph, the term 'excluded property' means any improved real estate or mobile home—

''(I) that is located in an eligible area; and

''(II) for which, during the period that any extension under subparagraph (A) of this paragraph of a finding under paragraph (1) is otherwise in effect for the eligible area in which such property is located—

''(aa) a loan that is secured by the property is originated; or

''(bb) any existing loan that is secured by the property is increased, extended, or renewed.

''(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the applicability of a designation of any area as an area having special flood hazards for purposes of the availability of flood insurance coverage, criteria for land management and use, notification of flood hazards, eligibility for mitigation assistance, or any other purpose or provision not specifically referred to in paragraph (2).

''(7) REPORTS.—The Administrator shall, in each annual report submitted pursuant to section 1320, include information identifying each finding under paragraph (1) by the Administrator during the preceding year that an area is an area having special flood hazards, the basis for each such finding, any extensions pursuant to paragraph (4) of the periods of effectiveness of such findings, and the reasons for such extensions.''.

(2) NO REFUNDS.—Nothing in this subsection or the amendments made by this subsection may be construed to authorize or require any payment or refund for flood insurance coverage purchased for any property that covered any period during which such coverage is not required for the property pursuant to the applicability of the amendment made by paragraph (1).

(b) TERMINATION OF FORCE-PLACED INSURANCE.—Section 102(e) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(e)) is amended—

(1) in paragraph (2), by striking ''insurance.'' and inserting ''insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount.'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and 6), respectively; and

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

''(3) TERMINATION OF FORCE-PLACED INSURANCE.—Within 30 days of receipt by the lender or servicer of a confirmation of a borrower's existing flood insurance coverage, the lender or servicer shall—

''(A) terminate the force-placed insurance; and

''(B) refund to the borrower all force-placed insurance premiums paid by the borrower during any period during which the borrower's flood insurance coverage and the force-placed flood insurance coverage were each in effect, and any related fees charged to the borrower with respect to the force-placed insurance during such period.

''(4) SUFFICIENCY OF DEMONSTRATION.—For purposes of confirming a borrower's existing flood insurance coverage, a lender or servicer for a loan shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.''.

(c) USE OF PRIVATE INSURANCE TO SATISFY MANDATORY PURCHASE REQUIREMENT.—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''lending institutions not to make'' and inserting ''lending institutions—

''(A) not to make'';

(B) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking ''less.'' and inserting ''less; and''; and

(C) by adding at the end the following new subparagraph:

''(B) to accept private flood insurance as satisfaction of the flood insurance coverage requirement under subparagraph (A) if the coverage provided by such private flood insurance meets the requirements for coverage under such subparagraph.'';

(2) in paragraph (2), by inserting after ''provided in paragraph (1).'' the following new sentence: ''Each Federal agency lender shall accept private flood insurance as satisfaction of the flood insurance coverage requirement under the preceding sentence if the flood insurance coverage provided by such private flood insurance meets the requirements for coverage under such sentence.'';

(3) in paragraph (3), in the matter following subparagraph (B), by adding at the end the following new sentence: ''The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall accept private flood insurance as satisfaction of the flood insurance coverage requirement under the preceding sentence if the flood insurance coverage provided by such private flood insurance meets the requirements for coverage under such sentence.''; and

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

''(5) PRIVATE FLOOD INSURANCE DEFINED.—In this subsection, the term 'private flood insurance' means a contract for flood insurance coverage allowed for sale under the laws of any State.''.

SEC. 3004. REFORMS OF COVERAGE TERMS.

(a) MINIMUM DEDUCTIBLES FOR CLAIMS.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking ''The Director is'' and inserting the following: ''(a) IN GENERAL.—The Administrator is''; and

(2) by adding at the end the following:

''(b) MINIMUM ANNUAL DEDUCTIBLES.—

''(1) SUBSIDIZED RATE PROPERTIES.—For any structure that is covered by flood insurance under this title, and for which the chargeable rate for such coverage is less than the applicable estimated risk premium rate under section 1307(a)(1) for the area (or subdivision thereof) in which such structure is located, the minimum annual deductible for damage to or loss of such structure shall be $2,000.

''(2) ACTUARIAL RATE PROPERTIES.—For any structure that is covered by flood insurance under this title, for which the chargeable rate for such coverage is not less than the applicable estimated risk premium rate under section 1307(a)(1) for the area (or subdivision thereof) in which such structure is located, the minimum annual deductible for damage to or loss of such structure shall be $1,000.''.

(b) CLARIFICATION OF RESIDENTIAL AND COMMERCIAL COVERAGE LIMITS.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''in the case of any residential property'' and inserting ''in the case of any residential building designed for the occupancy of from one to four families''; and

(B) by striking ''shall be made available to every insured upon renewal and every applicant for insurance so as to enable such insured or applicant to receive coverage up to a total amount (including such limits specified in paragraph (1)(A)(i)) of $250,000'' and inserting ''shall be made available, with respect to any single such building, up to an aggregate liability (including such limits specified in paragraph (1)(A)(i)) of $250,000''; and

(2) in paragraph (4)—

(A) by striking ''in the case of any nonresidential property, including churches,'' and inserting ''in the case of any nonresidential building, including a church,''; and

(B) by striking ''shall be made available to every insured upon renewal and every applicant for insurance, in respect to any single structure, up to a total amount (including such limit specified in subparagraph (B) or (C) of paragraph (1), as applicable) of $500,000 for each structure and $500,000 for any contents related to each structure'' and inserting ''shall be made available with respect to any single such building, up to an aggregate liability (including such limits specified in subparagraph (B) or (C) of paragraph (1), as applicable) of $500,000, and coverage shall be made available up to a total of $500,000 aggregate liability for contents owned by the building owner and $500,000 aggregate liability for each unit within the building for contents owned by the tenant''.

(c) INDEXING OF MAXIMUM COVERAGE LIMITS.—Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (5) as paragraph (7); and

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

''(8) each of the dollar amount limitations under paragraphs (2), (3), (4), (5), and (6) shall be adjusted effective on the date of the enactment of the Flood Insurance Reform Act of 2011, such adjustments shall be calculated using the percentage change, over the period beginning on September 30, 1994, and ending on such date of enactment, in such inflationary index as the Administrator shall, by regulation, specify, and the dollar amount of such adjustment shall be rounded to the next lower dollar; and the Administrator shall cause to be published in the Federal Register the adjustments under this paragraph to such dollar amount limitations; except that in the case of coverage for a property that is made available, pursuant to this paragraph, in an amount that exceeds the limitation otherwise applicable to such coverage as specified in paragraph (2), (3), (4), (5), or (6), the total of such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1).''.

(d) OPTIONAL COVERAGE FOR LOSS OF USE OF PERSONAL RESIDENCE AND BUSINESS INTERRUPTION.—Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)), as amended by the preceding provisions of this section, is further amended by inserting after paragraph (4) the following new paragraphs:

''(5) the Administrator may provide that, in the case of any residential property, each renewal or new contract for flood insurance coverage may provide not more than $5,000 aggregate liability per dwelling unit for any necessary increases in living expenses incurred by the insured when losses from a flood make the residence unfit to live in, except that—

''(A) purchase of such coverage shall be at the option of the insured;

''(B) any such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

''(C) the Administrator may make such coverage available only if the Administrator makes a determination and causes notice of such determination to be published in the Federal Register that—

''(i) a competitive private insurance market for such coverage does not exist; and

''(ii) the national flood insurance program has the capacity to make such coverage available without borrowing funds from the Secretary of the Treasury under section 1309 or otherwise;

''(6) the Administrator may provide that, in the case of any commercial property or other residential property, including multifamily rental property, coverage for losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from a flood may be made available to every insured upon renewal and every applicant, up to a total amount of $20,000 per property, except that—

''(A) purchase of such coverage shall be at the option of the insured;

''(B) any such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

''(C) the Administrator may make such coverage available only if the Administrator makes a determination and causes notice of such determination to be published in the Federal Register that—

''(i) a competitive private insurance market for such coverage does not exist; and

''(ii) the national flood insurance program has the capacity to make such coverage available without borrowing funds from the Secretary of the Treasury under section 1309 or otherwise;''.

(e) PAYMENT OF PREMIUMS IN INSTALLMENTS FOR RESIDENTIAL PROPERTIES.—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by adding at the end the following new subsection:

''(d) PAYMENT OF PREMIUMS IN INSTALLMENTS FOR RESIDENTIAL PROPERTIES.—

''(1) AUTHORITY.—In addition to any other terms and conditions under subsection (a), such regulations shall provide that, in the case of any residential property, premiums for flood insurance coverage made available under this title for such property may be paid in installments.

''(2) LIMITATIONS.—In implementing the authority under paragraph (1), the Administrator may establish increased chargeable premium rates and surcharges, and deny coverage and establish such other sanctions, as the Administrator considers necessary to ensure that insureds purchase, pay for, and maintain coverage for the full term of a contract for flood insurance coverage or to prevent insureds from purchasing coverage only for periods during a year when risk of flooding is comparatively higher or canceling coverage for periods when such risk is comparatively lower.''.

(f) EFFECTIVE DATE OF POLICIES COVERING PROPERTIES AFFECTED BY FLOODS IN PROGRESS.—Paragraph (1) of section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)) is amended by adding after the period at the end the following: ''With respect to any flood that has commenced or is in progress before the expiration of such 30-day period, such flood insurance coverage for a property shall take effect upon the expiration of such 30-

day period and shall cover damage to such property occurring after the expiration of such period that results from such flood, but only if the property has not suffered damage or loss as a result of such flood before the expiration of such 30-day period.''.

SEC. 3005. REFORMS OF PREMIUM RATES.

(a) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking ''10 percent'' and inserting ''20 percent''.

(b) PHASE-IN OF RATES FOR CERTAIN PROPERTIES IN NEWLY MAPPED AREAS.—

(1) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting ''or notice'' after ''prescribe by regulation'';

(B) in subsection (c), by inserting ''and subsection (g)'' before the first comma; and

(C) by adding at the end the following new subsection:

''(g) 5-YEAR PHASE-IN OF FLOOD INSURANCE RATES FOR CERTAIN PROPERTIES IN NEWLY MAPPED AREAS.—

''(1) 5-YEAR PHASE-IN PERIOD.—Notwithstanding subsection (c) or any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, in the case of any area that was not previously designated as an area having special flood hazards and that, pursuant to any issuance, revision, updating, or other change in flood insurance maps, becomes designated as such an area, during the 5-year period that begins, except as provided in paragraph (2), upon the date that such maps, as issued, revised, updated, or otherwise changed, become effective, the chargeable premium rate for flood insurance under this title with respect to any covered property that is located within such area shall be the rate described in paragraph (3).

''(2) APPLICABILITY TO PREFERRED RISK RATE AREAS.—In the case of any area described in paragraph (1) that consists of or includes an area that, as of date of the effectiveness of the flood insurance maps for such area referred to in paragraph (1) as so issued, revised, updated, or changed, is eligible for any reason for preferred risk rate method premiums for flood insurance coverage and was eligible for such premiums as of the enactment of the Flood Insurance Reform Act of 2011, the 5-year period referred to in paragraph (1) for such area eligible for preferred risk rate method premiums shall begin upon the expiration of the period during which such area is eligible for such preferred risk rate method premiums.

''(3) PHASE-IN OF FULL ACTUARIAL RATES.—With respect to any area described in paragraph (1), the chargeable risk premium rate for flood insurance under this title for a covered property that is located in such area shall be—

''(A) for the first year of the 5-year period referred to in paragraph (1), the greater of—

''(i) 20 percent of the chargeable risk premium rate otherwise applicable under this title to the property; and

''(ii) in the case of any property that, as of the beginning of such first year, is eligible for preferred risk rate method premiums for flood insurance coverage, such preferred risk rate method premium for the property;

''(B) for the second year of such 5-year period, 40 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

''(C) for the third year of such 5-year period, 60 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

''(D) for the fourth year of such 5-year period, 80 percent of the chargeable risk premium rate otherwise applicable under this title to the property; and

''(E) for the fifth year of such 5-year period, 100 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

''(4) COVERED PROPERTIES.—For purposes of the subsection, the term 'covered property' means any residential property occupied by its owner or a bona fide tenant as a primary residence.''.

(2) REGULATION OR NOTICE.—The Administrator of the Federal Emergency Management Agency shall issue an interim final rule or notice to implement this subsection and the amendments made by this subsection as soon as practicable after the date of the enactment of this Act.

(c) PHASE-IN OF ACTUARIAL RATES FOR CERTAIN PROPERTIES.—

(1) IN GENERAL.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(A) by redesignating paragraph (2) as paragraph (7); and

(B) by inserting after paragraph (1) the following new paragraphs:

''(2) COMMERCIAL PROPERTIES.—Any nonresidential property.

''(3) SECOND HOMES AND VACATION HOMES.—Any residential property that is not the primary residence of any individual.

''(4) HOMES SOLD TO NEW OWNERS.—Any single family property that—

''(A) has been constructed or substantially improved and for which such construction or improvement was started, as determined by the Administrator, before December 31, 1974, or before the effective date of the initial rate map published by the Administrator under paragraph (2) of section 1360(a) for the area in which such property is located, whichever is later; and

''(B) is purchased after the effective date of this paragraph, pursuant to section 3005(c)(3)(A) of the Flood Insurance Reform Act of 2011.

''(5) HOMES DAMAGED OR IMPROVED.—Any property that, on or after the date of the enactment of the Flood Insurance Reform Act of 2011, has experienced or sustained—

''(A) substantial flood damage exceeding 50 percent of the fair market value of such property; or

''(B) substantial improvement exceeding 30 percent of the fair market value of such property.

''(6) HOMES WITH MULTIPLE CLAIMS.—Any severe repetitive loss property (as such term is defined in section 1366(j)).''.

(2) TECHNICAL AMENDMENTS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(A) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''the limitations provided under paragraphs (1) and (2)'' and inserting ''subsection (e)''; and

(ii) in paragraph (1), by striking '', except'' and all that follows through ''subsection (e)''; and

(B) in subsection (e), by striking ''paragraph (2) or (3)'' and inserting ''paragraph (7)''.

(3) EFFECTIVE DATE AND TRANSITION.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply beginning upon the expiration of the 12-month period that begins on the date of the enactment of this Act, except as provided in subparagraph (B) of this paragraph.

(B) TRANSITION FOR PROPERTIES COVERED BY FLOOD INSURANCE UPON EFFECTIVE DATE.—

(i) INCREASE OF RATES OVER TIME.—In the case of any property described in paragraph (2), (3), (4), (5), or (6) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by paragraph (1) of this subsection, that, as of the effective date under subparagraph (A) of this paragraph, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) of such Act for the area in which the property is located, the Administrator of the Federal Emergency Management Agency shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1).

(ii) AMOUNT OF ANNUAL INCREASE.—Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property), once during the 12-month period that begins upon the effective date under subparagraph (A) of this paragraph and once every 12 months thereafter until such increase is accomplished, by 20 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate or to comply with clause (iii)).

(iii) PROPERTIES SUBJECT TO PHASE-IN AND ANNUAL INCREASES.—In the case of any pre-FIRM property (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1974), the aggregate increase, during any 12-month period, in the chargeable premium rate for the property that is attributable to this subparagraph or to an increase described in section 1308(e) of the National Flood Insurance Act of 1968 may not exceed 20 percent.

(iv) FULL ACTUARIAL RATES.—The provisions of paragraphs (2), (3), (4), (5), and (6) of such section 1308(c) shall apply to such a property upon the accomplishment of the increase under this subparagraph and thereafter.

(d) PROHIBITION OF EXTENSION OF SUBSIDIZED RATES TO LAPSED POLICIES.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this title, is further amended—

(1) in subsection (e), by inserting ''or subsection (h)'' after ''subsection (c)''; and

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

''(h) PROHIBITION OF EXTENSION OF SUBSIDIZED RATES TO LAPSED POLICIES.—Notwithstanding any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, the Administrator shall not provide flood insurance coverage under this title for any property for which a policy for such coverage for the property has previously lapsed in coverage as a result of the deliberate choice of the holder of such policy, at a rate less than the applicable estimated risk premium rates for the area (or subdivision thereof) in which such property is located.''.

(e) RECOGNITION OF STATE AND LOCAL FUNDING FOR CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT OF FLOOD PROTECTION SYSTEMS IN DETERMINATION OF RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (e)—

(i) in the first sentence, by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system (without respect to the level of Federal investment or participation)''; and

(ii) in the second sentence—

(I) by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system''; and

(II) by inserting ''based on the present value of the completed system'' after ''has been expended''; and

(B) in subsection (f)—

(i) in the first sentence in the matter preceding paragraph (1), by inserting ''(without respect to the level of Federal investment or participation)'' before the period at the end;

(ii) in the third sentence in the matter preceding paragraph (1), by inserting '', whether

coastal or riverine,'' after ''special flood hazard''; and

(iii) in paragraph (1), by striking ''a Federal agency in consultation with the local project sponsor'' and inserting ''the entity or entities that own, operate, maintain, or repair such system''.

(2) REGULATIONS.—The Administrator of the Federal Emergency Management Agency shall promulgate regulations to implement this subsection and the amendments made by this subsection as soon as practicable, but not more than 18 months after the date of the enactment of this Act. Paragraph (3) may not be construed to annul, alter, affect, authorize any waiver of, or establish any exception to, the requirement under the preceding sentence.

SEC. 3006. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the ''Council'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of—

(A) the Administrator of the Federal Emergency Management Agency (in this section referred to as the ''Administrator''), or the designee thereof;

(B) the Director of the United States Geological Survey of the Department of the Interior, or the designee thereof;

(C) the Under Secretary of Commerce for Oceans and Atmosphere, or the designee thereof;

(D) the commanding officer of the United States Army Corps of Engineers, or the designee thereof;

(E) the chief of the Natural Resources Conservation Service of the Department of Agriculture, or the designee thereof;

(F) the Director of the United States Fish and Wildlife Service of the Department of the Interior, or the designee thereof;

(G) the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration of the Department of Commerce, or the designee thereof; and

(H) 14 additional members to be appointed by the Administrator of the Federal Emergency Management Agency, who shall be—

(i) an expert in data management;

(ii) an expert in real estate;

(iii) an expert in insurance;

(iv) a member of a recognized regional flood and storm water management organization;

(v) a representative of a State emergency management agency or association or organization for such agencies;

(vi) a member of a recognized professional surveying association or organization;

(vii) a member of a recognized professional mapping association or organization;

(viii) a member of a recognized professional engineering association or organization;

(ix) a member of a recognized professional association or organization representing flood hazard determination firms;

(x) a representative of State national flood insurance coordination offices;

(xi) representatives of two local governments, at least one of whom is a local levee flood manager or executive, designated by the Federal Emergency Management Agency as Cooperating Technical Partners; and

(xii) representatives of two State governments designated by the Federal Emergency Management Agency as Cooperating Technical States.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps. In appointing members under paragraph (1)(H), the Administrator shall ensure that the membership of the Council has a balance of Federal, State, local, and private members, and includes an adequate number of representatives from the States with coastline on the Gulf of Mexico and other States containing areas identified by the Administrator of the Federal Emergency Management Agency as at high-risk for flooding or special flood hazard areas.

(c) DUTIES.—

(1) NEW MAPPING STANDARDS.—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act, the Council shall develop and submit to the Administrator and the Congress proposed new mapping standards for 100-year flood insurance rate maps used under the national flood insurance program under the National Flood Insurance Act of 1968. In developing such proposed standards the Council shall—

(A) ensure that the flood insurance rate maps reflect true risk, including graduated risk that better reflects the financial risk to each property; such reflection of risk should be at the smallest geographic level possible (but not necessarily property-by-property) to ensure that communities are mapped in a manner that takes into consideration different risk levels within the community;

(B) ensure the most efficient generation, display, and distribution of flood risk data, models, and maps where practicable through dynamic digital environments using spatial database technology and the Internet;

(C) ensure that flood insurance rate maps reflect current hydrologic and hydraulic data, current land use, and topography, incorporating the most current and accurate ground and bathymetric elevation data;

(D) determine the best ways to include in such flood insurance rate maps levees, decertified levees, and areas located below dams, including determining a methodology for ensuring that decertified levees and other protections are included in flood insurance rate maps and their corresponding flood zones reflect the level of protection conferred;

(E) consider how to incorporate restored wetlands and other natural buffers into flood insurance rate maps, which may include wetlands, groundwater recharge areas, erosion zones, meander belts, endangered species habitat, barrier islands and shoreline buffer features, riparian forests, and other features;

(F) consider whether to use vertical positioning (as defined by the Administrator) for flood insurance rate maps;

(G) ensure that flood insurance rate maps differentiate between a property that is located in a flood zone and a structure located on such property that is not at the same risk level for flooding as such property due to the elevation of the structure;

(H) ensure that flood insurance rate maps take into consideration the best scientific data and potential future conditions (including projections for sea level rise); and

(I) consider how to incorporate the new standards proposed pursuant to this paragraph in existing mapping efforts.

(2) ONGOING DUTIES.—The Council shall, on an ongoing basis, review the mapping protocols developed pursuant to paragraph (1), and make recommendations to the Administrator when the Council determines that mapping protocols should be altered.

(3) MEETINGS.—In carrying out its duties under this section, the Council shall consult with stakeholders through at least 4 public meetings annually, and shall seek input of all stakeholder interests including State and local representatives, environmental and conservation organizations, insurance industry representatives, advocacy groups, planning organizations, and mapping organizations.

(d) PROHIBITION ON COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(e) CHAIRPERSON.—The Administrator shall serve as the Chairperson of the Council.

(f) STAFF.—

(1) FEMA.—Upon the request of the Council, the Administrator may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) OTHER FEDERAL AGENCIES.—Upon request of the Council, any other Federal agency that is a member of the Council may detail, on a nonreimbursable basis, personnel to assist the Council in carrying out its duties.

(g) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as the Council considers appropriate.

(h) TERMINATION.—The Council shall terminate upon the expiration of the 5-year period beginning on the date of the enactment of this Act.

(i) MORATORIUM ON FLOOD MAP CHANGES.—

(1) MORATORIUM.—Except as provided in paragraph (2) and notwithstanding any other provision of this title, the National Flood Insurance Act of 1968, or the Flood Disaster Protection Act of 1973, during the period beginning upon the date of the enactment of this Act and ending upon the submission by the Council to the Administrator and the Congress of the proposed new mapping standards required under subsection (c)(1), the Administrator may not make effective any new or updated rate maps for flood insurance coverage under the national flood insurance program that were not in effect for such program as of such date of enactment, or otherwise revise, update, or change the flood insurance rate maps in effect for such program as of such date.

(2) LETTERS OF MAP CHANGE.—During the period described in paragraph (1), the Administrator may revise, update, and change the flood insurance rate maps in effect for the national flood insurance program only pursuant to a letter of map change (including a letter of map amendment, letter of map revision, and letter of map revision based on fill).

SEC. 3007. FEMA INCORPORATION OF NEW MAPPING PROTOCOLS.

(a) NEW RATE MAPPING STANDARDS.—Not later than the expiration of the 6-month period beginning upon submission by the Technical Mapping Advisory Council under section 3006 of the proposed new mapping standards for flood insurance rate maps used under the national flood insurance program developed by the Council pursuant to section 3006(c), the Administrator of the Federal Emergency Management Agency (in this section referred to as the ''Administrator'') shall establish new standards for such rate maps based on such proposed new standards and the recommendations of the Council.

(b) REQUIREMENTS.—The new standards for flood insurance rate maps established by the Administrator pursuant to subsection (a) shall—

(1) delineate and include in any such rate maps—

(A) all areas located within the 100-year flood plain; and

(B) areas subject to graduated and other risk levels, to the maximum extent possible;

(2) ensure that any such rate maps—

(A) include levees, including decertified levees, and the level of protection they confer;

(B) reflect current land use and topography and incorporate the most current and accurate ground level data;

(C) take into consideration the impacts and use of fill and the flood risks associated with altered hydrology;

(D) differentiate between a property that is located in a flood zone and a structure located on such property that is not at the same risk level for flooding as such property due to the elevation of the structure;

(E) identify and incorporate natural features and their associated flood protection benefits into mapping and rates; and

(F) identify, analyze, and incorporate the impact of significant changes to building and development throughout any river or costal water system, including all tributaries, which may impact flooding in areas downstream; and

(3) provide that such rate maps are developed on a watershed basis.

(c) REPORT.—If, in establishing new standards for flood insurance rate maps pursuant to subsection (a) of this section, the Administrator does not implement all of the recommendations of the Council made under the proposed new mapping standards developed by the Council pursuant to section 3006(c), upon establishment of the new standards the Administrator shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate specifying which such recommendations were not adopted and explaining the reasons such recommendations were not adopted.

(d) IMPLEMENTATION.—The Administrator shall, not later than the expiration of the 6-month period beginning upon establishment of the new standards for flood insurance rate maps pursuant to subsection (a) of this section, commence use of the new standards and updating of flood insurance rate maps in accordance with the new standards. Not later than the expiration of the 10-year period beginning upon the establishment of such new standards, the Administrator shall complete updating of all flood insurance rate maps in accordance with the new standards, subject to the availability of sufficient amounts for such activities provided in appropriation Acts.

(e) TEMPORARY SUSPENSION OF MANDATORY PURCHASE REQUIREMENT FOR CERTAIN PROPERTIES.—

(1) SUBMISSION OF ELEVATION CERTIFICATE.—Subject to paragraphs (2) and (3) of this subsection, subsections (a), (b), and (e) of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), and section 202(a) of such Act, shall not apply to a property located in an area designated as having a special flood hazard if the owner of such property submits to the Administrator an elevation certificate for such property showing that the lowest level of the primary residence on such property is at an elevation that is at least three feet higher than the elevation of the 100-year flood plain.

(2) REVIEW OF CERTIFICATE.—The Administrator shall accept as conclusive each elevation certificate submitted under paragraph (1) unless the Administrator conducts a subsequent elevation survey and determines that the lowest level of the primary residence on the property in question is not at an elevation that is at least three feet higher than the elevation of the 100-year flood plain. The Administrator shall provide any such subsequent elevation survey to the owner of such property.

(3) DETERMINATIONS FOR PROPERTIES ON BORDERS OF SPECIAL FLOOD HAZARD AREAS.—

(A) EXPEDITED DETERMINATION.—In the case of any survey for a property submitted to the Administrator pursuant to paragraph (1) showing that a portion of the property is located within an area having special flood hazards and that a structure located on the property is not located within such area having special flood hazards, the Administrator shall expeditiously process any request made by an owner of the property for a determination pursuant to paragraph (2) or a determination of whether the structure is located within the area having special flood hazards.

(B) PROHIBITION OF FEE.—If the Administrator determines pursuant to subparagraph (A) that the structure on the property is not located within the area having special flood hazards, the Administrator shall not charge a fee for reviewing the flood hazard data and shall not require the owner to provide any additional elevation data.

(C) SIMPLIFICATION OF REVIEW PROCESS.—The Administrator shall collaborate with private sector flood insurers to simplify the review process for properties described in subparagraph (A) and to ensure that the review process provides for accurate determinations.

(4) TERMINATION OF AUTHORITY.—This subsection shall cease to apply to a property on the date on which the Administrator updates the flood insurance rate map that applies to such property in accordance with the requirements of subsection (d).

SEC. 3008. TREATMENT OF LEVEES.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:

''(k) TREATMENT OF LEVEES.—The Administrator may not issue flood insurance maps, or make effective updated flood insurance maps, that omit or disregard the actual protection afforded by an existing levee, floodwall, pump or other flood protection feature, regardless of the accreditation status of such feature.''.

SEC. 3009. PRIVATIZATION INITIATIVES.

(a) FEMA AND GAO REPORTS.—Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency and the Comptroller General of the United States shall each conduct a separate study to assess a broad range of options, methods, and strategies for privatizing the national flood insurance program and shall each submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with recommendations for the best manner to accomplish such privatization.

(b) PRIVATE RISK-MANAGEMENT INITIATIVES.—

(1) AUTHORITY.—The Administrator of the Federal Emergency Management Agency may carry out such private risk-management initiatives under the national flood insurance program as the Administrator considers appropriate to determine the capacity of private insurers, reinsurers, and financial markets to assist communities, on a voluntary basis only, in managing the full range of financial risks associated with flooding.

(2) ASSESSMENT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Administrator shall assess the capacity of the private reinsurance, capital, and financial markets by seeking proposals to assume a portion of the program's insurance risk and submit to the Congress a report describing the response to such request for proposals and the results of such assessment.

(3) PROTOCOL FOR RELEASE OF DATA.—The Administrator shall develop a protocol to provide for the release of data sufficient to conduct the assessment required under paragraph (2).

(c) REINSURANCE.—The National Flood Insurance Act of 1968 is amended—

(1) in section 1331(a)(2) (42 U.S.C. 4051(a)(2)), by inserting '', including as reinsurance of insurance coverage provided by the flood insurance program'' before '', on such terms'';

(2) in section 1332(c)(2) (42 U.S.C. 4052(c)(2)), by inserting ''or reinsurance'' after ''flood insurance coverage'';

(3) in section 1335(a) (42 U.S.C. 4055(a))—

(A) by inserting ''(1)'' after ''(a)''; and

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

''(2) The Administrator is authorized to secure reinsurance coverage of coverage provided by the flood insurance program from private market insurance, reinsurance, and capital market sources at rates and on terms determined by the Administrator to be reasonable and appropriate in an amount sufficient to maintain the ability of the program to pay claims and that minimizes the likelihood that the program will utilize the borrowing authority provided under section 1309.'';

(4) in section 1346(a) (12 U.S.C. 4082(a))—

(A) in the matter preceding paragraph (1), by inserting '', or for purposes of securing reinsurance of insurance coverage provided by the program,'' before ''of any or all of'';

(B) in paragraph (1)—

(i) by striking ''estimating'' and inserting ''Estimating''; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking ''receiving'' and inserting ''Receiving''; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking ''making'' and inserting ''Making''; and

(ii) by striking ''; and'' and inserting a period;

(E) in paragraph (4)—

(i) by striking ''otherwise'' and inserting ''Otherwise''; and

(ii) by redesignating such paragraph as paragraph (5); and

(F) by inserting after paragraph (3) the following new paragraph:

''(4) Placing reinsurance coverage on insurance provided by such program.''; and

(5) in section 1370(a)(3) (42 U.S.C. 4121(a)(3)), by inserting before the semicolon at the end the following: '', is subject to the reporting requirements of the Securities Exchange Act of 1934, pursuant to section 13(a) or 15(d) of such Act (15 U.S.C. 78m(a), 78o(d)), or is authorized by the Administrator to assume reinsurance on risks insured by the flood insurance program''.

(d) ASSESSMENT OF CLAIMS-PAYING ABILITY.—

(1) ASSESSMENT.—Not later than September 30 of each year, the Administrator of the Federal Emergency Management Agency shall conduct an assessment of the claims-paying ability of the national flood insurance program, including the program's utilization of private sector reinsurance and reinsurance equivalents, with and without reliance on borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016). In conducting the assessment, the Administrator shall take into consideration regional concentrations of coverage written by the program, peak flood zones, and relevant mitigation measures.

(2) REPORT.—The Administrator shall submit a report to the Congress of the results of each such assessment, and make such report available to the public, not later than 30 days after completion of the assessment.

SEC. 3010. FEMA ANNUAL REPORT ON INSURANCE PROGRAM.

Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027) is amended—

(1) in the section heading, by striking ''REPORT TO THE PRESIDENT'' and inserting ''ANNUAL REPORT TO CONGRESS'';

(2) in subsection (a)—

(A) by striking ''biennially'';

(B) by striking ''the President for submission to''; and

(C) by inserting ''not later than June 30 of each year'' before the period at the end;

(3) in subsection (b), by striking ''biennial'' and inserting ''annual''; and

(4) by adding at the end the following new subsection:

''(c) FINANCIAL STATUS OF PROGRAM.—The report under this section for each year shall include information regarding the financial status of the national flood insurance program under this title, including a description of the financial status of the National Flood Insurance Fund and current and projected levels of claims, premium receipts, expenses, and borrowing under the program.''.

SEC. 3011. MITIGATION ASSISTANCE.

(a) MITIGATION ASSISTANCE GRANTS.—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended—

(1) in subsection (a), by striking the last sentence and inserting the following: ''Such financial assistance shall be made available—

''(1) to States and communities in the form of grants under this section for carrying out mitigation activities;

''(2) to States and communities in the form of grants under this section for carrying out mitigation activities that reduce flood damage to severe repetitive loss structures; and

''(3) to property owners in the form of direct grants under this section for carrying out mitigation activities that reduce flood damage to individual structures for which 2 or more claim payments for losses have been made under flood insurance coverage under this title if the Administrator, after consultation with the State and community, determines that neither the State nor community in which such a structure is located has the capacity to manage such grants.'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) by striking ''flood risk'' and inserting ''multi-hazard'';

(B) by striking ''provides protection against'' and inserting ''examines reduction of''; and

(C) by redesignating such subsection as subsection (b);

(4) by striking subsection (d);

(5) in subsection (e)—

(A) in paragraph (1), by striking the paragraph designation and all that follows through the end of the first sentence and inserting the following:

''(1) REQUIREMENT OF CONSISTENCY WITH APPROVED MITIGATION PLAN.—Amounts provided under this section may be used only for mitigation activities that are consistent with mitigation plans that are approved by the Administrator and identified under subparagraph (4).'';

(B) by striking paragraphs (2), (3), and (4) and inserting the following new paragraphs:

''(2) REQUIREMENTS OF TECHNICAL FEASIBILITY, COST EFFECTIVENESS, AND INTEREST OF NFIF.—The Administrator may approve only mitigation activities that the Administrator determines are technically feasible and cost-effective and in the interest of, and represent savings to, the National Flood Insurance Fund. In making such determinations, the Administrator shall take into consideration recognized benefits that are difficult to quantify.

''(3) PRIORITY FOR MITIGATION ASSISTANCE.—In providing grants under this section for mitigation activities, the Administrator shall give priority for funding to activities that the Administrator determines will result in the greatest savings to the National Flood Insurance Fund, including activities for—

''(A) severe repetitive loss structures;

''(B) repetitive loss structures; and

''(C) other subsets of structures as the Administrator may establish.'';

(C) in paragraph (5)—

(i) by striking all of the matter that precedes subparagraph (A) and inserting the following:

''(4) ELIGIBLE ACTIVITIES.—Eligible activities may include—'';

(ii) by striking subparagraphs (E) and (H);

(iii) by redesignating subparagraphs (D), (F), and (G) as subparagraphs (E), (G), and (H);

(iv) by inserting after subparagraph (C) the following new subparagraph:

''(D) elevation, relocation, and floodproofing of utilities (including equipment that serve structures);'';

(v) by inserting after subparagraph (E), as so redesignated by clause (iii) of this subparagraph, the following new subparagraph:

''(F) the development or update of State, local, or Indian tribal mitigation plans which meet the planning criteria established by the Administrator, except that the amount from grants under this section that may be used under this subparagraph may not exceed $50,000 for any mitigation plan of a State or $25,000 for any mitigation plan of a local government or Indian tribe;'';

(vi) in subparagraph (H); as so redesignated by clause (iii) of this subparagraph, by striking ''and'' at the end; and

(vii) by adding at the end the following new subparagraphs:

''(I) other mitigation activities not described in subparagraphs (A) through (G) or the regulations issued under subparagraph (H), that are described in the mitigation plan of a State, community, or Indian tribe; and

''(J) personnel costs for State staff that provide technical assistance to communities to identify eligible activities, to develop grant applications, and to implement grants awarded under this section, not to exceed $50,000 per State in any Federal fiscal year, so long as the State applied for and was awarded at least $1,000,000 in grants available under this section in the prior Federal fiscal year; the requirements of subsections (d)(1) and (d)(2) shall not apply to the activity under this subparagraph.'';

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

''(6) ELIGIBILITY OF DEMOLITION AND REBUILDING OF PROPERTIES.—The Administrator shall consider as an eligible activity the demolition and rebuilding of properties to at least base flood elevation or greater, if required by the Administrator or if required by any State regulation or local ordinance, and in accordance with criteria established by the Administrator.''; and

(E) by redesignating such subsection as subsection (c);

(6) by striking subsections (f), (g), and (h) and inserting the following new subsection:

''(d) MATCHING REQUIREMENT.—The Administrator may provide grants for eligible mitigation activities as follows:

''(1) SEVERE REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to severe repetitive loss structures, in an amount up to 100 percent of all eligible costs.

''(2) REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to repetitive loss structures, in an amount up to 90 percent of all eligible costs.

''(3) OTHER MITIGATION ACTIVITIES.—In the case of all other mitigation activities, in an amount up to 75 percent of all eligible costs.'';

(7) in subsection (i)—

(A) in paragraph (2)—

(i) by striking ''certified under subsection (g)'' and inserting ''required under subsection (d)''; and

(ii) by striking ''3 times the amount'' and inserting ''the amount''; and

(B) by redesignating such subsection as subsection (e);

(8) in subsection (j)—

(A) in paragraph (1), by striking ''Riegle Community Development and Regulatory Improvement Act of 1994'' and inserting ''Flood Insurance Reform Act of 2011'';

(B) by redesignating such subsection as subsection (f); and

(9) by striking subsections (k) and (m) and inserting the following new subsections:

''(g) FAILURE TO MAKE GRANT AWARD WITHIN 5 YEARS.—For any application for a grant under this section for which the Administrator fails to make a grant award within 5 years of the date of application, the grant application shall be considered to be denied and any funding amounts allocated for such grant applications shall remain in the National Flood Mitigation Fund under section 1367 of this title and shall be made available for grants under this section.

''(h) LIMITATION ON FUNDING FOR MITIGATION ACTIVITIES FOR SEVERE REPETITIVE LOSS STRUCTURES.—The amount used pursuant to section 1310(a)(8) in any fiscal year may not exceed $40,000,000 and shall remain available until expended.

''(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COMMUNITY.—The term 'community' means—

''(A) a political subdivision that—

''(i) has zoning and building code jurisdiction over a particular area having special flood hazards, and

''(ii) is participating in the national flood insurance program; or

''(B) a political subdivision of a State, or other authority, that is designated by political subdivisions, all of which meet the requirements of subparagraph (A), to administer grants for mitigation activities for such political subdivisions.

''(2) REPETITIVE LOSS STRUCTURE.—The term 'repetitive loss structure' has the meaning given such term in section 1370.

''(3) SEVERE REPETITIVE LOSS STRUCTURE.—The term 'severe repetitive loss structure' means a structure that—

''(A) is covered under a contract for flood insurance made available under this title; and

''(B) has incurred flood-related damage—

''(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding $15,000, and with the cumulative amount of such claims payments exceeding $60,000; or

''(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the insured structure.''.

(b) ELIMINATION OF GRANTS PROGRAM FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.—Chapter I of the National Flood Insurance Act of 1968 is amended by striking section 1323 (42 U.S.C. 4030).

(c) ELIMINATION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.—Chapter III of the National Flood Insurance Act of 1968 is amended by striking section 1361A (42 U.S.C. 4102a).

(d) NATIONAL FLOOD INSURANCE FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (6), by inserting ''and'' after the semicolon;

(2) in paragraph (7), by striking the semicolon and inserting a period; and

(3) by striking paragraphs (8) and (9).

(e) NATIONAL FLOOD MITIGATION FUND.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following new paragraph:

''(1) in each fiscal year, from the National Flood Insurance Fund in amounts not exceeding $90,000,000 to remain available until expended, of which—

''(A) not more than $40,000,000 shall be available pursuant to subsection (a) of this section only for assistance described in section 1366(a)(1);

''(B) not more than $40,000,000 shall be available pursuant to subsection (a) of this section only for assistance described in section 1366(a)(2); and

''(C) not more than $10,000,000 shall be available pursuant to subsection (a) of this section only for assistance described in section 1366(a)(3).'';

(B) in paragraph (3), by striking ''section 1366(i)'' and inserting ''section 1366(e)'';

(2) in subsection (c), by striking ''sections 1366 and 1323'' and inserting ''section 1366'';

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

(4) by inserting after subsection (c) the following new subsections:

''(d) PROHIBITION ON OFFSETTING COLLECTIONS.—Notwithstanding any other provision of this title, amounts made available pursuant to this section shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

''(e) CONTINUED AVAILABILITY AND REALLOCATION.—Any amounts made available pursuant to subparagraph (A), (B), or (C) of subsection (b)(1) that are not used in any fiscal year shall continue to be available for the purposes specified in such subparagraph of subsection (b)(1) pursuant to which such amounts were made available, unless the Administrator determines that reallocation of such unused amounts to

meet demonstrated need for other mitigation activities under section 1366 is in the best interest of the National Flood Insurance Fund.''.

(f) INCREASED COST OF COMPLIANCE COVERAGE.—Section 1304(b)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)(4)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

SEC. 3012. NOTIFICATION TO HOMEOWNERS REGARDING MANDATORY PURCHASE REQUIREMENT APPLICABILITY AND RATE PHASE-INS.

Section 201 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4105) is amended by adding at the end the following new subsection:

''(f) ANNUAL NOTIFICATION.—The Administrator, in consultation with affected communities, shall establish and carry out a plan to notify residents of areas having special flood hazards, on an annual basis—

''(1) that they reside in such an area;

''(2) of the geographical boundaries of such area;

''(3) of whether section 1308(g) of the National Flood Insurance Act of 1968 applies to properties within such area;

''(4) of the provisions of section 102 requiring purchase of flood insurance coverage for properties located in such an area, including the date on which such provisions apply with respect to such area, taking into consideration section 102(i); and

''(5) of a general estimate of what similar homeowners in similar areas typically pay for flood insurance coverage, taking into consideration section 1308(g) of the National Flood Insurance Act of 1968.''.

SEC. 3013. NOTIFICATION TO MEMBERS OF CONGRESS OF FLOOD MAP REVISIONS AND UPDATES.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

''(l) NOTIFICATION TO MEMBERS OF CONGRESS OF MAP MODERNIZATION.—Upon any revision or update of any floodplain area or flood-risk zone pursuant to subsection (f), any decision pursuant to subsection (f)(1) that such revision or update is necessary, any issuance of preliminary maps for such revision or updating, or any other significant action relating to any such revision or update, the Administrator shall notify the Senators for each State affected, and each Member of the House of Representatives for each congressional district affected, by such revision or update in writing of the action taken.''.

SEC. 3014. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION TO COMMUNITIES OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

''SEC. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

''(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

''(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations;

''(3) by publishing in a prominent local newspaper the elevations, a description of the appeals process for flood determinations, and the mailing address and telephone number of a person the owner may contact for more information or to initiate an appeal; and

''(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

''(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

''(B) the process under this section to appeal a flood elevation determination; and

''(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.''.

SEC. 3015. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.

The National Flood Insurance Act of 1968 is amended by inserting after section 1308 (42 U.S.C. 4015) the following new section:

''SEC. 1308A. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.

''(a) IN GENERAL.—The Administrator shall, upon entering into a contract for flood insurance coverage under this title for any property—

''(1) provide to the insured sufficient copies of the notice developed pursuant to subsection (b); and

''(2) require the insured to provide a copy of the notice, or otherwise provide notification of the information under subsection (b) in the manner that the manager or landlord deems most appropriate, to each such tenant and to each new tenant upon commencement of such a tenancy.

''(b) NOTICE.—Notice to a tenant of a property in accordance with this subsection is written notice that clearly informs a tenant—

''(1) whether the property is located in an area having special flood hazards;

''(2) that flood insurance coverage is available under the national flood insurance program under this title for contents of the unit or structure leased by the tenant;

''(3) of the maximum amount of such coverage for contents available under this title at that time; and

''(4) of where to obtain information regarding how to obtain such coverage, including a telephone number, mailing address, and Internet site of the Administrator where such information is available.''.

SEC. 3016. NOTIFICATION TO POLICY HOLDERS REGARDING DIRECT MANAGEMENT OF POLICY BY FEMA.

Part C of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4081 et seq.) is amended by adding at the end the following new section:

''SEC. 1349. NOTIFICATION TO POLICY HOLDERS REGARDING DIRECT MANAGEMENT OF POLICY BY FEMA.

''(a) NOTIFICATION.—Not later than 60 days before the date on which a transferred flood insurance policy expires, and annually thereafter until such time as the Federal Emergency Management Agency is no longer directly administering such policy, the Administrator shall notify the holder of such policy that—

''(1) the Federal Emergency Management Agency is directly administering the policy;

''(2) such holder may purchase flood insurance that is directly administered by an insurance company; and

''(3) purchasing flood insurance offered under the National Flood Insurance Program that is directly administered by an insurance company will not alter the coverage provided or the premiums charged to such holder that otherwise would be provided or charged if the policy was directly administered by the Federal Emergency Management Agency.

''(b) DEFINITION.—In this section, the term 'transferred flood insurance policy' means a flood insurance policy that—

''(1) was directly administered by an insurance company at the time the policy was originally purchased by the policy holder; and

''(2) at the time of renewal of the policy, direct administration of the policy was or will be transferred to the Federal Emergency Management Agency.''.

SEC. 3017. NOTICE OF AVAILABILITY OF FLOOD INSURANCE AND ESCROW IN RESPA GOOD FAITH ESTIMATE.

Subsection (c) of section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is amended by adding at the end the following new sentence: ''Each such good faith estimate shall include the following conspicuous statements and information: (1) that flood insurance coverage for residential real estate is generally available under the national flood insurance program whether or not the real estate is located in an area having special flood hazards and that, to obtain such coverage, a home owner or purchaser should contact the national flood insurance program; (2) a telephone number and a location on the Internet by which a home owner or purchaser can contact the national flood insurance program; and (3) that the escrowing of flood insurance payments is required for many loans under section 102(d) of the Flood Disaster Protection Act of 1973, and may be a convenient and available option with respect to other loans.''.

SEC. 3018. REIMBURSEMENT FOR COSTS INCURRED BY HOMEOWNERS AND COMMUNITIES OBTAINING LETTERS OF MAP AMENDMENT OR REVISION.

(a) IN GENERAL.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

''(m) REIMBURSEMENT.—

''(1) REQUIREMENT UPON BONA FIDE ERROR.—If an owner of any property located in an area described in section 102(i)(3) of the Flood Disaster Protection Act of 1973, or a community in which such a property is located, obtains a letter of map amendment, or a letter of map revision, due to a bona fide error on the part of the Administrator of the Federal Emergency Management Agency, the Administrator shall reimburse such owner, or such entity or jurisdiction acting on such owner's behalf, or such community, as applicable, for any reasonable costs incurred in obtaining such letter.

''(2) REASONABLE COSTS.—The Administrator shall, by regulation or notice, determine a reasonable amount of costs to be reimbursed under paragraph (1), except that such costs shall not include legal or attorneys fees. In determining the reasonableness of costs, the Administrator shall only consider the actual costs to the owner or community, as applicable, of utilizing the services of an engineer, surveyor, or similar services.''.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall issue the regulations or notice required under section 1360(m)(2) of the National Flood Insurance Act of 1968, as added by the amendment made by subsection (a) of this section.

SEC. 3019. ENHANCED COMMUNICATION WITH CERTAIN COMMUNITIES DURING MAP UPDATING PROCESS.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

''(n) ENHANCED COMMUNICATION WITH CERTAIN COMMUNITIES DURING MAP UPDATING PROCESS.—In updating flood insurance maps

under this section, the Administrator shall communicate with communities located in areas where flood insurance rate maps have not been updated in 20 years or more and the appropriate State emergency agencies to resolve outstanding issues, provide technical assistance, and disseminate all necessary information to reduce the prevalence of outdated maps in flood-prone areas.''.

SEC. 3020. NOTIFICATION TO RESIDENTS NEWLY INCLUDED IN FLOOD HAZARD AREAS.

Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

''(o) NOTIFICATION TO RESIDENTS NEWLY INCLUDED IN FLOOD HAZARD AREA.—In revising or updating any areas having special flood hazards, the Administrator shall provide to each owner of a property to be newly included in such a special flood hazard area, at the time of issuance of such proposed revised or updated flood insurance maps, a copy of the proposed revised or updated flood insurance maps together with information regarding the appeals process under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104).''.

SEC. 3021. TREATMENT OF SWIMMING POOL ENCLOSURES OUTSIDE OF HURRICANE SEASON.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended by adding at the end the following new section:

''SEC. 1325. TREATMENT OF SWIMMING POOL ENCLOSURES OUTSIDE OF HURRICANE SEASON.

''In the case of any property that is otherwise in compliance with the coverage and building requirements of the national flood insurance program, the presence of an enclosed swimming pool located at ground level or in the space below the lowest floor of a building after November 30 and before June 1 of any year shall have no effect on the terms of coverage or the ability to receive coverage for such building under the national flood insurance program established pursuant to this title, if the pool is enclosed with non-supporting breakaway walls.''.

SEC. 3022. INFORMATION REGARDING MULTIPLE PERILS CLAIMS.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

''(d) INFORMATION REGARDING MULTIPLE PERILS CLAIMS.—

''(1) IN GENERAL.—Subject to paragraph (2), if an insured having flood insurance coverage under a policy issued under the program under this title by the Administrator or a company, insurer, or entity offering flood insurance coverage under such program (in this subsection referred to as a 'participating company') has wind or other homeowners coverage from any company, insurer, or other entity covering property covered by such flood insurance, in the case of damage to such property that may have been caused by flood or by wind, the Administrator and the participating company, upon the request of the insured, shall provide to the insured, within 30 days of such request—

''(A) a copy of the estimate of structure damage;

''(B) proofs of loss;

''(C) any expert or engineering reports or documents commissioned by or relied upon by the Administrator or participating company in determining whether the damage was caused by flood or any other peril; and

''(D) the Administrator's or the participating company's final determination on the claim.

''(2) TIMING.—Paragraph (1) shall apply only with respect to a request described in such paragraph made by an insured after the Administrator or the participating company, or both, as applicable, have issued a final decision on the flood claim involved and resolution of all appeals with respect to such claim.''.

SEC. 3023. FEMA AUTHORITY TO REJECT TRANSFER OF POLICIES.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

''(e) FEMA AUTHORITY TO REJECT TRANSFER OF POLICIES.—Notwithstanding any other provision of this Act, the Administrator may, at the discretion of the Administrator, refuse to accept the transfer of the administration of policies for coverage under the flood insurance program under this title that are written and administered by any insurance company or other insurer, or any insurance agent or broker.''.

SEC. 3024. APPEALS.

(a) TELEVISION AND RADIO ANNOUNCEMENT.—Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (a), by inserting after ''determinations'' by inserting the following: ''by notifying a local television and radio station,''; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: ''and shall notify a local television and radio station at least once during the same 10-day period''.

(b) EXTENSION OF APPEALS PERIOD.—Subsection (b) of section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(b)) is amended—

(1) by striking ''(b) The Director'' and inserting ''(b)(1) The Administrator''; and

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

''(2) The Administrator shall grant an extension of the 90-day period for appeals referred to in paragraph (1) for 90 additional days if an affected community certifies to the Administrator, after the expiration of at least 60 days of such period, that the community—

''(A) believes there are property owners or lessees in the community who are unaware of such period for appeals; and

''(B) will utilize the extension under this paragraph to notify property owners or lessees who are affected by the proposed flood elevation determinations of the period for appeals and the opportunity to appeal the determinations proposed by the Administrator.''.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to any flood elevation determination for any area in a community that has not, as of the date of the enactment of this Act, been issued a Letter of Final Determination for such determination under the flood insurance map modernization process.

SEC. 3025. RESERVE FUND.

(a) ESTABLISHMENT.—Chapter I of the National Flood Insurance Act of 1968 is amended by inserting after section 1310 (42 U.S.C. 4017) the following new section:

''SEC. 1310A. RESERVE FUND.

''(a) ESTABLISHMENT OF RESERVE FUND.—In carrying out the flood insurance program authorized by this title, the Administrator shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the 'Reserve Fund') which shall—

''(1) be an account separate from any other accounts or funds available to the Administrator; and

''(2) be available for meeting the expected future obligations of the flood insurance program.

''(b) RESERVE RATIO.—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

''(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

''(2) such higher percentage as the Administrator determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

''(c) MAINTENANCE OF RESERVE RATIO.—

''(1) IN GENERAL.—The Administrator shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

''(A) to maintain the reserve ratio required under subsection (b); and

''(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

''(2) CONSIDERATIONS.—In exercising the authority under paragraph (1), the Administrator shall consider—

''(A) the expected operating expenses of the Reserve Fund;

''(B) the insurance loss expenditures under the flood insurance program;

''(C) any investment income generated under the flood insurance program; and

''(D) any other factor that the Administrator determines appropriate.

''(3) LIMITATIONS.—In exercising the authority under paragraph (1), the Administrator shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates and annual increases of such rates.

''(d) PHASE-IN REQUIREMENTS.—The phase-in requirements under this subsection are as follows:

''(1) IN GENERAL.—Beginning in fiscal year 2012 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Administrator shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(2) AMOUNT SATISFIED.—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Administrator shall not be required to set aside any amounts for the Reserve Fund.

''(3) EXCEPTION.—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Administrator shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(e) LIMITATION ON RESERVE RATIO.—In any given fiscal year, if the Administrator determines that the reserve ratio required under subsection (b) cannot be achieved, the Administrator shall submit a report to the Congress that—

''(1) describes and details the specific concerns of the Administrator regarding such consequences;

''(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

''(3) indicates the maximum attainable reserve ratio for that particular fiscal year.

''(f) AVAILABILITY OF AMOUNTS.—The reserve ratio requirements under subsection (b) and the phase-in requirements under subsection (d) shall be subject to the availability of amounts in the National Flood Insurance Fund for transfer under section 1310(a)(10), as provided in section 1310(f).''.

(b) FUNDING.—Subsection (a) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (8), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

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

''(10) for transfers to the National Flood Insurance Reserve Fund under section 1310A, in accordance with such section.''.

SEC. 3026. CDBG ELIGIBILITY FOR FLOOD INSURANCE OUTREACH ACTIVITIES AND COMMUNITY BUILDING CODE ADMINISTRATION GRANTS.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(26) supplementing existing State or local funding for administration of building code enforcement by local building code enforcement departments, including for increasing staffing, providing staff training, increasing staff competence and professional qualifications, and supporting individual certification or departmental accreditation, and for capital expenditures specifically dedicated to the administration of the building code enforcement department, except that, to be eligible to use amounts as provided in this paragraph—

''(A) a building code enforcement department shall provide matching, non-Federal funds to be used in conjunction with amounts used under this paragraph in an amount—

''(i) in the case of a building code enforcement department serving an area with a population of more than 50,000, equal to not less than 50 percent of the total amount of any funds made available under this title that are used under this paragraph;

''(ii) in the case of a building code enforcement department serving an area with a population of between 20,001 and 50,000, equal to not less than 25 percent of the total amount of any funds made available under this title that are used under this paragraph; and

''(iii) in the case of a building code enforcement department serving an area with a population of less than 20,000, equal to not less than 12.5 percent of the total amount of any funds made available under this title that are used under this paragraph,

except that the Secretary may waive the matching fund requirements under this subparagraph, in whole or in part, based upon the level of economic distress of the jurisdiction in which is located the local building code enforcement department that is using amounts for purposes under this paragraph, and shall waive such matching fund requirements in whole for any recipient jurisdiction that has dedicated all building code permitting fees to the conduct of local building code enforcement; and

''(B) any building code enforcement department using funds made available under this title for purposes under this paragraph shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer; and

''(27) provision of assistance to local governmental agencies responsible for floodplain management activities (including such agencies of Indians tribes, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) in communities that participate in the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), only for carrying out outreach activities to encourage and facilitate the purchase of flood insurance protection under such Act by owners and renters of properties in such communities and to promote educational activities that increase awareness of flood risk reduction; except that—

''(A) amounts used as provided under this paragraph shall be used only for activities designed to—

''(i) identify owners and renters of properties in communities that participate in the national flood insurance program, including owners of residential and commercial properties;

''(ii) notify such owners and renters when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

''(iii) educate such owners and renters regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

''(iv) educate such owners and renters regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under this title for such properties and the contents of such properties;

''(v) encourage such owners and renters to maintain or acquire such coverage;

''(vi) notify such owners of where to obtain information regarding how to obtain such coverage, including a telephone number, mailing address, and Internet site of the Administrator of the Federal Emergency Management Agency (in this paragraph referred to as the 'Administrator') where such information is available; and

''(vii) educate local real estate agents in communities participating in the national flood insurance program regarding the program and the availability of coverage under the program for owners and renters of properties in such communities, and establish coordination and liaisons with such real estate agents to facilitate purchase of coverage under the National Flood Insurance Act of 1968 and increase awareness of flood risk reduction;

''(B) in any fiscal year, a local governmental agency may not use an amount under this paragraph that exceeds 3 times the amount that the agency certifies, as the Secretary, in consultation with the Administrator, shall require, that the agency will contribute from non-Federal funds to be used with such amounts used under this paragraph only for carrying out activities described in subparagraph (A); and for purposes of this subparagraph, the term 'non-Federal funds' includes State or local government agency amounts, in-kind contributions, any salary paid to staff to carry out the eligible activities of the local governmental agency involved, the value of the time and services contributed by volunteers to carry out such services (at a rate determined by the Secretary), and the value of any donated material or building and the value of any lease on a building;

''(C) a local governmental agency that uses amounts as provided under this paragraph may coordinate or contract with other agencies and entities having particular capacities, specialties, or experience with respect to certain populations or constituencies, including elderly or disabled families or persons, to carry out activities described in subparagraph (A) with respect to such populations or constituencies; and

''(D) each local government agency that uses amounts as provided under this paragraph shall submit a report to the Secretary and the Administrator, not later than 12 months after such amounts are first received, which shall include such information as the Secretary and the Administrator jointly consider appropriate to describe the activities conducted using such amounts and the effect of such activities on the retention or acquisition of flood insurance coverage.''.

SEC. 3027. TECHNICAL CORRECTIONS.

(a) FLOOD DISASTER PROTECTION ACT OF 1973.—The Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.) is amended—

(1) by striking ''Director'' each place such term appears, except in section 102(f)(3) (42 U.S.C. 4012a(f)(3)), and inserting ''Administrator''; and

(2) in section 201(b) (42 U.S.C. 4105(b)), by striking ''Director's'' and inserting ''Administrator's''.

(b) NATIONAL FLOOD INSURANCE ACT OF 1968.—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) by striking ''Director'' each place such term appears and inserting ''Administrator''; and

(2) in section 1363 (42 U.S.C. 4104), by striking ''Director's'' each place such term appears and inserting ''Administrator's''.

(c) FEDERAL FLOOD INSURANCE ACT OF 1956.—Section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)) is amended by striking ''Director'' each place such term appears and inserting ''Administrator''.

SEC. 3028. REQUIRING COMPETITION FOR NATIONAL FLOOD INSURANCE PROGRAM POLICIES.

(a) REPORT.—Not later than the expiration of the 90-day period beginning upon the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency, in consultation with insurance companies, insurance agents and other organizations with which the Administrator has contracted, shall submit to the Congress a report describing procedures and policies that the Administrator shall implement to limit the percentage of policies for flood insurance coverage under the national flood insurance program that are directly managed by the Agency to not more than 10 percent of the aggregate number of flood insurance policies in force under such program.

(b) IMPLEMENTATION.—Upon submission of the report under subsection (a) to the Congress, the Administrator shall implement the policies and procedures described in the report. The Administrator shall, not later than the expiration of the 12-month period beginning upon submission of such report, reduce the number of policies for flood insurance coverage that are directly managed by the Agency, or by the Agency's direct servicing contractor that is not an insurer, to not more than 10 percent of the aggregate number of flood insurance policies in force as of the expiration of such 12-month period.

(c) CONTINUATION OF CURRENT AGENT RELATIONSHIPS.—In carrying out subsection (b), the Administrator shall ensure that—

(1) agents selling or servicing policies described in such subsection are not prevented from continuing to sell or service such policies; and

(2) insurance companies are not prevented from waiving any limitation such companies could otherwise enforce to limit any such activity.

SEC. 3029. STUDIES OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.

(a) STUDIES.—The Administrator of the Federal Emergency Management Agency and the Comptroller General of the United States shall each conduct a separate study to assess options, methods, and strategies for offering voluntary community-based flood insurance policy options and incorporating such options into the national flood insurance program. Such studies shall take into consideration and analyze how the policy options would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches.

(b) REPORTS.—Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency and the Comptroller General of the United States shall each submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results and conclusions of the study such agency conducted under subsection (a), and each such report shall include recommendations for the best manner to incorporate voluntary community-based flood insurance options into the national flood insurance program and for a strategy to implement such options that would encourage communities to undertake flood mitigation activities.

SEC. 3030. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction;

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage;

(7) the impact of such a building code requirement on rural communities with different building code challenges than more urban environments; and

(8) the impact of such a building code requirement on Indian reservations.

SEC. 3031. STUDY ON GRADUATED RISK.

(a) STUDY.—The National Academy of Sciences shall conduct a study exploring methods for understanding graduated risk behind levees and the associated land development, insurance, and risk communication dimensions, which shall—

(1) research, review, and recommend current best practices for estimating direct annualized flood losses behind levees for residential and commercial structures;

(2) rank such practices based on their best value, balancing cost, scientific integrity, and the inherent uncertainties associated with all aspects of the loss estimate, including geotechnical engineering, flood frequency estimates, economic value, and direct damages;

(3) research, review, and identify current best floodplain management and land use practices behind levees that effectively balance social, economic, and environmental considerations as part of an overall flood risk management strategy;

(4) identify examples where such practices have proven effective and recommend methods and processes by which they could be applied more broadly across the United States, given the variety of different flood risks, State and local legal frameworks, and evolving judicial opinions;

(5) research, review, and identify a variety of flood insurance pricing options for flood hazards behind levees which are actuarially sound and based on the flood risk data developed using the top three best value approaches identified pursuant to paragraph (1);

(6) evaluate and recommend methods to reduce insurance costs through creative arrangements between insureds and insurers while keeping a clear accounting of how much financial risk is being borne by various parties such that the entire risk is accounted for, including establishment of explicit limits on disaster aid or other assistance in the event of a flood; and

(7) taking into consideration the recommendations pursuant to paragraphs (1) through (3), recommend approaches to communicating the associated risks to community officials, homeowners, and other residents.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the National Academy of Sciences shall submit a report to the Committees on Financial Services and Science, Space, and Technology of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Commerce, Science and Transportation of the Senate on the study under subsection (a) including the information and recommendations required under such subsection.

SEC. 3032. REPORT ON FLOOD-IN-PROGRESS DETERMINATION.

The Administrator of the Federal Emergency Management Agency shall review the processes and procedures for determining that a flood event has commenced or is in progress for purposes of flood insurance coverage made available under the national flood insurance program under the National Flood Insurance Act of 1968 and for providing public notification that such an event has commenced or is in progress. In such review, the Administrator shall take into consideration the effects and implications that weather conditions, such as rainfall, snowfall, projected snowmelt, existing water levels, and other conditions have on the determination that a flood event has commenced or is in progress. Not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, the Administrator shall submit a report to the Congress setting forth the results and conclusions of the review undertaken pursuant to this section and any actions undertaken or proposed actions to be taken to provide for a more precise and technical determination that a flooding event has commenced or is in progress.

SEC. 3033. STUDY ON REPAYING FLOOD INSURANCE DEBT.

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Congress setting forth a plan for repaying within 10 years all amounts, including any amounts previously borrowed but not yet repaid, owed pursuant to clause (2) of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)).

SEC. 3034. NO CAUSE OF ACTION.

No cause of action shall exist and no claim may be brought against the United States for violation of any notification requirement imposed upon the United States by this title or any amendment made by this title.

SEC. 3035. AUTHORITY FOR THE CORPS OF ENGINEERS TO PROVIDE SPECIALIZED OR TECHNICAL SERVICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the request of a State or local government, the Secretary of the Army may evaluate a levee system that was designed or constructed by the Secretary for the purposes of the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(b) REQUIREMENTS.—A levee system evaluation under subsection (a) shall—

(1) comply with applicable regulations related to areas protected by a levee system;

(2) be carried out in accordance with such procedures as the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, may establish; and

(3) be carried out only if the State or local government agrees to reimburse the Secretary for all cost associated with the performance of the activities.

TITLE IV—JUMPSTARTING OPPORTUNITY WITH BROADBAND SPECTRUM ACT OF 2011

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Jumpstarting Opportunity with Broadband Spectrum Act of 2011'' or the ''JOBS Act of 2011''.

SEC. 4002. DEFINITIONS.

In this title:

(1) 700 MHZ D BLOCK SPECTRUM.—The term ''700 MHz D block spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(2) 700 MHZ PUBLIC SAFETY GUARD BAND SPECTRUM.—The term ''700 MHz public safety guard band spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 768 megahertz to 769 megahertz and between the frequencies from 798 megahertz to 799 megahertz.

(3) 700 MHZ PUBLIC SAFETY NARROWBAND SPECTRUM.—The term ''700 MHz public safety narrowband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(4) ADMINISTRATOR.—The term ''Administrator'' means the entity selected under section 4203(a) to serve as Administrator of the National Public Safety Communications Plan.

(5) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(6) BOARD.—The term ''Board'' means the Public Safety Communications Planning Board established under section 4202(a)(1).

(7) BROADCAST TELEVISION LICENSEE.—The term ''broadcast television licensee'' means the licensee of—

(A) a full-power television station; or

(B) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

(8) BROADCAST TELEVISION SPECTRUM.—The term ''broadcast television spectrum'' means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, and from 470 megahertz to 698 megahertz.

(9) COMMERCIAL MOBILE DATA SERVICE.—The term ''commercial mobile data service'' means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service;

(B) provided for profit; and

(C) available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.

(10) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given such term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

(11) COMMERCIAL STANDARDS.—The term ''commercial standards'' means the technical standards followed by the commercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Task Force (IETF), and the International Telecommunication Union (ITU).

(12) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(13) EMERGENCY CALL.—The term ''emergency call'' means any real-time communication with

a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(14) FORWARD AUCTION.—The term ''forward auction'' means the portion of an incentive auction of broadcast television spectrum under section 4104(c).

(15) INCENTIVE AUCTION.—The term ''incentive auction'' means a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 4103.

(16) MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.—The term ''multichannel video programming distributor'' has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(17) NATIONAL PUBLIC SAFETY COMMUNICATIONS PLAN.—The term ''National Public Safety Communications Plan'' or ''Plan'' means the plan adopted under section 4202(c).

(18) NEXT GENERATION 9–1–1 SERVICES.—The term ''Next Generation 9–1–1 services'' means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

(19) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration.

(20) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(21) PUBLIC SAFETY BROADBAND SPECTRUM.—The term ''public safety broadband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 763 megahertz to 768 megahertz and between the frequencies from 793 megahertz to 798 megahertz.

(22) PUBLIC SAFETY COMMUNICATIONS.—The term ''public safety communications'' means communications by providers of public safety services.

(23) PUBLIC SAFETY SERVICES.—The term ''public safety services'' has the meaning given such term in section 337 of the Communications Act of 1934 (47 U.S.C. 337).

(24) REVERSE AUCTION.—The term ''reverse auction'' means the portion of an incentive auction of broadcast television spectrum under section 4104(a), in which a broadcast television licensee may submit bids stating the amount it would accept for voluntarily relinquishing some or all of its broadcast television spectrum usage rights.

(25) SPECTRUM LICENSED TO THE ADMINISTRATOR.—The term ''spectrum licensed to the Administrator'' means the portion of the electromagnetic spectrum that the Administrator is licensed to use under section 4201(a).

(26) STATE.—The term ''State'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(27) STATE PUBLIC SAFETY BROADBAND COMMUNICATIONS NETWORK.—The term ''State public safety broadband communications network'' means a broadband network for public safety communications established by a State Public Safety Broadband Office, in accordance with the National Public Safety Communications Plan, using the spectrum licensed to the Administrator.

(28) STATE PUBLIC SAFETY BROADBAND OFFICE.—The term ''State Public Safety Broadband Office'' means an office established or designated under section 4221(a).

(29) ULTRA HIGH FREQUENCY.—The term ''ultra high frequency'' means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 470 megahertz to 698 megahertz.

(30) VERY HIGH FREQUENCY.—The term ''very high frequency'' means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, or from 174 megahertz to 216 megahertz.

SEC. 4003. RULE OF CONSTRUCTION.

Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

SEC. 4004. ENFORCEMENT.

(a) IN GENERAL.—The Commission shall implement and enforce this title as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this title, or a regulation promulgated under this title, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) EXCEPTIONS.—

(1) OTHER AGENCIES.—Subsection (a) does not apply in the case of a provision of this title that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

(2) NTIA REGULATIONS.—The Assistant Secretary may promulgate such regulations as are necessary to implement and enforce any provision of this title that is expressly required to be carried out by the Assistant Secretary.

SEC. 4005. NATIONAL SECURITY RESTRICTIONS ON USE OF FUNDS AND AUCTION PARTICIPATION.

(a) USE OF FUNDS.—No funds made available by section 4102 or subtitle B may be used to make payments under a contract to a person described in subsection (c).

(b) AUCTION PARTICIPATION.—A person described in subsection (c) may not participate in a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))—

(1) that is required to be conducted by this title; or

(2) in which any spectrum usage rights for which licenses are being assigned were made available under clause (i) of subparagraph (G) of paragraph (8) of such section, as added by section 4103.

(c) PERSON DESCRIBED.—A person described in this subsection is a person who has been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

Subtitle A—Spectrum Auction Authority

SEC. 4101. DEADLINES FOR AUCTION OF CERTAIN SPECTRUM.

(a) CLEARING CERTAIN FEDERAL SPECTRUM.—

(1) IN GENERAL.—The President shall—

(A) not later than 3 years after the date of the enactment of this Act, begin the process of withdrawing or modifying the assignment to a Federal Government station of the electromagnetic spectrum described in paragraph (2); and

(B) not later than 30 days after completing the withdrawal or modification, notify the Commission that the withdrawal or modification is complete.

(2) SPECTRUM DESCRIBED.—The electromagnetic spectrum described in this paragraph is the following:

(A) The frequencies between 1755 megahertz and 1780 megahertz, except that if—

(i) the Secretary of Commerce—

(I) determines that such frequencies cannot be reallocated for non-Federal use because incumbent Federal operations cannot be eliminated, relocated to other spectrum, or accommodated through other means;

(II) identifies other spectrum for reallocation for non-Federal use that the Secretary of Commerce determines can reasonably be expected to produce a comparable amount of net auction proceeds; and

(III) submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that identifies such spectrum and explains the determinations under subclauses (I) and (II); and

(ii) not later than 1 year after the date of the submission of such report, there is enacted a law approving the substitution of the spectrum identified under clause (i)(II) for the frequencies between 1755 megahertz and 1780 megahertz;

the spectrum described in this subparagraph shall be the spectrum identified under such clause.

(B) The 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz identified under paragraph (3).

(C) The frequencies between 3550 megahertz and 3650 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands''.

(3) IDENTIFICATION BY SECRETARY OF COMMERCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the President a report identifying 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz for reallocation from Federal use to non-Federal use.

(b) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—Notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than 3 years after the date of the enactment of this Act, the Commission shall, except as provided in paragraph (4)—

(A) allocate the spectrum described in paragraph (2) for commercial use; and

(B) through a system of competitive bidding under such section, grant new initial licenses for the use of such spectrum, subject to flexible-use service rules.

(2) SPECTRUM DESCRIBED.—The spectrum described in this paragraph is the following:

(A) The frequencies between 1915 megahertz and 1920 megahertz, paired with the frequencies between 1995 megahertz and 2000 megahertz.

(B) The frequencies described in subsection (a)(2)(A).

(C) The frequencies between 2155 megahertz and 2180 megahertz.

(D) The 15 megahertz of spectrum identified under subsection (a)(3), paired with 15 megahertz of contiguous spectrum to be identified by the Commission.

(E) The frequencies described in subsection (a)(2)(C).

(3) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(4) DETERMINATION BY COMMISSION.—If the Commission determines that either band of frequencies described in paragraph (2)(A) cannot

be used without causing harmful interference to commercial mobile service licensees in the frequencies between 1930 megahertz and 1995 megahertz, the Commission may not—

(A) allocate for commercial use under paragraph (1)(A) either band described in paragraph (2)(A); or

(B) grant licenses under paragraph (1)(B) for the use of either band described in paragraph (2)(A).

(c) AUCTION PROCEEDS.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking ''(D), and (E),'' and inserting ''(D), (E), (F), and (G),'';

(2) in subparagraph (C)(i), by striking ''subparagraph (E)(ii)'' and inserting ''subparagraphs (D)(ii), (E)(ii), (F), and (G)'';

(3) in subparagraph (D)—

(A) by striking the heading and inserting ''PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM'';

(B) by striking ''Cash'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), cash''; and

(C) by adding at the end the following:

''(ii) CERTAIN OTHER PROCEEDS.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by section 4101(b)(1)(B) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, such portion of such proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 4241(a)(1) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.''; and

(4) by adding at the end the following:

''(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B) and (D)(ii), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to section 4101(b)(1)(B) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011 shall be deposited in the Public Safety Trust Fund established by section 4241(a)(1) of such Act.''.

SEC. 4102. 700 MHZ PUBLIC SAFETY NARROWBAND SPECTRUM AND GUARD BAND SPECTRUM.

(a) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—On the date that is 5 years after a certification by the Administrator to the Commission of the availability of standards for public safety voice over broadband, the Commission shall, notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))—

(A) reallocate the 700 MHz public safety narrowband spectrum and the 700 MHz public safety guard band spectrum for commercial use; and

(B) begin a system of competitive bidding under such section to grant new initial licenses for the use of such spectrum.

(2) AUCTION PROCEEDS.—Notwithstanding subparagraphs (A) and (C)(i) of paragraph (8) of such section, not more than $1,000,000,000 of the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding pursuant to paragraph (1)(B) shall be available to the Assistant Secretary to carry out subsection (b) and shall remain available until expended.

(b) GRANTS FOR PUBLIC SAFETY RADIO EQUIPMENT.—

(1) IN GENERAL.—From amounts made available under subsection (a)(2), the Assistant Secretary shall make grants to States for the acquisition of public safety radio equipment.

(2) APPLICATION.—The Assistant Secretary may only make a grant under this subsection to a State that submits an application at such time, in such form, and containing such information and assurances as the Assistant Secretary may require.

(3) QUARTERLY REPORTS.—

(A) FROM GRANTEES TO NTIA.—A State receiving grant funds under this subsection shall, not later than 3 months after receiving such funds and not less frequently than quarterly thereafter until the date that is 1 year after all such funds have been expended, submit to the Assistant Secretary a report on the use of grant funds by such State.

(B) FROM NTIA TO CONGRESS.—Not later than 6 months after making the first grant under this subsection and not less frequently than quarterly thereafter until the date that is 18 months after all such funds have been expended by the grantees, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(i) summarizes the reports submitted by grantees under subparagraph (A); and

(ii) describes and evaluates the use of grant funds disbursed under this subsection.

(c) CONFORMING AMENDMENTS.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''Not later than January 1, 1998, the'' and inserting ''The''; and

(B) by inserting ''for either public safety services or commercial use,'' after ''inclusive,'';

(2) in paragraph (1)—

(A) by striking ''24 megahertz'' and inserting ''Not more than 34 megahertz''; and

(B) by striking '', in consultation with the Secretary of Commerce and the Attorney General; and'' and inserting a period; and

(3) in paragraph (2), by striking ''36 megahertz'' and inserting ''Not more than 40 megahertz''.

SEC. 4103. GENERAL AUTHORITY FOR INCENTIVE AUCTIONS.

Section 309(j)(8) of the Communications Act of 1934, as amended by section 4101(c), is further amended by adding at the end the following:

''(G) INCENTIVE AUCTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Commission may encourage a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to flexible-use service rules by sharing with such licensee a portion, based on the value of the relinquished rights as determined in the reverse auction required by clause (ii)(I), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection.

''(ii) LIMITATIONS.—The Commission may not enter into an agreement for a licensee to relinquish spectrum usage rights in exchange for a share of auction proceeds under clause (i) unless—

''(I) the Commission conducts a reverse auction to determine the amount of compensation that licensees would accept in return for voluntarily relinquishing spectrum usage rights; and

''(II) at least two competing licensees participate in the reverse auction.

''(iii) TREATMENT OF REVENUES.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the proceeds (including deposits and upfront payments from successful bidders) from any auction, prior to the end of fiscal year 2021, of spectrum usage rights made available under clause (i) that are not shared with licensees under such clause shall be deposited as follows:

''(I) $3,000,000,000 of the proceeds from the incentive auction of broadcast television spectrum required by section 4104 of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011 shall be deposited in the TV Broadcaster Relocation Fund established by subsection (d)(1) of such section.

''(II) All other proceeds shall be deposited—

''(aa) prior to the end of fiscal year 2021, in the Public Safety Trust Fund established by section 4241(a)(1) of such Act; and

''(bb) after the end of fiscal year 2021, in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction.

''(iv) CONGRESSIONAL NOTIFICATION.—At least 3 months before any incentive auction conducted under this subparagraph, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress of the methodology for calculating the amounts that will be shared with licensees under clause (i).

''(v) DEFINITION.—In this subparagraph, the term 'appropriate committees of Congress' means—

''(I) the Committee on Commerce, Science, and Transportation of the Senate;

''(II) the Committee on Appropriations of the Senate;

''(III) the Committee on Energy and Commerce of the House of Representatives; and

''(IV) the Committee on Appropriations of the House of Representatives.''.

SEC. 4104. SPECIAL REQUIREMENTS FOR INCENTIVE AUCTION OF BROADCAST TV SPECTRUM.

(a) REVERSE AUCTION TO IDENTIFY INCENTIVE AMOUNT.—

(1) IN GENERAL.—The Commission shall conduct a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 4103.

(2) ELIGIBLE RELINQUISHMENTS.—A relinquishment of usage rights for purposes of paragraph (1) shall include the following:

(A) Relinquishing all usage rights with respect to a particular television channel without receiving in return any usage rights with respect to another television channel.

(B) Relinquishing all usage rights with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel.

(C) Relinquishing usage rights in order to share a television channel with another licensee.

(3) CONFIDENTIALITY.—The Commission shall take all reasonable steps necessary to protect the confidentiality of Commission-held data of a licensee participating in the reverse auction under paragraph (1), including withholding the identity of such licensee until the reassignments and reallocations (if any) under subsection (b)(1)(B) become effective, as described in subsection (f)(2).

(4) PROTECTION OF CARRIAGE RIGHTS OF LICENSEES SHARING A CHANNEL.—A broadcast television station that voluntarily relinquishes spectrum usage rights under this subsection in order to share a television channel and that possessed carriage rights under section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) on November 30, 2010, shall have, at its shared location, the carriage rights under such section that would apply to such station at such location if it were not sharing a channel.

(b) REORGANIZATION OF BROADCAST TV SPECTRUM.—

(1) IN GENERAL.—For purposes of making available spectrum to carry out the forward auction under subsection (c)(1), the Commission—

(A) shall evaluate the broadcast television spectrum (including spectrum made available through the reverse auction under subsection (a)(1)); and

(B) may, subject to international coordination along the border with Mexico and Canada—

(i) make such reassignments of television channels as the Commission considers appropriate; and

(ii) reallocate such portions of such spectrum as the Commission determines are available for reallocation.

(2) FACTORS FOR CONSIDERATION.—In making any reassignments or reallocations under paragraph (1)(B), the Commission shall make all reasonable efforts to preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee, as determined using the methodology described in OET Bulletin 69 of the Office of Engineering and Technology of the Commission.

(3) NO INVOLUNTARY RELOCATION FROM UHF TO VHF.—In making any reassignments under paragraph (1)(B)(i), the Commission may not involuntarily reassign a broadcast television licensee—

(A) from an ultra high frequency television channel to a very high frequency television channel; or

(B) from a television channel between the frequencies from 174 megahertz to 216 megahertz to a television channel between the frequencies from 54 megahertz to 88 megahertz.

(4) PAYMENT OF RELOCATION COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from amounts made available under subsection (d)(2), the Commission shall reimburse costs reasonably incurred by—

(i) a broadcast television licensee that was reassigned under paragraph (1)(B)(i) from one ultra high frequency television channel to a different ultra high frequency television channel, from one very high frequency television channel to a different very high frequency television channel, or, in accordance with subsection (g)(1)(B), from a very high frequency television channel to an ultra high frequency television channel, in order for the licensee to relocate its television service from one channel to the other; or

(ii) a multichannel video programming distributor in order to continue to carry the signal of a broadcast television licensee that—

(I) is described in clause (i);

(II) voluntarily relinquishes spectrum usage rights under subsection (a) with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel; or

(III) voluntarily relinquishes spectrum usage rights under subsection (a) to share a television channel with another licensee.

(B) REGULATORY RELIEF.—In lieu of reimbursement for relocation costs under subparagraph (A), a broadcast television licensee may accept, and the Commission may grant as it considers appropriate, a waiver of the service rules of the Commission to permit the licensee, subject to interference protections, to make flexible use of the spectrum assigned to the licensee to provide services other than broadcast television services. Such waiver shall only remain in effect while the licensee provides at least 1 broadcast television program stream on such spectrum at no charge to the public.

(C) LIMITATION.—The Commission may not make reimbursements under subparagraph (A) for lost revenues.

(D) DEADLINE.—The Commission shall make all reimbursements required by subparagraph (A) not later than the date that is 3 years after the completion of the forward auction under subsection (c)(1).

(5) LOW-POWER TELEVISION USAGE RIGHTS.—Nothing in this subsection shall be construed to alter the spectrum usage rights of low-power television stations.

(c) FORWARD AUCTION.—

(1) AUCTION REQUIRED.—The Commission shall conduct a forward auction in which—

(A) the Commission assigns licenses for the use of the spectrum that the Commission reallocates under subsection (b)(1)(B)(ii); and

(B) the amount of the proceeds that the Commission shares under clause (i) of section 309(j)(8)(G) of the Communications Act of 1934 with each licensee whose bid the Commission accepts in the reverse auction under subsection (a)(1) is not less than the amount of such bid.

(2) MINIMUM PROCEEDS.—

(A) IN GENERAL.—If the amount of the proceeds from the forward auction under paragraph (1) is not greater than the sum described in subparagraph (B), no licenses shall be assigned through such forward auction, no reassignments or reallocations under subsection (b)(1)(B) shall become effective, and the Commission may not revoke any spectrum usage rights by reason of a bid that the Commission accepts in the reverse auction under subsection (a)(1).

(B) SUM DESCRIBED.—The sum described in this subparagraph is the sum of—

(i) the total amount of compensation that the Commission must pay successful bidders in the reverse auction under subsection (a)(1);

(ii) the costs of conducting such forward auction that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)); and

(iii) the estimated costs for which the Commission is required to make reimbursements under subsection (b)(4)(A).

(C) ADMINISTRATIVE COSTS.—The amount of the proceeds from the forward auction under paragraph (1) that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) shall be sufficient to cover the costs incurred by the Commission in conducting the reverse auction under subsection (a)(1), conducting the evaluation of the broadcast television spectrum under subparagraph (A) of subsection (b)(1), and making any reassignments or reallocations under subparagraph (B) of such subsection, in addition to the costs incurred by the Commission in conducting such forward auction.

(3) FACTOR FOR CONSIDERATION.—In conducting the forward auction under paragraph (1), the Commission shall consider assigning licenses that cover geographic areas of a variety of different sizes.

(d) TV BROADCASTER RELOCATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the TV Broadcaster Relocation Fund.

(2) PAYMENT OF RELOCATION COSTS.—Any amounts borrowed under paragraph (3)(A) and any amounts in the TV Broadcaster Relocation Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission to make the payments required by subsection (b)(4)(A).

(3) BORROWING AUTHORITY.—

(A) IN GENERAL.—Beginning on the date when any reassignments or reallocations under subsection (b)(1)(B) become effective, as provided in subsection (f)(2), and ending when $1,000,000,000 has been deposited in the TV Broadcaster Relocation Fund, the Commission may borrow from the Treasury of the United States an amount not to exceed $1,000,000,000 to use toward the payments required by subsection (b)(4)(A).

(B) REIMBURSEMENT.—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subparagraph (A) as funds are deposited into the TV Broadcaster Relocation Fund.

(4) TRANSFER OF UNUSED FUNDS.—If any amounts remain in the TV Broadcaster Relocation Fund after the date that is 3 years after the completion of the forward auction under subsection (c)(1), the Secretary of the Treasury shall—

(A) prior to the end of fiscal year 2021, transfer such amounts to the Public Safety Trust Fund established by section 4241(a)(1); and

(B) after the end of fiscal year 2021, transfer such amounts to the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(e) NUMERICAL LIMITATION ON AUCTIONS AND REORGANIZATION.—The Commission may not complete more than one reverse auction under subsection (a)(1) or more than one reorganization of the broadcast television spectrum under subsection (b).

(f) TIMING.—

(1) CONTEMPORANEOUS AUCTIONS AND REORGANIZATION PERMITTED.—The Commission may conduct the reverse auction under subsection (a)(1), any reassignments or reallocations under subsection (b)(1)(B), and the forward auction under subsection (c)(1) on a contemporaneous basis.

(2) EFFECTIVENESS OF REASSIGNMENTS AND REALLOCATIONS.—Notwithstanding paragraph (1), no reassignments or reallocations under subsection (b)(1)(B) shall become effective until the completion of the reverse auction under subsection (a)(1) and the forward auction under subsection (c)(1), and, to the extent practicable, all such reassignments and reallocations shall become effective simultaneously.

(3) DEADLINE.—The Commission may not conduct the reverse auction under subsection (a)(1) or the forward auction under subsection (c)(1) after the end of fiscal year 2021.

(4) LIMIT ON DISCRETION REGARDING AUCTION TIMING.—Section 309(j)(15)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(A)) shall not apply in the case of an auction conducted under this section.

(g) LIMITATION ON REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—During the period described in paragraph (2), the Commission may not—

(A) involuntarily modify the spectrum usage rights of a broadcast television licensee or reassign such a licensee to another television channel except—

(i) in accordance with this section; or

(ii) in the case of a violation by such licensee of the terms of its license or a specific provision of a statute administered by the Commission, or a regulation of the Commission promulgated under any such provision; or

(B) reassign a broadcast television licensee from a very high frequency television channel to an ultra high frequency television channel, unless such a reassignment will not decrease the total amount of ultra high frequency spectrum made available for reallocation under this section.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date of the enactment of this Act and ending on the earliest of—

(A) the first date when the reverse auction under subsection (a)(1), the reassignments and reallocations (if any) under subsection (b)(1)(B), and the forward auction under subsection (c)(1) have been completed;

(B) the date of a determination by the Commission that the amount of the proceeds from the forward auction under subsection (c)(1) is not greater than the sum described in subsection (c)(2)(B); or

(C) September 30, 2021.

(h) PROTEST RIGHT INAPPLICABLE.—The right of a licensee to protest a proposed order of modification of its license under section 316 of the Communications Act of 1934 (47 U.S.C. 316) shall not apply in the case of a modification made under this section.

(i) COMMISSION AUTHORITY.—Nothing in subsection (b) shall be construed to—

(1) expand or contract the authority of the Commission, except as otherwise expressly provided; or

(2) prevent the implementation of the Commission's ''White Spaces'' Second Report and Order and Memorandum Opinion and Order (FCC 08–260, adopted November 4, 2008) in the spectrum that remains allocated for broadcast television use after the reorganization required by such subsection.

SEC. 4105. ADMINISTRATION OF AUCTIONS BY COMMISSION.

Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new paragraphs:

''(17) CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.—Notwithstanding any other provision of law, the Commission may not prevent a person from participating in a system of competitive bidding under this subsection if such person—

''(A) meets the technical, financial, and character qualifications required by sections 303(l)(1), 308(b), and 310 to hold a license; or

''(B) could meet such qualifications prior to the grant of the license.

''(18) CERTAIN LICENSING CONDITIONS PROHIBITED.—In assigning licenses through a system of competitive bidding under this subsection, the Commission may not impose any condition on the licenses assigned through such system that—

''(A) limits the ability of a licensee to manage the use of its network, including management of the use of applications, services, or devices on its network, or to prioritize the traffic on its network as it chooses; or

''(B) requires a licensee to sell access to its network on a wholesale basis.''.

SEC. 4106. EXTENSION OF AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''2012'' and inserting ''2021''.

SEC. 4107. UNLICENSED USE IN THE 5 GHZ BAND.

(a) MODIFICATION OF COMMISSION REGULATIONS TO ALLOW CERTAIN UNLICENSED USE.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the date of the enactment of this Act, the Commission shall begin a proceeding to modify part 15 of title 47, Code of Federal Regulations, to allow unlicensed U–NII devices to operate in the 5350–5470 MHz band.

(2) REQUIRED DETERMINATIONS.—The Commission may make the modification described in paragraph (1) only if the Commission determines that—

(A) licensed users will be protected by technical solutions, including use of existing, modified, or new spectrum-sharing technologies and solutions, such as dynamic frequency selection; and

(B) the primary mission of Federal spectrum users in the 5350–5470 MHz band will not be compromised by the introduction of unlicensed devices.

(b) STUDY BY NTIA.—

(1) IN GENERAL.—The Assistant Secretary, in consultation with the Commission, shall conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal users if unlicensed U–NII devices were allowed to operate in the 5350–5470 MHz band.

(2) SUBMISSION.—Not later than 8 months after the date of the enactment of this Act, the Assistant Secretary shall submit the study required by paragraph (1) to—

(A) the Commission; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) 5350–5470 MHZ BAND DEFINED.—In this section, the term ''5350–5470 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

Subtitle B—Advanced Public Safety Communications

PART 1—NATIONAL IMPLEMENTATION

SEC. 4201. LICENSING OF SPECTRUM TO ADMINISTRATOR.

(a) IN GENERAL.—Not later than 60 days after the initial selection under section 4203(a) of an entity to serve as Administrator, the Commission shall assign to the Administrator a license for the exclusive use of the public safety broadband spectrum and the 700 MHz D block spectrum.

(b) TERM OF LICENSE AND LICENSE CONDITIONS.—

(1) INITIAL LICENSE.—The initial license assigned under subsection (a) shall be for a term of 10 years.

(2) RENEWAL OF LICENSE.—Prior to the expiration of the term of the initial license assigned under subsection (a) or the expiration of any renewal of such license, if the Administrator wishes to continue serving as Administrator after the license expires, the Administrator shall submit to the Commission an application for the renewal of such license in accordance with the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any applicable Commission regulations. Such renewal application shall demonstrate that, during the term of the license that the Administrator is seeking to renew, the Administrator has fulfilled its duties and obligations under this title and the Communications Act of 1934 and has complied with all applicable Commission regulations. A renewal of the initial license granted under subsection (a) or any renewal of such license shall be for a term not to exceed 10 years.

(3) USE OF SPECTRUM.—Except as provided in section 4221(d), the license assigned under subsection (a) and any renewal of such license shall prohibit the Administrator from using the public safety broadband spectrum or the 700 MHz D block spectrum for any purpose other than authorizing the operation of State public safety broadband communications networks in accordance with the National Public Safety Communications Plan.

(4) LIMITATION ON LICENSE CONDITIONS.—The Commission may not place any conditions on the license assigned under subsection (a) or any renewal of such license or, with respect to the spectrum governed by such license, otherwise prohibit any action of the Administrator, a State Public Safety Broadband Office, or an entity with which such an Office has entered into a contract under section 4221(b)(1)(D), except as necessary to—

(A) protect other users from harmful interference;

(B) ensure that such spectrum is used in accordance with the National Public Safety Communications Plan; or

(C) enforce a provision of this title or the Communications Act of 1934 (47 U.S.C. 151 et seq.) that governs the use of such spectrum.

(5) LICENSE CONDITIONED ON SERVICE AS ADMINISTRATOR.—If an entity ceases to serve as Administrator, the Commission shall, as soon as practicable after the Assistant Secretary selects a different entity to serve as Administrator under section 4203(a)(2), transfer to such different entity the license assigned under subsection (a) or any renewal of such license.

(c) ELIMINATION OF D BLOCK AUCTION REQUIREMENT.—Notwithstanding section 309(j)(15)(C)(v) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(C)(v)), the Commission may not assign a license for the use of the 700 MHz D block spectrum except under subsection (a).

(d) DEFINITION OF PUBLIC SAFETY SERVICES.—Section 337(f)(1) of the Communications Act of 1934 (47 U.S.C. 337(f)(1)) is amended—

(1) in subparagraph (A), by striking ''to protect the safety of life, health, or property'' and inserting ''to provide law enforcement, fire and rescue response, or emergency medical assistance (including such assistance provided by ambulance services, hospitals, and urgent care facilities)''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting ''or tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' before the semicolon; and

(B) in clause (ii), by inserting ''or a tribal organization'' after ''a governmental entity''.

(e) CONFORMING AMENDMENTS.—Section 337(d)(3) of the Communications Act of 1934 (47 U.S.C. 337(d)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''public safety services licensees and commercial licensees'';

(2) in subparagraph (A), by inserting ''public safety services licensees and commercial licensees'' before ''to aggregate''; and

(3) in subparagraph (B), by inserting ''commercial licensees'' before ''to disaggregate''.

SEC. 4202. NATIONAL PUBLIC SAFETY COMMUNICATIONS PLAN.

(a) ESTABLISHMENT OF PUBLIC SAFETY COMMUNICATIONS PLANNING BOARD.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish a board to be known as the Public Safety Communications Planning Board.

(2) MEMBERSHIP.—The membership of the Board shall be as follows:

(A) FEDERAL MEMBERS.—

(i) IN GENERAL.—Four Federal members as follows:

(I) The Chairman of the Commission, or a designee.

(II) The Assistant Secretary, or a designee.

(III) The Director of the Office of Emergency Communications in the Department of Homeland Security, or a designee.

(IV) The Director of the National Institute of Standards and Technology, or a designee.

(ii) DESIGNEES.—If a Federal official designates a designee under clause (i), such designee shall be an officer or employee of the agency of the official who is subordinate to the official, except that the Chairman of the Commission may designate another Commissioner of the Commission or an officer or employee of the Commission.

(B) NON-FEDERAL MEMBERS.—Nine non-Federal members as follows:

(i) Two members who represent providers of commercial mobile data service, with one representing providers that have nationwide coverage areas and one representing providers that have regional coverage areas.

(ii) Two members who represent manufacturers of mobile wireless network equipment.

(iii) Five members who represent the interests of State and local governments, chosen to reflect geographic and population density differences across the United States, as follows:

(I) Two members who represent the public safety interests of the States.

(II) One member who represents State and local public safety employees.

(III) Two members who represent other interests of State and local governments, to be determined by the Chairman of the Commission.

(3) SELECTION OF NON-FEDERAL MEMBERS.—

(A) NOMINATION.—For each non-Federal member of the Board, the group that is represented by such member shall, by consensus, nominate an individual to serve as such member and submit the name of the nominee to the Chairman of the Commission.

(B) APPOINTMENT.—The Chairman of the Commission shall appoint the non-Federal members of the Board from the nominations submitted under subparagraph (A). If a group fails to reach consensus on a nominee or to submit a nomination for a member that represents such group, or if the nominee is not qualified under subparagraph (C), the Chairman shall select a member to represent such group.

(C) QUALIFICATIONS.—Each non-Federal member appointed under subparagraph (B) shall meet at least 1 of the following criteria:

(i) PUBLIC SAFETY EXPERIENCE.—Knowledge of and experience in Federal, State, local, or tribal public safety or emergency response.

(ii) TECHNICAL EXPERTISE.—Technical expertise regarding broadband communications, including public safety communications.

(iii) NETWORK EXPERTISE.—Expertise in building, deploying, and operating commercial telecommunications networks.

(iv) FINANCIAL EXPERTISE.—Expertise in financing and funding telecommunications networks.

(4) TERMS OF APPOINTMENT.—

(A) LENGTH.—

(i) FEDERAL MEMBERS.—The term of office of each Federal member of the Board shall be 3 years, except that such term shall end when such member no longer holds the Federal office by reason of which such member is a member of the Board (or, in the case of a designee, the Federal official who designated such designee no longer holds the office by reason of which such designation was made or the designee is no longer an officer, employee, or Commissioner as described in paragraph (2)(A)(ii)).

(ii) NON-FEDERAL MEMBERS.—The term of office of each non-Federal member of the Board shall be 3 years.

(B) STAGGERED TERMS.—With respect to the initial non-Federal members of the Board—

(i) three members shall serve for a term of 3 years;

(ii) three members shall serve for a term of 2 years; and

(iii) three members shall serve for a term of 1 year.

(C) VACANCIES.—

(i) EFFECT OF VACANCIES.—A vacancy in the membership of the Board shall not affect the Board's powers, subject to paragraph (8), and shall be filled in the same manner as the original member was appointed.

(ii) APPOINTMENT TO FILL VACANCY.—A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(iii) EXPIRATION OF TERM.—A non-Federal member of the Board whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(5) CHAIR.—

(A) SELECTION.—The Chair of the Board shall be selected by the Board from among the members of the Board.

(B) TERM.—The term of office of the Chair of the Board shall run from the date when the Chair is selected until the date when the term of the Chair as a member of the Board expires.

(6) REMOVAL OF CHAIR AND NON-FEDERAL MEMBERS.—

(A) BY BOARD.—The members of the Board may, by majority vote—

(i) remove the Chair of the Board from the position of Chair for conduct determined to be detrimental to the Board; or

(ii) remove from the Board any non-Federal member of the Board for conduct determined to be detrimental to the Board.

(B) BY CHAIRMAN OF THE COMMISSION.—The Chairman of the Commission may, for good cause—

(i) remove the Chair of the Board from the position of Chair; or

(ii) remove from the Board any non-Federal member of the Board.

(7) ANNUAL MEETINGS.—In addition to any other meetings necessary to carry out the duties of the Board under this section, the Board shall meet—

(A) subject to the call of the Chair; and

(B) annually to consider the most recent report submitted by the Administrator under section 4203(f)(1).

(8) QUORUM.—Seven members of the Board, including not fewer than 6 non-Federal members, shall constitute a quorum.

(9) RESOURCES.—The Commission shall provide the Board with the staff, administrative support, and facilities necessary to carry out the duties of the Board under this section.

(10) PROHIBITION AGAINST COMPENSATION.—A member of the Board shall serve without pay but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board. Compensation of a Federal member of the Board for service in the Federal office or employment by reason of which such member is a member of the Board shall not be considered compensation under this paragraph.

(11) FEDERAL ADVISORY COMMITTEE ACT INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(b) DEVELOPMENT OF PLAN BY BOARD.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Board is established under subsection (a)(1), the Board shall submit to the Commission a detailed proposal for a National Public Safety Communications Plan to govern the use of the spectrum licensed to the Administrator in order to meet long-term public safety communications needs.

(2) LIMITATION ON RECOMMENDATIONS.—The Board may not make any recommendations for requirements generally applicable to providers of commercial mobile service or private mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)).

(c) CONSIDERATION OF PLAN BY COMMISSION.—

(1) IN GENERAL.—Not later than 90 days after the date of the submission of the proposal by the Board under subsection (b)(1), the Commission shall complete a single proceeding to—

(A) adopt such proposal, without modification, as the National Public Safety Communications Plan; or

(B) reject such proposal.

(2) PROCEDURES IF PLAN REJECTED.—If the Commission rejects such proposal under paragraph (1)(B), the Board shall, not later than 90 days thereafter, submit to the Commission a revised proposal. Such revised proposal shall be treated as a proposal submitted by the Board under subsection (b)(1).

(3) REVISIONS TO PLAN.—

(A) SUBMISSION.—The Board shall periodically submit to the Commission proposals for revisions to the Plan.

(B) CONSIDERATION BY COMMISSION.—Not later than 90 days after the submission of such a proposal, the Commission shall complete a single proceeding to—

(i) revise the Plan in accordance with such proposal, without modification of the proposal; or

(ii) reject such proposal.

(d) REQUIREMENTS FOR PLAN.—The Plan shall include the following requirements:

(1) DEPLOYMENT STANDARDS.—The Plan shall—

(A) require each State public safety broadband communications network to be interconnected and interoperable with all other such networks;

(B) require each State public safety broadband communications network to be based on a network architecture that evolves with technological advancements;

(C) require all State public safety broadband communications networks to be based on the same commercial standards;

(D) require each State public safety broadband communications network to be deployed as networks are typically deployed by providers of commercial mobile data service;

(E) promote competition in the public safety equipment market by requiring equipment for use on the State public safety broadband communications networks to be—

(i) built to open, nonproprietary, commercial standards;

(ii) capable of being used by any provider of public safety services and accessed by devices manufactured by multiple vendors; and

(iii) backward-compatible with prior generations of commercial mobile service and commercial mobile data service networks to the extent typically deployed by providers of commercial mobile service and commercial mobile data service; and

(F) require each State public safety broadband communications network to be integrated with public safety answering points, or the equivalent of public safety answering points, and with networks for the provision of Next Generation 9–1–1 services.

(2) STATE-SPECIFIC REQUIREMENTS.—The Plan shall require each State Public Safety Broadband Office to include in requests for proposals for the construction, management, maintenance, and operation of the State public safety broadband communications network of such State—

(A) specifications for the construction and deployment of such network, including—

(i) build timetables, which shall take into consideration the time needed to build out to rural areas;

(ii) required coverage areas, including rural and nonurban areas;

(iii) minimum service levels; and

(iv) specific performance criteria;

(B) the technical and operational requirements for such network;

(C) the practices, procedures, and standards for the management and operation of such network;

(D) the terms of service for the use of such network; and

(E) specifications for ongoing compliance review and monitoring of—

(i) the construction, management, maintenance, and operation of such network;

(ii) the practices and procedures of the entities operating on such network; and

(iii) the necessary training needs of network users.

(e) DEVELOPMENT OF BASELINE REQUEST FOR PROPOSALS.—

(1) DEVELOPMENT BY BOARD.—Not later than 1 year after the date on which the Board is established under subsection (a)(1), the Board shall submit to the Commission a draft baseline request for proposals for each State to use in developing its request for proposals for the construction, management, maintenance, and operation of a State public safety broadband communications network.

(2) CONSIDERATION BY COMMISSION.—

(A) IN GENERAL.—Not later than 90 days after the date of the submission of the draft baseline request for proposals by the Board under paragraph (1), the Commission shall complete a single proceeding to—

(i) adopt such draft, without modification; or

(ii) reject such draft.

(B) PROCEDURES IF DRAFT REJECTED.—If the Commission rejects such draft under subparagraph (A)(ii), the Board shall, not later than 60 days thereafter, submit to the Commission a revised draft baseline request for proposals. Such revised draft shall be treated as a draft submitted by the Board under paragraph (1).

(3) REVISIONS.—

(A) SUBMISSION.—The Board shall periodically submit to the Commission draft revisions to the baseline request for proposals adopted under paragraph (2)(A)(i).

(B) CONSIDERATION BY COMMISSION.—Not later than 90 days after the submission of such a draft revision, the Commission shall complete a single proceeding to—

(i) revise the baseline request for proposals in accordance with such draft revision, without modification of such draft revision; or

(ii) reject such draft revision.

SEC. 4203. PLAN ADMINISTRATION.

(a) SELECTION OF ADMINISTRATOR.—

(1) IN GENERAL.—The Assistant Secretary shall, through an open, transparent request-for-proposals process, select an entity to serve as the Administrator of the Plan. The Assistant Secretary shall commence such process not later than 120 days after the date of the adoption of the Plan by the Commission under section 4202(c)(1)(A).

(2) REPLACEMENT.—If an entity ceases to serve as Administrator under a contract awarded under paragraph (1) or this paragraph, the Assistant Secretary shall, through an open, transparent request-for-proposals process, select another entity to serve as Administrator.

(b) POWERS AND DUTIES OF ADMINISTRATOR.—The Administrator shall—

(1) review and coordinate the implementation of the Plan and the construction, management, maintenance, and operation of the State public safety broadband communications networks, in accordance with the Plan, under contracts entered into by the State Public Safety Broadband Offices;

(2) transmit to each State Public Safety Broadband Office the baseline request for proposals adopted by the Commission under section 4202(e)(2)(A)(i) and any revisions to such baseline request for proposals adopted by the Commission under section 4202(e)(3)(B)(i);

(3) review and approve or disapprove, in accordance with section 4221(c), each contract proposed by a State Public Safety Broadband Office for the construction, management, maintenance, and operation of a State public safety broadband communications network;

(4) give public notice of each decision to approve or disapprove such a contract and of any other decision of the Administrator with respect to such a contract, a State Public Safety Broadband Office, or a State public safety broadband communications network;

(5) in consultation with State Public Safety Broadband Offices, conduct assessments for inclusion in the annual report required by subsection (f)(1) of—

(A) progress on construction and adoption of the State public safety broadband communications networks; and

(B) the management, maintenance, and operation of such networks; and

(6) conduct such audits as are necessary to ensure—

(A) with respect to contracts described in paragraph (3), the integrity of the contracting process and the adequate performance of such contracts; and

(B) that the State public safety broadband communications networks are constructed, managed, maintained, and operated in accordance with the Plan.

(c) LIMITATION ON POWERS OF ADMINISTRATOR.—The Administrator may not—

(1) take any action unless this title expressly confers on the Administrator the power to take such action or such action is necessary to carry out a power that this title expressly confers on the Administrator; or

(2) prohibit or refuse to approve any action of a State Public Safety Broadband Office or with respect to a State public safety broadband communications network unless such action would violate the Plan or the license terms of the spectrum licensed to the Administrator.

(d) REVIEW OF DECISIONS OF ADMINISTRATOR.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review decisions of the Administrator.

(2) FILING OF PETITION.—Any party aggrieved by a decision of the Administrator may seek review of such decision by filing a petition for review with the court not later than 30 days after the date on which public notice is given of such decision.

(3) CONTENTS OF PETITION.—The petition shall contain a concise statement of the following:

(A) The nature of the proceedings as to which review is sought.

(B) The grounds on which relief is sought.

(C) The relief prayed.

(4) ATTACHMENT TO PETITION.—The petitioner shall attach to the petition, as an exhibit, a copy of the decision of the Administrator on which review is sought.

(5) SERVICE.—The clerk shall serve a true copy of the petition on the Administrator, the Assistant Secretary, and the Commission by registered mail, with request for a return receipt.

(6) STANDARD OF REVIEW.—The court may affirm or vacate a decision of the Administrator on review. The court may vacate a decision of the Administrator only—

(A) where the decision was procured by corruption, fraud, or undue means;

(B) where there was actual partiality or corruption in the Administrator;

(C) where the Administrator was guilty of misconduct in refusing to hear evidence pertinent and material to the decision or of any other misbehavior by which the rights of any party have been prejudiced; or

(D) where the Administrator exceeded the powers conferred on it by this title or otherwise did not arguably construe or apply the Plan in making its decision.

(7) REVIEW BY NTIA PROHIBITED.—The Assistant Secretary shall take such action as is necessary to ensure that the Administrator complies with the requirements of this title, the Plan, and the terms of the contract entered into under subsection (a), but the Assistant Secretary may not vacate or otherwise modify a decision by the Administrator with respect to a third party.

(e) AUDITS OF USE OF FEDERAL FUNDS BY ADMINISTRATOR.—Not later than 1 year after entering into a contract to serve as Administrator, and annually thereafter, the Administrator shall provide to the Assistant Secretary a statement, audited by an independent auditor, that details the use during the preceding fiscal year of any Federal funds received by the Administrator in connection with its service as Administrator.

(f) ANNUAL REPORT BY ADMINISTRATOR.—

(1) IN GENERAL.—Not later than 1 year after entering into a contract to serve as Administrator, and annually thereafter, the Administrator shall submit a report covering the preceding fiscal year to—

(A) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Assistant Secretary;

(C) the Commission; and

(D) the Board.

(2) REQUIRED CONTENT.—The report required by paragraph (1) shall include—

(A) a comprehensive and detailed description of—

(i) the results of assessments conducted under subsection (b)(5) and audits conducted under subsection (b)(6);

(ii) the activities of the Administrator in its capacity as Administrator; and

(iii) the financial condition of the Administrator; and

(B) such recommendations or proposals for legislative or administrative action as the Administrator considers appropriate.

SEC. 4204. INITIAL FUNDING FOR ADMINISTRATOR.

(a) BORROWING AUTHORITY.—Prior to the end of fiscal year 2021, the Assistant Secretary may borrow from the general fund of the Treasury of the United States not more than $40,000,000 to enter into a contract with an entity to serve as Administrator under section 4203(a).

(b) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subsection (a) from funds made available from the Public Safety Trust Fund established by section 4241(a)(1), as such funds become available.

SEC. 4205. STUDY ON EMERGENCY COMMUNICATIONS BY AMATEUR RADIO AND IMPEDIMENTS TO AMATEUR RADIO COMMUNICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission, in consultation with the Office of Emergency Communications in the Department of Homeland Security, shall—

(1) complete a study on the uses and capabilities of amateur radio service communications in emergencies and disaster relief; and

(2) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such study.

(b) CONTENTS.—The study required by subsection (a) shall include—

(1)(A) a review of the importance of emergency amateur radio service communications relating to disasters, severe weather, and other threats to lives and property in the United States; and

(B) recommendations for—

(i) enhancements in the voluntary deployment of amateur radio operators in disaster and emergency communications and disaster relief efforts; and

(ii) improved integration of amateur radio operators in the planning and furtherance of initiatives of the Federal Government; and

(2)(A) an identification of impediments to enhanced amateur radio service communications, such as the effects of unreasonable or unnecessary private land use restrictions on residential antenna installations; and

(B) recommendations regarding the removal of such impediments.

(c) EXPERTISE.—In conducting the study required by subsection (a), the Commission shall use the expertise of stakeholder entities and organizations, including the amateur radio, emergency response, and disaster communications communities.

PART 2—STATE IMPLEMENTATION

SEC. 4221. NEGOTIATION AND APPROVAL OF CONTRACTS.

(a) STATE PUBLIC SAFETY BROADBAND OFFICES.—Each State desiring to establish a State public safety broadband communications network shall establish or designate a State Public Safety Broadband Office.

(b) NEGOTIATION BY STATES.—

(1) IN GENERAL.—Each State Public Safety Broadband Office shall—

(A) use the baseline request for proposals transmitted under section 4203(b)(2) to develop a request for proposals for the construction, management, maintenance, and operation of a State public safety broadband communications network;

(B) negotiate a contract with a private-sector entity for such construction, management, maintenance, and operation;

(C) transmit such contract to the Administrator for approval; and

(D) if the Administrator approves such contract, enter into such contract with such entity.

(2) FACTORS FOR CONSIDERATION.—In developing a request for proposals under paragraph (1)(A) and negotiating a proposed contract under paragraph (1)(B), the State Public Safety Broadband Office shall take into consideration the following:

(A) The most efficient and effective use and integration by State, local, and tribal providers of public safety services within such State of the spectrum licensed to the Administrator and the infrastructure, equipment, and other architecture associated with the State public safety broadband communications network to satisfy the wireless communications and data services needs of such providers.

(B) The particular assets and specialized needs of such providers. Such assets may include available towers and infrastructure. Such needs may include the projected number of

users, preferred buildout timeframes, special coverage needs, special hardening, reliability, security, and resiliency needs, local user priority assignments, and integration needs of public safety answering points and emergency operations centers.

(C) Whether any entities that are not providers of public safety services should have emergency access to the State public safety broadband communications network, as described in subsection (e).

(D) Whether the State public safety broadband communications network provides for the selection on a localized basis of network options that remain consistent with the Plan.

(E) How to ensure the reliability, security, and resiliency of the State public safety broadband communications network, including through measures for—

(i) protecting and monitoring the cybersecurity of the network; and

(ii) managing supply chain risks to the network.

(3) PARTNERSHIPS.—

(A) IN GENERAL.—In choosing from among the entities that respond to the request for proposals developed under paragraph (1)(A), the State Public Safety Broadband Office shall—

(i) select a provider of commercial mobile service or commercial mobile data service; and

(ii) give additional consideration to providers of commercial mobile service or commercial mobile data service whose proposals include a partnership with a utility provider.

(B) JOINT VENTURES.—For purposes of subparagraph (A), a joint venture that includes a provider of commercial mobile service or commercial mobile data service shall be considered to be such a provider.

(c) REVIEW BY ADMINISTRATOR.—

(1) IN GENERAL.—Upon receiving from a State Public Safety Broadband Office a contract negotiated under subsection (b), the Administrator shall either approve or disapprove such contract but may not make any changes to its terms.

(2) DISAPPROVAL.—In the case of disapproval under paragraph (1), the State Public Safety Broadband Office may renegotiate the contract, negotiate a contract with another entity that responded to the Office's request for proposals, or issue a new request for proposals.

(d) PUBLIC-PRIVATE PARTNERSHIPS.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), a contract entered into between a State Public Safety Broadband Office and a private entity under subsection (b)(1)(D) may permit—

(1) such entity to obtain access to the spectrum licensed to the Administrator in such State for services that are not public safety services; or

(2) the State Public Safety Broadband Office to share with such entity equipment or infrastructure of the State public safety broadband communications network, including antennas and towers.

(e) EMERGENCY ACCESS BY NON-PUBLIC SAFETY ENTITIES.—

(1) IN GENERAL.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), as expressly permitted by the terms of a contract entered into under subsection (b)(1)(D) for the construction, management, maintenance, and operation of a State public safety broadband communications network, the Administrator may enter into agreements with entities in such State that are not providers of public safety services to permit such entities to obtain access on a secondary, preemptible basis to the State public safety broadband communications network of such State in order to facilitate interoperability between such entities and providers of public safety services in protecting the safety of life, health, and property during emergencies and during preparation for and recovery from emergencies, including during emergency drills, exercises, and tests.

(2) PREEMPTION.—The Administrator shall ensure that, under any agreement entered into under paragraph (1), providers of public safety services may preempt use of the State public safety broadband communications network by an entity with which the Administrator has entered into such agreement.

(f) MULTI-STATE NEGOTIATION.—The State Public Safety Broadband Offices of more than one State may form a consortium for purposes of developing a request for proposals and negotiating and entering into a contract for the construction, management, maintenance, and operation of a State public safety broadband communications network for such States. While such Offices remain in the consortium, such States shall be treated as a single State, such Offices shall be treated as a single Office of a single State, and such network shall be treated as the State public safety broadband communications network of a single State.

SEC. 4222. STATE IMPLEMENTATION GRANT PROGRAM.

(a) IN GENERAL.—From amounts made available under section 4223(b), the Assistant Secretary shall, in consultation with the Administrator, make grants to State Public Safety Broadband Offices to assist such Offices in carrying out the duties of such Offices under this part, except for making payments under contracts entered into under section 4221(b)(1)(D).

(b) APPLICATION.—The Assistant Secretary may only make a grant under this section to a State Public Safety Broadband Office that submits an application at such time, in such form, and containing such information and assurances as the Assistant Secretary may require.

(c) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) if the State Public Safety Broadband Office has demonstrated financial hardship.

(d) PROGRAMMATIC REQUIREMENTS.—Not later than 1 year after the date of the adoption of the Plan by the Commission under section 4202(c)(1)(A), the Assistant Secretary, in consultation with the Board, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (c)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

SEC. 4223. STATE IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the State Implementation Fund.

(b) AMOUNTS AVAILABLE FOR STATE IMPLEMENTATION GRANT PROGRAM.—Any amounts borrowed under subsection (c)(1) and any amounts in the State Implementation Fund that are not necessary to reimburse the general fund of the Treasury for such borrowed amounts shall be available to the Assistant Secretary to implement section 4222.

(c) BORROWING AUTHORITY.—

(1) IN GENERAL.—Prior to the end of fiscal year 2021, the Assistant Secretary may borrow from the general fund of the Treasury such sums as may be necessary, but not to exceed $100,000,000, to implement section 4222.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State Implementation Fund.

(d) TRANSFER OF UNUSED FUNDS.—If there is a balance remaining in the State Implementation Fund on September 30, 2021, the Secretary of the Treasury shall transfer such balance to the general fund of the Treasury, where such balance shall be dedicated for the sole purpose of deficit reduction.

SEC. 4224. GRANTS TO STATES FOR NETWORK BUILDOUT.

(a) ESTABLISHMENT.—From amounts made available from the Public Safety Trust Fund established by section 4241(a)(1), the Assistant Secretary shall make grants to State Public Safety Broadband Offices for payments under contracts entered into under section 4221(b)(1)(D).

(b) APPLICATION.—The Assistant Secretary may only make a grant under this section to a State Public Safety Broadband Office that submits an application at such time, in such form, and containing such information and assurances as the Assistant Secretary may require.

(c) QUARTERLY REPORTS.—

(1) FROM GRANTEES TO NTIA.—Not later than 3 months after receiving a grant under this section and not less frequently than quarterly thereafter until the date that is 1 year after all such funds have been expended, a State Public Safety Broadband Office shall submit to the Assistant Secretary a report on—

(A) the use of grant funds by such Office; and

(B) the construction, management, maintenance, and operation of the State public safety broadband communications network of such State.

(2) FROM NTIA TO CONGRESS.—Not later than 6 months after making the first grant under this section and not less frequently than quarterly thereafter until the date that is 18 months after all such funds have been expended by the grantees, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(A) summarizes the reports submitted by grantees under paragraph (1); and

(B) describes and evaluates—

(i) the use of grant funds disbursed under this section; and

(ii) the construction, management, maintenance, and operation of the State public safety broadband communications networks under the contracts under which grantees make payments using grant funds.

SEC. 4225. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term ''eligible facilities request'' means any request for modification of an existing wireless tower or base station that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.—

(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement or right-of-way to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, and maintain wireless service antenna structures and equipment and backhaul transmission equipment, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, an easement or

right-of-way to perform such installation, construction, and maintenance.

(2) APPLICATION.—The Administrator of General Services shall develop a common form for applications for easements and rights-of-way under paragraph (1) for all executive agencies that shall be used by applicants with respect to the buildings or other property of each such agency.

(3) FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the grant of an easement or right-of-way pursuant to paragraph (1) that is based on direct cost recovery.

(B) EXCEPTIONS.—The Administrator of General Services may establish exceptions to the fee amount required under subparagraph (A)—

(i) in consideration of the public benefit provided by a grant of an easement or right-of-way; and

(ii) in the interest of expanding wireless and broadband coverage.

(4) USE OF FEES COLLECTED.—Any fee amounts collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement or right-of-way.

(c) MASTER CONTRACTS FOR WIRELESS FACILITY SITINGS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, and not later than 60 days after the date of the enactment of this Act, the Administrator of General Services shall—

(A) develop 1 or more master contracts that shall govern the placement of wireless service antenna structures on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of wireless service antenna structures on building rooftops or facades, the placement of wireless service antenna equipment on rooftops or inside buildings, the technology used in connection with wireless service antenna structures or equipment placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a wireless service antenna structure on a specific building or other property warrant nonstandard treatment of such building or other property.

(3) APPLICATION.—The Administrator of General Services shall develop a common form or set of forms for wireless service antenna structure siting applications under this subsection for all executive agencies that shall be used by applicants with respect to the buildings and other property of each such agency.

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 102 of title 40, United States Code.

PART 3—PUBLIC SAFETY TRUST FUND

SEC. 4241. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) AVAILABILITY.—Amounts deposited in the Public Safety Trust Fund shall remain available through fiscal year 2021. Any amounts remaining in the Fund after the end of such fiscal year shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—As amounts are deposited in the Public Safety Trust Fund, such amounts shall be used to make the following deposits or payments in the following order of priority:

(1) REPAYMENT OF AMOUNT BORROWED FOR ADMINISTRATION OF NATIONAL PUBLIC SAFETY COMMUNICATIONS PLAN.—An amount not to exceed $40,000,000 shall be available to the Assistant Secretary to reimburse the general fund of the Treasury for any amounts borrowed under section 4204(a).

(2) STATE IMPLEMENTATION FUND.—$100,000,000 shall be deposited in the State Implementation Fund established by section 4223(a).

(3) BUILDOUT OF STATE PUBLIC SAFETY BROADBAND COMMUNICATIONS NETWORKS.—$4,960,000,000 shall be available to the Assistant Secretary to carry out section 4224.

(4) DEFICIT REDUCTION.—$20,400,000,000 shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.

(5) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—$250,000,000 shall be available to the Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration to carry out the grant program under section 158 of the National Telecommunications and Information Administration Organization Act, as amended by section 4265 of this title.

(6) BUILDOUT OF STATE PUBLIC SAFETY BROADBAND COMMUNICATIONS NETWORKS AND DEFICIT REDUCTION.—Of the remaining amounts deposited in the Fund—

(A) 10 percent of any such amounts, not to exceed $1,500,000,000, shall be available to the Assistant Secretary to carry out section 4224; and

(B) 90 percent of any such amounts (or 100 percent of any such amounts after amounts made available under subparagraph (A) exceed $1,500,000,000) shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) INVESTMENT.—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

PART 4—NEXT GENERATION 9–1–1 ADVANCEMENT ACT OF 2011

SEC. 4261. SHORT TITLE.

This part may be cited as the ''Next Generation 9–1–1 Advancement Act of 2011''.

SEC. 4262. FINDINGS.

Congress finds that—

(1) for the sake of the public safety of our Nation, a universal emergency service number (9–1–1) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible, including voice, data, and video communications, should be available to all citizens wherever they live, work, and travel;

(2) a successful migration to Next Generation 9–1–1 service communications systems will require greater Federal, State, and local government resources and coordination;

(3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 9–1–1 services, enhanced 9–1–1 services, or Next Generation 9–1–1 services should only be used for the purposes for which the funds are collected;

(4) it is a national priority to foster the migration from analog, voice-centric 9–1–1 and current generation emergency communications systems to a 21st century, Next Generation, IP-based emergency services model that embraces a wide range of voice, video, and data applications;

(5) ensuring 9–1–1 access for all citizens includes improving access to 9–1–1 systems for the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities, who increasingly communicate with non-traditional text, video, and instant-messaging communications services, and who expect those services to be able to connect directly to 9–1–1 systems;

(6) a coordinated public educational effort on current and emerging 9–1–1 system capabilities and proper use of the 9–1–1 system is essential to the operation of effective 9–1–1 systems;

(7) Federal policies and funding should enable the transition to Internet Protocol-based (IP-based) Next Generation 9–1–1 systems, and Federal 9–1–1 and emergency communications laws and regulations must keep pace with rapidly changing technology to ensure an open and competitive 9–1–1 environment based on the most advanced technology available; and

(8) Federal policies and grant programs should reflect the growing convergence and integration of emergency communications technology, such that State interoperability plans and Federal funding in support of such plans are made available for all aspects of Next Generation 9–1–1 service and emergency communications systems.

SEC. 4263. PURPOSES.

The purposes of this part are—

(1) to focus Federal policies and funding programs to ensure a successful migration from voice-centric 9–1–1 systems to IP-enabled, Next Generation 9–1–1 emergency response systems that use voice, data, and video services to greatly enhance the capability of 9–1–1 and emergency response services;

(2) to ensure that technologically advanced 9–1–1 and emergency communications systems are universally available and adequately funded to serve all Americans; and

(3) to ensure that all 9–1–1 and emergency response organizations have access to—

(A) high-speed broadband networks;

(B) interconnected IP backbones; and

(C) innovative services and applications.

SEC. 4264. DEFINITIONS.

In this part, the following definitions shall apply:

(1) 9–1–1 SERVICES AND E9–1–1 SERVICES.—The terms ''9–1–1 services'' and ''E9–1–1 services'' shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this part.

(2) MULTI-LINE TELEPHONE SYSTEM.—The term ''multi-line telephone system'' or ''MLTS'' means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations), and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(3) OFFICE.—The term ''Office'' means the 9–1–1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this part.

SEC. 4265. COORDINATION OF 9–1–1 IMPLEMENTATION.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

''SEC. 158. COORDINATION OF 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

''(1) ESTABLISHMENT AND CONTINUATION.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

''(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers,

and telecommunications equipment manufacturers and vendors involved in the implementation of 9–1–1 services; and

''(B) establish a 9–1–1 Implementation Coordination Office to implement the provisions of this section.

''(2) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of such program; and

''(ii) funding profiles for each fiscal year of the duration of such program.

''(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2011, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

''(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

''(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services.

''(b) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

''(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

''(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

''(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

''(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 80 percent. The non-Federal share of the cost shall be provided from non-Federal sources unless waived by the Assistant Secretary and the Administrator.

''(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

''(A) in the case of an eligible entity that is a State government, the entity—

''(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;

''(iii) has established a plan for the coordination and implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; and

''(iv) has integrated telecommunications services involved in the implementation and delivery of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

''(4) CRITERIA.—Not later than 120 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2011, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

''(c) DIVERSION OF 9–1–1 CHARGES.—

''(1) DESIGNATED 9–1–1 CHARGES.—For the purposes of this subsection, the term 'designated 9–1–1 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9–1–1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

''(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9–1–1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services, all of the funds from such grant shall be returned to the Office.

''(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under subsection (b);

''(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under subsection (b).

''(d) FUNDING AND TERMINATION.—

''(1) IN GENERAL.—From the amounts made available to the Assistant Secretary and the Administrator under section 4241(b)(5) of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the Assistant Secretary and the Administrator are authorized to provide grants under this section through the end of fiscal year 2021. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

''(2) TERMINATION.—Effective on October 1, 2021, the authority provided by this section terminates and this section shall have no effect.

''(e) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) 9–1–1 SERVICES.—The term '9–1–1 services' includes both E9–1–1 services and Next Generation 9–1–1 services.

''(2) E9–1–1 SERVICES.—The term 'E9–1–1 services' means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Next Generation 9–1–1 Advancement Act of 2011, or as subsequently revised by the Commission.

''(3) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

''(B) INSTRUMENTALITIES.—The term 'eligible entity' includes public authorities, boards, commissions, and similar bodies created by 1 or more eligible entities described in subparagraph (A) to provide 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(C) EXCEPTION.—The term 'eligible entity' does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

''(4) EMERGENCY CALL.—The term 'emergency call' refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

''(A) through voice, text, or video and related data; and

''(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

''(5) NEXT GENERATION 9–1–1 SERVICES.—The term 'Next Generation 9–1–1 services' means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

''(A) provides standardized interfaces from emergency call and message services to support emergency communications;

''(B) processes all types of emergency calls, including voice, data, and multimedia information;

''(C) acquires and integrates additional emergency call data useful to call routing and handling;

''(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

''(E) supports data or video communications needs for coordinated incident response and management; and

''(F) provides broadband service to public safety answering points or other first responder entities.

''(6) OFFICE.—The term 'Office' means the 9–1–1 Implementation Coordination Office.

''(7) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' has the

meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

''(8) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.''.

SEC. 4266. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services, in conjunction with the Office, shall issue a report to Congress identifying the 9–1–1 capabilities of the multi-line telephone system in use by all Federal agencies in all Federal buildings and properties.

(b) COMMISSION ACTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of requiring MLTS manufacturers to include within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9–1–1 caller's location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) SPECIFIC REQUIREMENT.—The public notice under paragraph (1) shall seek comment on the National Emergency Number Association's ''Technical Requirements Document On Model Legislation E9–1–1 for Multi-Line Telephone Systems'' (NENA 06–750, Version 2).

SEC. 4267. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1 SERVICE CHARGES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9–1–1 services or enhanced 9–1–1 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) REPORT.—Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 4268. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9–1–1 SERVICES.

(a) IMMUNITY.—A provider or user of Next Generation 9–1–1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to—

(1) the release of subscriber information related to emergency calls or emergency services;

(2) the use or provision of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services; and

(3) other matters related to 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(b) SCOPE OF IMMUNITY AND PROTECTION FROM LIABILITY.—The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

SEC. 4269. COMMISSION PROCEEDING ON AUTODIALING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points.

(b) FEATURES OF THE REGISTRY.—The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that—

(1) permit verified public safety answering point administrators or managers to register the telephone numbers of all 9–1–1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies;

(2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;

(3) provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment;

(4) protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry; and

(5) prohibit the use of automatic dialing or ''robocall'' equipment to establish contact with registered numbers.

(c) ENFORCEMENT.—The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than $100,000 per incident nor more than $1,000,000 per incident;

(2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers established pursuant to subsection (b)(5) of not less than $10,000 per call nor more than $100,000 per call; and

(3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offence.

SEC. 4270. NHTSA REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9–1–1 SERVICES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration, in consultation with the Commission, the Secretary of Homeland Security, and the Office, shall prepare and submit a report to Congress that analyzes and determines detailed costs for specific Next Generation 9–1–1 service requirements and specifications.

(b) PURPOSE OF REPORT.—The purpose of the report required under subsection (a) is to serve as a resource for Congress as it considers creating a coordinated, long-term funding mechanism for the deployment and operation, accessibility, application development, equipment procurement, and training of personnel for Next Generation 9–1–1 services.

(c) REQUIRED INCLUSIONS.—The report required under subsection (a) shall include the following:

(1) How costs would be broken out geographically and/or allocated among public safety answering points, broadband service providers, and third-party providers of Next Generation 9–1–1 services.

(2) An assessment of the current state of Next Generation 9–1–1 service readiness among public safety answering points.

(3) How differences in public safety answering points' access to broadband across the country may affect costs.

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9–1–1 service delivery.

(6) An analysis of the needs for Next Generation 9–1–1 services of persons with disabilities.

(7) Standards and protocols for Next Generation 9–1–1 services and for incorporating Voice over Internet Protocol and ''Real-Time Text'' standards.

SEC. 4271. FCC RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9–1–1 SERVICES.

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9–1–1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9–1–1 services and the transition from legacy 9–1–1 to Next Generation 9–1–1 networks.

(2) Legal mechanisms to ensure efficient and accurate transmission of 9–1–1 caller information to emergency response agencies.

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations including—

(A) proposals that would require States to remove regulatory roadblocks to Next Generation 9–1–1 services development, while recognizing existing State authority over 9–1–1 services;

(B) eliminating outdated 9–1–1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

Subtitle C—Federal Spectrum Relocation

SEC. 4301. RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.

(a) IN GENERAL.—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923) is amended—

(1) in subsection (g)—

(A) by striking the heading and inserting ''RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS'';

(B) by amending paragraph (1) to read as follows:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of eligible frequencies described in paragraph (2) and that incurs relocation or sharing costs because of planning for an auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation or sharing costs from the Spectrum Relocation Fund, in accordance with this section and section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.'';

(C) by amending paragraph (2)(B) to read as follows:

''(B) any other band of frequencies reallocated from Federal use to exclusive non-Federal use or to shared use after January 1, 2003, that

is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).'';

(D) by amending paragraph (3) to read as follows:

''(3) RELOCATION OR SHARING COSTS DEFINED.—

''(A) IN GENERAL.—For purposes of this section and section 118, the term 'relocation or sharing costs' means the costs incurred by a Federal entity in connection with the auction of spectrum frequencies previously assigned to such entity or the sharing of spectrum frequencies assigned to such entity (including the auction or a planned auction of the rights to use spectrum frequencies on a shared basis with such entity) in order to achieve comparable capability of systems as before the relocation or sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

''(i) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations that are attributable to relocation or sharing;

''(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of a Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

''(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

''(I) calculating the estimated relocation or sharing costs that are provided to the Commission pursuant to paragraph (4)(A);

''(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

''(III) planning for or managing a relocation or sharing arrangement (including spectrum coordination with auction winners);

''(iv) the one-time costs of any modification of equipment reasonably necessary—

''(I) to accommodate non-Federal use of shared frequencies; or

''(II) in the case of eligible frequencies reallocated for exclusive non-Federal use and assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period; and

''(v) the costs associated with the accelerated replacement of systems and equipment if the acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies.

''(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

''(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

''(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.'';

(E) in paragraph (4)—

(i) in the heading, by striking ''RELOCATIONS COSTS'' and inserting ''RELOCATION OR SHARING COSTS'';

(ii) by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs''; and

(iii) in subparagraph (A), by inserting ''or sharing'' after ''such relocation'';

(F) in paragraph (5)—

(i) by striking ''relocation costs'' and inserting ''relocation or sharing costs''; and

(ii) by inserting ''or sharing'' after ''for relocation''; and

(G) by amending paragraph (6) to read as follows:

''(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies described in paragraph (2) to frequencies or facilities of comparable capability and to ensure the timely implementation of arrangements for the sharing of frequencies described in such paragraph. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems, the NTIA shall terminate or limit the entity's authorization and notify the Commission that the entity's relocation has been completed or sharing arrangement has been implemented. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by the Director of the Office of Management and Budget under section 118(d)(2)(C).'';

(2) by redesignating subsections (h) and (i) as subsections (k) and (l), respectively; and

(3) by inserting after subsection (g) the following:

''(h) DEVELOPMENT AND PUBLICATION OF RELOCATION OR SHARING TRANSITION PLANS.—

''(1) DEVELOPMENT OF TRANSITION PLAN BY FEDERAL ENTITY.—Not later than 240 days before the commencement of any auction of eligible frequencies described in subsection (g)(2), a Federal entity authorized to use any such frequency shall submit to the NTIA and to the Technical Panel established by paragraph (3) a transition plan for the implementation by such entity of the relocation or sharing arrangement. The NTIA shall specify, after public input, a common format for all Federal entities to follow in preparing transition plans under this paragraph.

''(2) CONTENTS OF TRANSITION PLAN.—The transition plan required by paragraph (1) shall include the following information:

''(A) The use by the Federal entity of the eligible frequencies to be auctioned, current as of the date of the submission of the plan.

''(B) The geographic location of the facilities or systems of the Federal entity that use such frequencies.

''(C) The frequency bands used by such facilities or systems, described by geographic location.

''(D) The steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.

''(E) The specific interactions between the eligible Federal entity and the NTIA needed to implement the transition plan.

''(F) The name of the officer or employee of the Federal entity who is responsible for the relocation or sharing efforts of the entity and who is authorized to meet and negotiate with non-Federal users regarding the transition.

''(G) The plans and timelines of the Federal entity for—

''(i) using funds received from the Spectrum Relocation Fund established by section 118;

''(ii) procuring new equipment and additional personnel needed for relocation or sharing;

''(iii) field-testing and deploying new equipment needed for relocation or sharing; and

''(iv) hiring and relying on contract personnel, if any, needed for relocation or sharing.

''(H) Factors that could hinder fulfillment of the transition plan by the Federal entity.

''(3) TECHNICAL PANEL.—

''(A) ESTABLISHMENT.—There is established within the NTIA a panel to be known as the Technical Panel.

''(B) MEMBERSHIP.—

''(i) NUMBER AND APPOINTMENT.—The Technical Panel shall be composed of 3 members, to be appointed as follows:

''(I) One member to be appointed by the Director of the Office of Management and Budget (in this subsection referred to as 'OMB').

''(II) One member to be appointed by the Assistant Secretary.

''(III) One member to be appointed by the Chairman of the Commission.

''(ii) QUALIFICATIONS.—Each member of the Technical Panel shall be a radio engineer or a technical expert.

''(iii) INITIAL APPOINTMENT.—The initial members of the Technical Panel shall be appointed not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.

''(iv) TERMS.—The term of a member of the Technical Panel shall be 18 months, and no individual may serve more than 1 consecutive term.

''(v) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy shall be filled in the manner in which the original appointment was made.

''(vi) NO COMPENSATION.—The members of the Technical Panel shall not receive any compensation for service on the Technical Panel. If any such member is an employee of the agency of the official that appointed such member to the Technical Panel, compensation in the member's capacity as such an employee shall not be considered compensation under this clause.

''(C) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the Technical Panel with the administrative support services necessary to carry out its duties under this subsection and subsection (i).

''(D) REGULATIONS.—Not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the NTIA shall, after public notice and comment and subject to approval by the Director of OMB, adopt regulations to govern the workings of the Technical Panel.

''(E) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to the Technical Panel.

''(4) REVIEW OF PLAN BY TECHNICAL PANEL.—

''(A) IN GENERAL.—Not later than 30 days after the submission of the plan under paragraph (1), the Technical Panel shall submit to the NTIA and to the Federal entity a report on the sufficiency of the plan, including whether the plan includes the information required by paragraph (2) and an assessment of the reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a Federal system in connection with relocation or sharing.

''(B) INSUFFICIENCY OF PLAN.—If the Technical Panel finds the plan insufficient, the Federal entity shall, not later than 90 days after the submission of the report by the Technical panel under subparagraph (A), submit to the Technical Panel a revised plan. Such revised plan shall be treated as a plan submitted under paragraph (1).

''(5) PUBLICATION OF TRANSITION PLAN.—Not later than 120 days before the commencement of the auction described in paragraph (1), the NTIA shall make the transition plan publicly available on its website.

''(6) UPDATES OF TRANSITION PLAN.—As the Federal entity implements the transition plan, it shall periodically update the plan to reflect any changed circumstances, including changes in estimated relocation or sharing costs or the timeline for relocation or sharing. The NTIA shall make the updates available on its website.

''(7) CLASSIFIED AND OTHER SENSITIVE INFORMATION.—

''(A) CLASSIFIED INFORMATION.—If any of the information required to be included in the transition plan of a Federal entity is classified information (as defined in section 798(b) of title 18, United States Code), the entity shall—

''(i) include in the plan—

''(I) an explanation of the exclusion of any such information, which shall be as specific as possible; and

''(II) all relevant non-classified information that is available; and

''(ii) discuss as a factor under paragraph (2)(H) the extent of the classified information and the effect of such information on the implementation of the relocation or sharing arrangement.

''(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the NTIA, in consultation with the Director of OMB and the Secretary of Defense, shall adopt regulations to ensure that the information publicly released under paragraph (5) or (6) does not contain classified information or other sensitive information.

''(i) DISPUTE RESOLUTION PROCESS.—

''(1) IN GENERAL.—If a dispute arises between a Federal entity and a non-Federal user regarding the execution, timing, or cost of the transition plan submitted by the Federal entity under subsection (h)(1), the Federal entity or the non-Federal user may request that the NTIA establish a dispute resolution board to resolve the dispute.

''(2) ESTABLISHMENT OF BOARD.—

''(A) IN GENERAL.—If the NTIA receives a request under paragraph (1), it shall establish a dispute resolution board.

''(B) MEMBERSHIP AND APPOINTMENT.—The dispute resolution board shall be composed of 3 members, as follows:

''(i) A representative of the Office of Management and Budget (in this subsection referred to as 'OMB'), to be appointed by the Director of OMB.

''(ii) A representative of the NTIA, to be appointed by the Assistant Secretary.

''(iii) A representative of the Commission, to be appointed by the Chairman of the Commission.

''(C) CHAIR.—The representative of OMB shall be the Chair of the dispute resolution board.

''(D) VACANCIES.—Any vacancy in the dispute resolution board shall be filled in the manner in which the original appointment was made.

''(E) NO COMPENSATION.—The members of the dispute resolution board shall not receive any compensation for service on the board. If any such member is an employee of the agency of the official that appointed such member to the board, compensation in the member's capacity as such an employee shall not be considered compensation under this subparagraph.

''(F) TERMINATION OF BOARD.—The dispute resolution board shall be terminated after it rules on the dispute that it was established to resolve and the time for appeal of its decision under paragraph (7) has expired, unless an appeal has been taken under such paragraph. If such an appeal has been taken, the board shall continue to exist until the appeal process has been exhausted and the board has completed any action required by a court hearing the appeal.

''(3) PROCEDURES.—The dispute resolution board shall meet simultaneously with representatives of the Federal entity and the non-Federal user to discuss the dispute. The dispute resolution board may require the parties to make written submissions to it.

''(4) DEADLINE FOR DECISION.—The dispute resolution board shall rule on the dispute not later than 30 days after the request was made to the NTIA under paragraph (1).

''(5) ASSISTANCE FROM TECHNICAL PANEL.—The Technical Panel established under subsection (h)(3) shall provide the dispute resolution board with such technical assistance as the board requests.

''(6) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the dispute resolution board with the administrative support services necessary to carry out its duties under this subsection.

''(7) APPEALS.—A decision of the dispute resolution board may be appealed to the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal with that court not later than 30 days after the date of such decision. Each party shall bear its own costs and expenses, including attorneys' fees, for any appeal under this paragraph.

''(8) REGULATIONS.—Not later than 180 days after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, the NTIA shall, after public notice and comment and subject to approval by OMB, adopt regulations to govern the working of any dispute resolution boards established under paragraph (2)(A) and the role of the Technical Panel in assisting any such board.

''(9) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to a dispute resolution board established under paragraph (2)(A).

''(j) RELOCATION PRIORITIZED OVER SHARING.—

''(1) IN GENERAL.—In evaluating a band of frequencies for possible reallocation for exclusive non-Federal use or shared use, the NTIA shall give priority to options involving reallocation of the band for exclusive non-Federal use and shall choose options involving shared use only when it determines, in consultation with the Director of the Office of Management and Budget, that relocation of a Federal entity from the band is not feasible because of technical or cost constraints.

''(2) NOTIFICATION OF CONGRESS WHEN SHARING CHOSEN.—If the NTIA determines under paragraph (1) that relocation of a Federal entity from the band is not feasible, the NTIA shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives of the determination, including the specific technical or cost constraints on which the determination is based.''.

(b) CONFORMING AMENDMENT.—Section 309(j) of the Communications Act of 1934, as amended by section 4105, is further amended by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs''.

SEC. 4302. SPECTRUM RELOCATION FUND.

Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs'';

(2) by amending subsection (c) to read as follows:

''(c) USE OF FUNDS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation or sharing costs of an eligible Federal entity incurring such costs with respect to relocation from or sharing of those frequencies.'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or sharing'' before the semicolon;

(ii) in subparagraph (B), by inserting ''or sharing'' before the period at the end;

(iii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(iv) by inserting before subparagraph (B), as so redesignated, the following:

''(A) unless the eligible Federal entity has submitted a transition plan to the NTIA as required by paragraph (1) of section 113(h), the Technical Panel has found such plan sufficient under paragraph (4) of such section, and the NTIA has made available such plan on its website as required by paragraph (5) of such section;'';

(B) by striking paragraph (3); and

(C) by adding at the end the following:

''(3) TRANSFERS FOR PRE-AUCTION COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Director of OMB may transfer to an eligible Federal entity, at any time (including prior to a scheduled auction), such sums as may be available in the Fund to pay relocation or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii).

''(B) NOTIFICATION.—No funds may be transferred pursuant to subparagraph (A) unless—

''(i) the notification provided under paragraph (2)(C) includes a certification from the Director of OMB that—

''(I) funds transferred before an auction will likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount not less than the time value of the amount of funds transferred; and

''(II) the auction is intended to occur not later than 5 years after transfer of funds; and

''(ii) the transition plan submitted by the eligible Federal entity under section 113(h)(1) provides—

''(I) to the fullest extent possible, for sharing and coordination of eligible frequencies with non-Federal users, including reasonable accommodation by the eligible Federal entity for the use of eligible frequencies by non-Federal users during the period that the entity is relocating its spectrum uses (in this clause referred to as the 'transition period');

''(II) for non-Federal users to be able to use eligible frequencies during the transition period in geographic areas where the eligible Federal entity does not use such frequencies;

''(III) that the eligible Federal entity will, during the transition period, make itself available for negotiation and discussion with non-Federal users not later than 30 days after a written request therefor; and

''(IV) that the eligible Federal entity will, during the transition period, make available to a non-Federal user with appropriate security clearances any classified information (as defined in section 798(b) of title 18, United States Code) regarding the relocation process, on a need-to-know basis, to assist the non-Federal user in the relocation process with such eligible Federal entity or other eligible Federal entities.

''(C) APPLICABILITY TO CERTAIN COSTS.—

''(i) IN GENERAL.—The Director of OMB may transfer under subparagraph (A) not more than $10,000,000 for costs incurred after June 28, 2010, but before the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.

''(ii) SUPPLEMENT NOT SUPPLANT.—Any amounts transferred by the Director of OMB pursuant to clause (i) shall be in addition to any amounts that the Director of OMB may transfer for costs incurred on or after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011.

''(4) REVERSION OF UNUSED FUNDS.—Any amounts in the Fund that are remaining after the payment of the relocation or sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury, for the sole purpose of deficit reduction, not later than 8 years after the date of the

deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the NTIA, notifies the congressional committees described in paragraph (2)(C) that such funds are needed to complete or to implement current or future relocation or sharing arrangements.'';

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(2)(B)''; and

(ii) in clause (ii), by striking ''subsection (d)(2)(B)'' and inserting ''subsection (d)(2)(C)''; and

(B) in paragraph (2)—

(i) by striking ''entity's relocation'' and inserting ''relocation of the entity or implementation of the sharing arrangement by the entity'';

(ii) by inserting ''or the implementation of such arrangement'' after ''such relocation''; and

(iii) by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(2)(B)''; and

(5) by adding at the end the following:

''(f) ADDITIONAL PAYMENTS FROM FUND.—

''(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e), after the date of the enactment of the Jumpstarting Opportunity with Broadband Spectrum Act of 2011, there are appropriated from the Fund and available to the Director of OMB for use in accordance with paragraph (2) not more than 10 percent of the amounts deposited in the Fund from auctions occurring after such date of enactment of licenses for the use of spectrum vacated by eligible Federal entities.

''(2) USE OF AMOUNTS.—

''(A) IN GENERAL.—The Director of OMB, in consultation with the NTIA, may use amounts made available under paragraph (1) to make payments to eligible Federal entities that are implementing a transition plan submitted under section 113(h)(1) in order to encourage such entities to complete the implementation more quickly, thereby encouraging timely access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use.

''(B) CONDITIONS.—In the case of any payment by the Director of OMB under subparagraph (A)—

''(i) such payment shall be based on the market value of the eligible frequencies, the timeliness with which the eligible Federal entity clears its use of such frequencies, and the need for such frequencies in order for the entity to conduct its essential missions;

''(ii) the eligible Federal entity shall use such payment for the purposes specified in clauses (i) through (v) of section 113(g)(3)(A) to achieve comparable capability of systems affected by the reallocation of eligible frequencies from Federal use to exclusive non-Federal use or to shared use;

''(iii) such payment may not be made if the amount remaining in the Fund after such payment will be less than 10 percent of the winning bids in the auction of the spectrum with respect to which the Federal entity is incurring relocation or sharing costs; and

''(iv) such payment may not be made until 30 days after the Director of OMB has notified the congressional committees described in subsection (d)(2)(C).''.

SEC. 4303. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

''SEC. 119. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

''(a) DETERMINATION.—If the head of an Executive agency (as defined in section 105 of title 5, United States Code) determines that public disclosure of any information contained in a notification or report required by section 113 or 118 would reveal classified national security information, or other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation, the head of the Executive agency shall notify the Assistant Secretary of that determination prior to the release of such information.

''(b) INCLUSION IN ANNEX.—The head of the Executive agency shall place the information with respect to which a determination was made under subsection (a) in a separate annex to the notification or report required by section 113 or 118. The annex shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any means.''.

Subtitle D—Telecommunications Development Fund

SEC. 4401. NO ADDITIONAL FEDERAL FUNDS.

Section 309(j)(8)(C)(iii) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)(iii)) is amended to read as follows:

''(iii) the interest accrued to the account shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.''.

SEC. 4402. INDEPENDENCE OF THE FUND.

Section 714 of the Communications Act of 1934 (47 U.S.C. 614) is amended—

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

''(c) INDEPENDENT BOARD OF DIRECTORS.—The Fund shall have a Board of Directors consisting of 5 people with experience in areas including finance, investment banking, government banking, communications law and administrative practice, and public policy. The Board of Directors shall select annually a Chair from among the directors. A nominating committee, comprised of the Chair and 2 other directors selected by the Chair, shall appoint additional directors. The Fund's bylaws shall regulate the other aspects of the Board of Directors, including provisions relating to meetings, quorums, committees, and other matters, all as typically contained in the bylaws of a similar private investment fund.'';

(2) in subsection (d)—

(A) by striking ''(after consultation with the Commission and the Secretary of the Treasury)'';

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in subsection (g), by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

TITLE V—OFFSETS

Subtitle A—Guarantee Fees

SEC. 5001. GUARANTEE FEES.

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

''SEC. 1327. ENTERPRISE GUARANTEE FEES.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GUARANTEE FEE.—The term 'guarantee fee'—

''(A) means a fee described in subsection (b); and

''(B) includes—

''(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

''(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

''(2) AVERAGE FEES.—The term 'average fees' means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

''(b) INCREASE.—

''(1) IN GENERAL.—

''(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

''(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

''(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

''(A) the guarantee is inconsistent with the requirements of this section; or

''(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

''(3) DEPOSIT IN TREASURY.—To the extent that amounts are received from fee increases imposed under this section that are necessary to comply with the minimum increase required by this subsection, such amounts shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. Such fees shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

''(c) PHASE-IN.—

''(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

''(A) provide for uniform pricing among lenders;

''(B) provide for adjustments in pricing based on risk levels; and

''(C) take into consideration conditions in financial markets.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

''(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

''(1) a description of—

''(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders; and

''(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

''(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

''(e) ENFORCEMENT.—

''(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

''(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

''(f) AUTHORITY FOR OTHER INCREASES.—Nothing in this section may be construed to prohibiting, restricting, or limiting increases, other than pursuant to this section, in the guarantee fees charged by an enterprise.

''(g) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.''.

Subtitle B—Social Security Provisions

SEC. 5101. INFORMATION FOR ADMINISTRATION OF SOCIAL SECURITY PROVISIONS RELATED TO NONCOVERED EMPLOYMENT.

(a) COLLECTION.—Subsection (d) of section 6047 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

''(2) DEFERRED COMPENSATION PLANS OF A STATE.—

''(A) IN GENERAL.—In the case of any employer deferred compensation plan (as defined in section 3405(e)(5)) of a State, a political subdivision thereof, or any agency or instrumentality of any of the foregoing, the Secretary shall in such forms or regulations require, to the extent such information is known or should be known, the identification of any designated distribution (as defined in section 3405(e)(1)) if paid to any participant or beneficiary of such plan based in whole or in part upon an individual's earnings for service in the employ of any such governmental entity.

''(B) STATE.—For purposes of subparagraph (A), the term 'State' includes the District of Columbia, the Commonwealth or Puerto Rico, the Virgin Island, Guam, and American Samoa.''.

(b) DISCLOSURE.—Paragraph (1) of section 6103(l) of such Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ''; and'', and by adding at the end the following:

''(D) any designated distribution described in section 6047(d)(2) to the Social Security Administration for purposes of its administration of the Social Security Act.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to distributions made after December 31, 2012.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to disclosures made after December 31, 2012.

Subtitle C—Child Tax Credit

SEC. 5201. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer's Social Security number on the return of tax for such taxable year.

''(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.''.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of such Code is amended to read as follows:

''(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return,''.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of such Code is amended by inserting ''WITH RESPECT TO QUALIFYING CHILDREN'' after ''IDENTIFICATION REQUIREMENT'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle D—Eliminating Taxpayer Benefits for Millionaires

SEC. 5301. ENDING UNEMPLOYMENT AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR MILLIONAIRES.

(a) ENDING UNEMPLOYMENT BENEFITS FOR MILLIONAIRES.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

''CHAPTER 56—EXCESS UNEMPLOYMENT COMPENSATION

''SEC. 5895. EXCESS UNEMPLOYMENT COMPENSATION.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax equal to 100 percent of the excess unemployment compensation received by a taxpayer in any taxable year.

''(b) EXCESS UNEMPLOYMENT COMPENSATION.—For purposes of this section, the term 'excess unemployment compensation' means, with respect to any State, the amount which bears the same ratio (not to exceed 1) to the amount of unemployment compensation received by the taxpayer from such State in the taxable year as—

''(1) the excess of—

''(A) the taxpayer's adjusted gross income for such taxable year, over

''(B) $750,000 ($1,500,000 in the case of a joint return), bears to

''(2) $250,000 ($500,000 in the case of a joint return).

''(c) ADDITIONAL DEFINITIONS.—For purposes of this section—

''(1) ADJUSTED GROSS INCOME.—The term 'adjusted gross income' has the meaning given such term by section 62.

''(2) UNEMPLOYMENT COMPENSATION.—The term 'unemployment compensation' has the meaning given such term by section 85(b).

''(d) ADMINISTRATIVE PROVISIONS.—For purposes of the deficiency procedures of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.

''(e) TRANSFER OF TAX RECEIPTS.—With respect to excess unemployment compensation received by any taxpayer from a State, there is hereby appropriated to the unemployment fund (as defined in section 3306(f)) of such State, an amount equal to the amount of the tax imposed under subsection (a) on such excess unemployment compensation received in the Treasury.''.

(2) TAX NOT DEDUCTIBLE.—Section 275(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (6) the following new paragraph:

''(7) Tax imposed by section 5895.''.

(3) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to unemployment compensation received in taxable years beginning after December 31, 2011.

(b) ENDING SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS FOR MILLIONAIRES.—

(1) IN GENERAL.—Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

''(r) DISQUALIFICATION FOR RECEIPT OF ASSETS OF AT LEAST $1,000,000.—Any household in which a member receives income or assets with a fair market value of at least $1,000,000 shall, immediately on the receipt of the assets, become ineligible for further participation in the program until the date on which the household meets the income eligibility and allowable financial resources standards under section 5.''.

(2) CONFORMING AMENDMENTS.—Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended in the second sentence by striking ''sections 6(b), 6(d)(2), and 6(g)'' and inserting ''subsections (b), (d)(2), (g), and (r) of section 6''.

Subtitle E—Federal Civilian Employees

PART 1—RETIREMENT ANNUITIES

SEC. 5401. SHORT TITLE.

This part may be cited as the ''Securing Annuities for Federal Employees Act of 2011''.

SEC. 5402. RETIREMENT CONTRIBUTIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) INDIVIDUAL CONTRIBUTIONS.—Section 8334(a)(1)(A) of title 5, United States Code, is amended—

(A) by striking ''(a)(1)(A) The'' and inserting ''(a)(1)(A)(i) Except as provided in clause (ii), the''; and

(B) by adding at the end the following:

''(ii) The percentage of basic pay to be deducted and withheld under clause (i) shall—

''(I) for each of calendar years 2013, 2014, and 2015, be equal to the percentage that applied in the preceding calendar year (as increased under this subclause, if applicable), plus an additional 0.5 percentage point; and

''(II) for each calendar year after 2015, be equal to the applicable percentage for calendar year 2015 (as determined under subclause (I)).''.

(2) GOVERNMENT CONTRIBUTIONS.—Section 8334(a)(1)(B) of title 5, United States Code, is amended—

(A) in clause (i), by striking ''Except as provided in clause (ii),'' and inserting ''Except as provided in clause (ii) or (iii),''; and

(B) by adding at the end the following:

''(iii) The amount to be contributed under clause (i) shall, with respect to a period in any calendar year specified in subparagraph (A)(ii), be equal to—

''(I) the amount that would otherwise apply under clause (i), reduced by

''(II) the amount by which the withholding under subparagraph (A) exceeds the amount which would (but for clause (ii) of such subparagraph) otherwise have been withheld under such subparagraph from the basic pay of the employee or elected official involved with respect to such period.''.

(3) OFFSET RULE.—Section 8334(k) of title 5, United States Code, is amended by adding at the end the following:

''(5) This subsection shall be applied in a manner consistent with subsections (a)(1)(A)(ii) and (a)(1)(B)(iii) of section 8334.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8422(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (2).'' and inserting ''this subsection.''; and

(2) by adding at the end the following:

''(4) Notwithstanding any other provision of this subsection, the percentage to be deducted and withheld under this subsection shall—

''(A) for each of calendar years 2013, 2014, and 2015, be equal to the percentage that applied in

the preceding calendar year under this subsection (including this subparagraph, if applicable), plus an additional 0.5 percentage point; and

''(B) for each calendar year after 2015, be equal to the applicable percentage for calendar year 2015 (as determined under subparagraph (A)).''.

(c) FOREIGN SERVICE.—For provisions of law requiring maintenance of existing conformity—

(1) between the Civil Service Retirement System and the Foreign Service Retirement System, and

(2) between the Federal Employees' Retirement System and the Foreign Service Pension System,

see section 827 of the Foreign Service Act of 1980 (22 U.S.C. 4067).

(d) CIARDS.—

(1) COMPATIBILITY WITH CSRS.—In order to carry out the purposes of this section with respect to the Central Intelligence Agency Retirement and Disability System, the authority under section 292 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141) shall be applied.

(2) APPLICABILITY OF FERS.—For provisions of law providing for the application of the Federal Employees' Retirement System with respect to employees of the Central Intelligence Agency, see title III of the Central Intelligence Agency Retirement Act (50 U.S.C. 2151 and following).

(e) TVA.—Section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b) is amended by adding at the end the following:

''(c) The chief executive officer shall prescribe any regulations which may be necessary in order to carry out the purposes of the Securing Annuities for Federal Employees Act of 2011 with respect to any defined benefit plan covering employees of the Tennessee Valley Authority.''.

SEC. 5403. AMENDMENTS RELATING TO SECURE ANNUITY EMPLOYEES.

(a) DEFINITION OF SECURE ANNUITY EMPLOYEE.—Section 8401 of title 5, United States Code, is amended—

(1) in paragraph (35), by striking ''and'' at the end;

(2) in paragraph (36), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(37) the term 'secure annuity employee' means an employee or Member who—

''(A) first becomes subject to this chapter after December 31, 2012; and

''(B) at the time of first becoming subject to this chapter, does not have at least 5 years of civilian service creditable under the Civil Service Retirement System or any other retirement system for Government employees.''.

(b) INDIVIDUAL CONTRIBUTIONS.—Section 8422(a) of title 5, United States Code (as amended by section 2(b)) is further amended—

(1) in paragraph (4) (as added by section 2(b)), in the matter before subparagraph (A), by inserting ''and except in the case of a secure annuity employee,'' after ''this subsection''; and

(2) by adding after paragraph (4) (as so added) the following:

''(5) Notwithstanding any other provision of this subsection, in the case of a secure annuity employee, the percentage to be deducted and withheld shall be computed under paragraphs (1) through (3), except that the applicable percentage under paragraph (3) for civilian service shall—

''(A) in the case of a secure annuity employee who is an employee, be equal to 10.2 percent; and

''(B) in the case of a secure annuity employee who is not subject to subparagraph (A), 10.7 percent.''.

(c) AVERAGE PAY.—Section 8401(3) of title 5, United States Code, is amended—

(1) by striking ''(3)'' and inserting ''(3)(A)''; and

(2) by adding ''except that'' after the semicolon; and

(3) by adding at the end the following:

''(B) in the case of a secure annuity employee, the term 'average pay' has the meaning determined applying subparagraph (A)—

''(i) by substituting '5 consecutive years' for '3 consecutive years'; and

''(ii) by substituting '5 years' for '3 years'.''.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415 of title 5, United States Code, is amended—

(1) by striking subsections (a) through (e) and inserting the following:

''(a) Except as otherwise provided in this section, the annuity of an employee retiring under this subchapter is—

''(1) except as provided under paragraph (2), 1 percent of that individual's average pay multiplied by such individual's total service; or

''(2) in the case of a secure annuity employee, 0.7 percent of that individual's average pay multiplied by such individual's total service.

''(b) The annuity of a Member, or former Member with title to a Member annuity, retiring under this subchapter is computed under subsection (a), except that if the individual has had at least 5 years of service as a Member or Congressional employee, or any combination thereof, so much of the annuity as is computed with respect to either such type of service (or a combination thereof), not exceeding a total of 20 years, shall be computed—

''(1) except as provided under paragraph (2), by multiplying 1.7 percent of the individual's average pay by the years of such service; or

''(2) in the case of an individual who is a secure annuity employee, by multiplying 1.4 percent of the individual's average pay by the years of such service.

''(c) The annuity of a Congressional employee, or former Congressional employee, retiring under this subchapter is computed under subsection (a), except that if the individual has had at least 5 years of service as a Congressional employee or Member, or any combination thereof, so much of the annuity as is computed with respect to either such type of service (or a combination thereof), not exceeding a total of 20 years, shall be computed—

''(1) except as provided under paragraph (2), by multiplying 1.7 percent of the individual's average pay by the years of such service; or

''(2) in the case of an individual who is a secure annuity employee, by multiplying 1.4 percent of the individual's average pay by the years of such service.

''(d) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 is—

''(1) except as provided under paragraph (2)—

''(A) 1.7 percent of that individual's average pay multiplied by so much of such individual's total service as does not exceed 20 years; plus

''(B) 1 percent of that individual's average pay multiplied by so much of such individual's total service as exceeds 20 years; or

''(2) in the case of an individual who is a secure annuity employee—

''(A) 1.4 percent of that individual's average pay multiplied by so much of such individual's total service as does not exceed 20 years; plus

''(B) 0.7 percent of that individual's average pay multiplied by so much of such individual's total service as exceeds 20 years.

''(e) The annuity of an air traffic controller or former air traffic controller retiring under section 8412(a) is computed under subsection (a), except that if the individual has had at least 5 years of service as an air traffic controller as defined by section 2109(1)(A)(i), so much of the annuity as is computed with respect to such type of service shall be computed—

''(1) except as provided under paragraph (2), by multiplying 1.7 percent of the individual's average pay by the years of such service; or

''(2) in the case of an individual who is a secure annuity employee, by multiplying 1.4 percent of the individual's average pay by the years of such service.''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), in the matter following subparagraph (B), by striking ''or customs and border protection officer'' and inserting ''customs and border protection officer, or secure annuity employee.''.

SEC. 5404. ANNUITY SUPPLEMENT.

Section 8421(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(2) in paragraph (2), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''; and

(3) by adding at the end the following:

''(4)(A) Except as provided in subparagraph (B), no annuity supplement under this section shall be payable in the case of an individual whose entitlement to annuity is based on such individual's separation from service after December 31, 2012.

''(B) Nothing in this paragraph applies in the case of an individual separating under subsection (d) or (e) of section 8412.''.

PART 2—FEDERAL WORKFORCE

SEC. 5421. EXTENSION OF PAY LIMITATION FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242), as amended by section 1(a) of the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; 124 Stat. 3518), is further amended—

(1) in subsection (b)(1), by striking ''December 31, 2012'' and inserting ''December 31, 2013''; and

(2) in subsection (c), by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) APPLICATION TO LEGISLATIVE BRANCH.—

(1) MEMBERS OF CONGRESS.—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by subsection (a), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

(2) OTHER LEGISLATIVE BRANCH EMPLOYEES.—

(A) LIMIT IN PAY.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this subparagraph) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.

(B) DEFINITION.—In this paragraph, the term ''legislative branch employee'' means—

(i) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

(ii) an employee of any office of the legislative branch who is not described in clause (i).

SEC. 5422. REDUCTION OF DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(c) DISCRETIONARY SPENDING LIMIT.—As used in this part, the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2013—

''(A) for the security category, $685,000,000,000 in new budget authority; and

''(B) for the nonsecurity category, $359,000,000,000 in new budget authority;

''(2) with respect to fiscal year 2014, for the discretionary category, $1,063,000,000,000 in new budget authority;

''(3) with respect to fiscal year 2015, for the discretionary category, $1,083,000,000,000 in new budget authority;

''(4) with respect to fiscal year 2016, for the discretionary category, $1,104,000,000,000 in new budget authority;

''(5) with respect to fiscal year 2017, for the discretionary category, $1,128,000,000,000 in new budget authority;

''(6) with respect to fiscal year 2018, for the discretionary category, $1,153,000,000,000 in new budget authority;

''(7) with respect to fiscal year 2019, for the discretionary category, $1,178,000,000,000 in new budget authority;

''(8) with respect to fiscal year 2020, for the discretionary category, $1,204,000,000,000 in new budget authority; and

''(9) with respect to fiscal year 2021, for the discretionary category, $1,230,000,000,000 in new budget authority;

as adjusted in strict conformance with subsection (b).''.

SEC. 5423. REDUCTION OF REVISED DISCRETIONARY SPENDING LIMITS TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.

Paragraph (2) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(2) REVISED DISCRETIONARY SPENDING LIMITS.—The discretionary spending limits for fiscal years 2013 through 2021 under section 251(c) shall be replaced with the following:

''(A) For fiscal year 2013—

''(i) for the security category, $546,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $499,000,000,000 in budget authority.

''(B) For fiscal year 2014—

''(i) for the security category, $556,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $507,000,000,000 in budget authority.

''(C) For fiscal year 2015—

''(i) for the security category, $566,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $517,000,000,000 in budget authority.

''(D) For fiscal year 2016—

''(i) for the security category, $577,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $527,000,000,000 in budget authority.

''(E) For fiscal year 2017—

''(i) for the security category, $590,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $538,000,000,000 in budget authority.

''(F) For fiscal year 2018—

''(i) for the security category, $603,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $550,000,000,000 in budget authority.

''(G) For fiscal year 2019—

''(i) for the security category, $616,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $562,000,000,000 in budget authority.

''(H) For fiscal year 2020—

''(i) for the security category, $630,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $574,000,000,000 in budget authority.

''(I) For fiscal year 2021—

''(i) for the security category, $644,000,000,000 in budget authority; and

''(ii) for the nonsecurity category, $586,000,000,000 in budget authority.''.

Subtitle F—Health Care Provisions

SEC. 5501. INCREASE IN APPLICABLE PERCENTAGE USED TO CALCULATE MEDICARE PART B AND PART D PREMIUMS FOR HIGH-INCOME BENEFICIARIES.

(a) IN GENERAL.—Section 1839(i)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(i)) is amended—

(1) by striking ''IN GENERAL.—'' and inserting ''IN GENERAL.—(I) For calendar years prior to 2017:''; and

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

''(II) For calendar year 2017 and each subsequent calendar year:

"If the modified adjusted gross is:	The applicable percentage is:
More than $80,000 but not more than $100,000	40.25 percent
More than $100,000 but not more than $150,000	57.5 percent
More than $150,000 but not more than $200,000	74.75 percent
More than $200,000	90 percent.''.

(b) CONFORMING AMENDMENT.—Section 1839(i)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(i)) is amended, by inserting ''and year'' after ''individual''.

SEC. 5502. TEMPORARY ADJUSTMENT TO THE CALCULATION OF MEDICARE PART B AND PART D PREMIUMS.

(a) IN GENERAL.—Section 1839(i)(6) of the Social Security Act (42 U.S.C. 1395r(i)(6)) is amended in the matter preceding subparagraph (A) by striking ''December 31, 2019'' and inserting ''December 31 of the first year after the year in which at least 25 percent of individuals enrolled under this part are subject to a reduction under this subsection to the monthly amount of the premium subsidy applicable to the premium under this section.''.

(b) APPLICATION OF INFLATION ADJUSTMENT.—Section 1839(i)(5) of the Social Security Act (42 U.S.C. 1395r(i)(5)) is amended—

(1) in subparagraph (A), by striking ''In the case'' and inserting ''Subject to subparagraph (C), in the case''; and

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

''(C) TREATMENT OF YEARS AFTER TEMPORARY ADJUSTMENT PERIOD.—In applying subparagraph (A) for the first year beginning after the period described in paragraph (6) and for each subsequent year, the 12-month period ending with August 2006 described in clause (ii) of such subparagraph shall be deemed to be the 12-month period ending with August of the last year of such period described in paragraph (6).''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 6001. REPEAL OF CERTAIN SHIFTS IN THE TIMING OF CORPORATE ESTIMATED TAX PAYMENTS.

The following provisions of law (and any modification of any such provision which is contained in any other provision of law) shall not apply with respect to any installment of corporate estimated tax:

(1) Section 201(b) of the Corporate Estimated Tax Shift Act of 2009.

(2) Section 561 of the Hiring Incentives to Restore Employment Act.

(3) Section 505 of the United States-Korea Free Trade Agreement Implementation Act.

(4) Section 603 of the United States-Colombia Trade Promotion Agreement Implementation Act.

(5) Section 502 of the United State-Panama Trade Promotion Agreement Implementation Act.

SEC. 6002. REPEAL OF REQUIREMENT RELATING TO TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) REPEAL.—The Trade Adjustment Assistance Extension Act of 2011 (title II of Public Law 112–40; 125 Stat. 402) is amended by striking section 263.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 263.

SEC. 6003. POINTS OF ORDER IN THE SENATE.

(a) POINT OF ORDER TO PROTECT THE SOCIAL SECURITY TRUST FUND.—

(1) Notwithstanding any other provision of law, it shall not be in order in the Senate to consider any measure that extends the dates referenced in section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note).

(2) The provisions of this subsection may be waived in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(b) POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—Section 314 of the Congressional Budget Act of 1974 is amended by—

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

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

''(e) SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—

''(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

''(2) SUPERMAJORITY WAIVER AND APPEALS.—

''(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

''(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

''(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.''.

SEC. 6004. PAYGO SCORECARD ESTIMATES.

(a) BUDGETARY EFFECTS.—Neither scorecard maintained by the Office of Management and Budget pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933) shall include the budgetary effects of this Act if such

budgetary effects do not increase the deficit for the period of fiscal years 2012 through 2021 as determined by the estimate submitted for printing in the Congressional Record pursuant to section 4(d) of such Act.

(b) DEFICIT.—The increase or decrease in the deficit in the estimate submitted for printing referred to in subsection (a) shall be determined on the basis of—

(1) the change in total outlays and total revenue of the Federal Government, including off-budget effects, that would result from this Act;

(2) the estimate of the effects of the changes to the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 in this Act; and

(3) the estimate of the change in net income to the National Flood Insurance Program by this Act.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

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

There are four important facts everyone should know about the Middle Class Tax Relief and Job Creation Act:

First, it will strengthen our economy and help get Americans back to work by lowering the tax burden for middle class families and job providers alike;

Second, it prevents massive cuts to doctors working in the Medicare program to protect America's seniors and those with disabilities—providing more stability in the doctor payment schedule than there has been in a decade;

Third, it adopts a number of the President's legislative initiatives, which represents the bipartisan cooperation Americans are demanding; and

Fourth, it's fully paid for with spending cuts, not job-killing tax hikes. The CBO tables show the bill is fully offset and saves about $1 billion. And when you add in the flood insurance provisions, the savings are closer to $6 billion.

So it will help families struggling in this economy; it will help the unemployed get and keep a job; it helps seniors; it's bipartisan; and it is paid for.

The House should—and I expect it will—overwhelmingly pass this measure, and the Senate should quickly pass it so Americans can get what they truly want this holiday season—something that helps create jobs while helping those most in need.

While this bill includes the priorities of a number of committees, many of the provisions in H.R. 3630 are within the purview of the Ways and Means Committee.

This bill will extend for 1 year the payroll tax holiday to help middle class families struggling in this economy, while fully protecting the Social Security trust fund.

□ 1550

Mr. Speaker, I have a letter from the Social Security Chief Actuary confirming this fact that I would like to place in the RECORD.

SOCIAL SECURITY ADMINISTRATION,
OFFICE OF THE CHIEF ACTUARY,
Baltimore, MD, December 12, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We have reviewed the language in the ''Middle Class Tax Relief and Job Creation Act of 2011'' (H.R. 3630), which you introduced on December 9, 2011. We estimate that the enactment of this bill would reduce (improve) the long range actuarial deficit of the Old Age and Survivors Insurance and Disability Insurance (OASDI) program by about 0.01 percent of taxable payroll. All estimates are based on the intermediate assumptions of the 2011 Trustees Report. Sections 2001 and 5101 would have a direct effect on the OASDI program, as described below.

Section 2001 of the bill, ''Extension of Temporary Employee Payroll Tax Reduction through End of 2012'' would extend through 2012 the provisions of subsection (c) of section 601 of the ''Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.'' Enactment of section 2001 would have a negligible effect on the financial status of the program in both the near term and the long term. We estimate that the projected level of the OASI and DI Trust Funds would be unaffected by enactment of this provision.

Specifically, this provision would make the following changes for payroll tax rates and OASDI financing in 2012: (1) for wages and salaries paid in calendar year 2012 and self-employment earnings in calendar year 2012, reduce the OASDI payroll tax rate by 2.0 percentage points, (2) transfer revenue from the General Fund of the Treasury to the OASI and DI Trust Funds so that total revenue for the trust funds would be unaffected by this provision, and (3) credit earnings to the records of workers for the purpose of determining future benefits payable from the trust funds so that such benefits would be unaffected by this provision. For wage and salary earnings, the 2.0–percent rate reduction would apply to the employee share of the payroll tax rate. For self-employment earnings, the personal income tax deduction for the OASDI payroll tax would be 59.6 percent of the portion of such taxes attributable to self-employment earnings for 2012.

Section 5101 of the bill, ''Information for Administration of Social Security Provisions Related to Noncovered Employment,'' would require that all State and local governments report to the Secretary of the Treasury all distributions from any employer deferred compensation plan made after December 31, 2012. This requirement would make available to the Treasury and the Social Security Administration any amount of such distributions that is based on earnings from employment with State and local governments that was not covered under the OASDI program. This required reporting by State and local governments would effectively eliminate most noncompliance with individual reporting of distributions from deferred compensation plans that results in the application of the windfall elimination provision and the government pension offset provision for OASDI benefits. Enactment of section 5101 of the bill would reduce (improve) the long-range OASDI actuarial deficit by about 0.01 percent of payroll.

We estimate that other sections of the bill would have no direct effects on the OASDI program. Please let me know if we may be of any further assistance.

Sincerely,

STEPHEN C. GOSS,
Chief Actuary.

Without an extension, a worker earning $50,000 would see his or her take-home pay decline by a $1,000 in 2012, as compared to 2011.

Employers are helped too. Through an extension of 100 percent expensing, job creators down the supply chain will see more demand for their products. This will help boost economic activity and job creation. The President has endorsed both of these tax policies.

The bill will also extend unemployment benefits that are scheduled to expire at the end of the month, but does so while permanently reforming the program and adopting the President's plan to wind down recent expansions of the program.

Since 2008 extensions of unemployment benefits have added $180 billion to the debt. We're putting an end to that deficit spending. This program is fully paid for, and it contains significant reforms, such as allowing States to screen and test unemployment insurance recipients for drug abuse, overturning a 1960s-era Labor Department directive; requiring all unemployed recipients to search for work; be in a GED program if they have not finished high school, with reasonable exceptions; and participate in re-employment services.

It also implements program integrity measures such as new data standardization to crack down on waste, fraud, and abuse. And just as we did in connection with welfare reform, we're giving the States flexibility to design their own re-employment programs similar to the sorts of programs the President has touted, like Georgia Works and wage subsidies.

Why are we making these reforms instead of just passing a straight extension? Because we know that a paycheck is better than an unemployment check. These bipartisan reforms will help get Americans back to work while providing them with assistance during hard times, and that should truly be the focus of unemployment programs, getting people back to work.

In addition to reforming UI, we extend Federal benefits but reduce the maximum number of weeks of all benefits from 99 weeks to 59 weeks in most States by mid-2012. This reflects a more normal level typically available following recessions.

I should point out that phasing out 20 of those weeks is the President's policy. As a result of this extension, an estimated 5 million out-of-work Americans will receive an average of about $7,000 in assistance they need in this tough economy. A ''no'' vote today is a

vote to deny those Americans who are out of work those benefits.

We also end UI for millionaires. The bill simply says if you earn $1 million you have to pay back your unemployment benefits. Though not in the jurisdiction of the Ways and Means Committee, the bill applies a similar policy to food stamps. Together, these policies save taxpayers $20 million.

Additional savings are found by freezing the pay of Members of Congress and other civilian government workers for 1 year.

Next, the legislation prevents a 27 percent cut to doctors serving Medicare patients and replaces it with a 1 percent payment update in 2012 and 2013. The 2-year update is the longest that Congress has provided since 2004, which will give us time to develop a permanent solution.

In addition to the Medicare doc fix, the legislation reforms and extends temporary Medicare payment programs. Since 2002, Congress has blindly extended as many as a dozen of these programs. Given that we're running a $1 trillion deficit and borrowing 40 cents out of every dollar we spend, the American taxpayer simply cannot afford to have Congress skip out on doing proper oversight. That's why we're extending only four of these provisions, and we're making reforms to some and requiring additional studies from the Centers for Medicare and Medicaid Services and the Government Accountability Office to get better data on how they're working.

These programs are the therapy caps exceptions process, premium assistance for low-income seniors, ambulance payment add-ons, and geographic payment adjustments for physician office visits, sometimes called GPCI.

In the health care field, the legislation also adopts a recommendation from President Obama that reduces subsidies to high-income seniors by requiring them to pay a greater share of their part B and D premiums. This single change reduces spending by $31 billion in the next decade.

It saves $13.4 billion in wasteful overpayments of exchange subsidies, similar to previous good government changes enacted by overwhelming bipartisan majorities and signed into law by the President, and repeals provisions in current law that hurt physician-owned hospitals.

With regard to the Nation's primary welfare program, the legislation extends through September 30, 2012, Temporary Assistance for Needy Families, TANF, which is set to expire on December 31st of this year. The TANF extension includes bipartisan, bicameral reforms to ensure that taxpayer funds are protected from abuse. Those reforms include improvements to program integrity, and closing the current strip club loophole so that welfare funds cannot be accessed at ATMs in strip clubs, liquor stores, and casinos.

In California alone, nearly $4 million in State-issued cash benefits was withdrawn from ATMs in casinos between January 2007 and May 2010. Another $20,000 in benefits was withdrawn from ATMs in adult entertainment establishments. I think we can all agree that this reform makes sense for taxpayers and for those on welfare.

Finally, the legislation takes two additional steps to better protect taxpayer dollars. First, it makes necessary changes to the additional child tax credit program by requiring the individual, or at least one spouse, to include a Social Security number on their tax return to claim the credit, just as you would have to do when filing for the earned income tax credit. This will reduce Federal spending by $10 billion in the next decade alone.

Second, this legislation reduces Social Security overpayments by improving coordination with States and local governments, incorporating another recommendation from President Obama.

The Middle Class Tax Relief and Job Creation Act incorporates more than a dozen proposals that the President has either offered, supported, or has signed into law in one variation other another. In fact, more than 90 percent of the bill is paid for with such policies.

The list of job-creating provisions and those that help families is almost too long to list, but let me highlight just a few. A bipartisan payroll tax cut for every working American that also protects Social Security; a bipartisan energy project, Keystone XL, that will create more than 100,000 jobs and is supported by both employers and unions; a bipartisan tax cut for small and large businesses to invest now in new machinery and equipment to grow their businesses and create jobs; bipartisan reforms to make sense of Federal regulations like boiler MACT, which will protect as many as 20,000 jobs; bipartisan health care reforms that will help ensure a strong health care industry; a bipartisan push for spectrum auctions that will unleash new growth and create new jobs in the technology sector; bipartisan reforms that help Americans find work faster, instead of just giving them an unemployment check.

The list goes on and on but, in short, this bill is about jobs, jobs, jobs, creating jobs and helping Americans find a job. It's paid for, it is bipartisan, and it will help get our economy back on track. I strongly urge my colleagues to vote in favor of the Middle Class Tax Relief and Job Creation Act.

I reserve the balance of my time.

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

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. There are fewer than 3 weeks until the new year, and yet, here they go again. Republicans are seeking a path of confrontation instead of collaboration. If Republicans were serious, truly serious about trying to come together on behalf of American families, they would have reached out to Democrats in this House. They've done nothing of the sort. They've made a sham out of bipartisanship.

Instead, they, once again, targeted millions of seniors and middle class families for cuts without asking essentially anything of millionaires and billionaires. They've singled out Medicare premium increases that permanently increase seniors' costs by $31 billion.

The bill also, when you look at it carefully, spends $300 million on a special interest provision that helps a handful of specialty hospitals while cutting billions from community hospitals.

They've targeted the unemployed, slashing 40 weeks of unemployment insurance, impacting millions of families still struggling under the weight of the worst economic downturn since the Great Depression. Twenty-two jurisdictions, 22, with the highest unemployment rates would be hit the hardest: Alabama, California, Connecticut, D.C., Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington.

□ 1600

The result would be in the State that Mr. CAMP and I come from, Michigan, a maximum of 46 weeks of unemployment insurance.

And what do they ask of the wealthiest Americans? Basically nothing. Not even after the wealthiest 1 percent saw their incomes nearly triple in the last three decades while salaries for middle class families barely budged.

On average, there are more than four unemployed Americans for every job opening. Never, on official records in our Nation's history, have there been so many unemployed Americans out of work for so long. There is nothing normal about this recession. Nothing normal.

One gentleman from my district, Phil of Clinton Township, put it this way, ''I am by no means unintelligent. I am by no means lazy. And I am by no means giving up.''

The unemployed are not people who can ante up $10,000 bets or spend lavishly on jewelry at Tiffany. These are families scraping by, on average, on less than $300 a week trying to keep food on the table, a roof over their heads, and clothes on their backs and the backs of their children as they look for work.

Republicans are out of touch with the families of America. I hope after today's exercise that is going nowhere in the Senate and which the President opposes, House Republicans will get serious about addressing very pressing end-of-year issues on behalf of the American people.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, at this time I would note that the Ways and Means Committee has held 16 different hearings or markups on provisions contained in this legislation.

I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, it's critically important that we act to prevent physicians' Medicare payments from being cut by 27.4 percent on December 31. Such a drastic cut will result in many physicians ending their participation in the Medicare program, and many senior citizens would no longer be able to obtain the medical care they need.

The bill before us would prevent cuts under Medicare's sustainable growth rate, or SGR, formula for the next 2 years with physicians receiving a 1 percent inflation update in each of those years.

As I've said before, we need to do away with the SGR once and for all so that doctors do not have to constantly worry about cuts to their Medicare payments. I'm disappointed that we've run out of time to consider permanent reform this year, but the Ways and Means committee has been carefully examining different options for replacing the SGR, and I'm hopeful that we can move forward with these efforts next year.

For now, this legislation gives physicians the longest period of payment since 2004, and it is fully paid for with reforms to Medicare and other Federal health programs. Many of these reforms have bipartisan support and were included in the President's deficit reduction proposal. I hope we will have a strong bipartisan vote for this bill.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Well, it's getting close to the Christmas tree, and here we come finally getting around to dealing with unemployment with the most drastic attack on the unemployment system that we've had since 1933 without any hearings. I hear people talk about the Ways and Means Committee has talked about this. There hasn't been a single hearing on the proposal that's put here before us on the end of the session cutting a Federal program from 73 weeks to 33 weeks. You're taking 40 weeks of unemployment away from people who have thought this country cared, and it turns out the Republicans don't care at all.

This is bait and switch. This is like going on a used car lot and the guy shows you a Chevrolet over here and says, That's a thousand bucks.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. MCDERMOTT. By the time you find another car that's worth nothing, that's been in a wreck, you drive out thinking you had the thousand-dollar car you were getting.

This is a phony attack on unemployment. Nobody should think of it as anything else. The press releases will say, We extended unemployment benefits. Yeah. Well, you pulled the rug out from under the long-term unemployment. This is not the usual unemployment. This is unemployment where we have the highest long-term unemployment in the history of this country in the last 50 years.

It's a bad bill. Vote ''no.''

Mr. CAMP. Mr. Speaker, I yield 3 minutes to a member of the Ways and Means Committee, the distinguished gentleman from Texas (Mr. SAM JOHNSON), who is an author of the reform to the refundable child tax credit.

Mr. SAM JOHNSON of Texas. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this bill.

I'd like to begin by thanking the leadership and the chairman for including in this bill a provision of mine that will help eliminate waste, fraud, and abuse with respect to the refundable child tax credit. This simple commonsense provision will save the American taxpayer $9.4 billion by stopping illegal immigrants from getting the refundable child tax credit.

I first introduced this provision as a bill in January 2010 and reintroduced it this past May. My legislation is based on the good work of the Treasury Inspector General for Tax Administration which said in its report on the credit that although the law prohibits aliens residing without authorization in the United States from receiving most Federal public benefits, an increasing number of these individuals are filing tax returns claiming this refundable credit.

According to the IG, illegal immigrants bilked $4.2 billion from the U.S. taxpayers last year. I think that it's time that we fixed it.

Currently, if individuals do not have a Social Security number, the IRS will give them an individual taxpayer identification number to get the credit. This provision will root out waste, fraud, and abuse by the IRS simply requiring individuals to provide their Social Security number in order to claim this refundable credit.

Mr. Speaker, there has been a lot of debate regarding the extension of the payroll tax cut and Social Security. Given this debate, as chairman of the Social Security Subcommittee, I would like to take this opportunity to briefly talk about the importance of securing this program's future.

Last year marked the first time since 1983 that Social Security paid out more in benefits than it took in in payroll taxes; 1983 was also the last major reform of Social Security. As a result, over the next 10 years, Social Security will be in the red by over half a trillion dollars. As a result, Social Security must rely on general revenues to pay back with interest the Social Security surpluses that Washington has spent. That means Treasury has to borrow more. According to the CBO, we do so at our own economic peril.

□ 1610

Mr. Speaker, the American people want, need, and deserve a fact-based conversation about how we can fairly and responsibly fix Social Security for good. That would send a powerful signal that we are serious about getting our fiscal house in order. Let's do it now.

Mr. LEVIN. It is now my privilege to yield 2 minutes to another distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman for yielding.

Mr. Speaker, I am in opposition to this so-called Middle Class Tax Relief and Job Creation Act, largely because it's neither. The gentleman from Michigan (Mr. CAMP) is correct. He says there have been 16 hearings at the Ways and Means Committee, but never once has there been a conversation. That's the important matter for us to consider.

There has been no give-and-take in this legislation. This was brought to the floor today in the manner of ramming it through the House in order to protect talking points as we move into the new year. If we don't act, 160 million Americans are going to see a tax increase, with working American families seeing a tax increase of up to $1,000 in 2012. We need to extend unemployment insurance to assist millions of unemployed Americans, and we need to fix the Medicare physician payment rate to ensure that seniors have access to their doctors.

I am also opposed to this proposal that they offer today. While I support eliminating the scheduled reduction of 27 percent in Medicare payments to physicians, this is the wrong way to do it—offsetting it by taking $17 billion away from hospital funding.

Now people in America rightly ask: How come it's so difficult to get something done in Congress?

We're going to quibble today with the 8.6 percent of American families who are without work about extending their unemployment benefits. Yet, just 3 years ago, after the company was run into the ground, the head of Merrill Lynch left with—left with—$69 million. At Hewlett-Packard a month ago, the head of the company was dismissed for nonperformance, not in the way the unemployed are dismissed, which is by somebody escorting them to the door, but dismissed with $10 million worth of salary and $13 million of stock. At Enron, everybody at the top held out, and they locked down that stock so people at the bottom couldn't get out.

That's what this is about today.

Picking on the unemployed, 15 million members of the American family without work, as we proceed to this holiday season? We need a tax holiday for middle-income Americans, and that's what we should be doing today.

Mr. CAMP. I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. No bill is perfect but this has much to admire in it.

Moving the unemployed back into the workforce after a year makes sense—so does allowing States to drug test, stopping taxpayer fraud, helping small businesses invest in equipment, paying local doctors fairly for treating our seniors, telling the President ''he can't wait'' to approve the thousands of jobs created by the Keystone pipeline, and spending cuts and entitlement reforms so we don't add to the dangerous deficit. All of that is very good.

Like many in Congress, I am very troubled about reducing Social Security revenue another year. The bill's authors have responsibly included reforms that fill this hole and then some; but over the long term, cutting Social Security contributions makes an already fragile program more fragile.

So in support, I want my constituents to know that 2012 is it. I will not support another extension of the Social Security tax holiday. Instead, I will work to replace it with tax relief of an equal amount that doesn't impact Social Security or that doesn't make it harder to preserve this program for future generations.

Mr. LEVIN. It is now my special privilege to yield 2 minutes to a leader in our party, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise in strong opposition to this outrageously partisan and unfair bill. The clock is ticking; working families are worrying; and my Republican friends are playing political games.

This bill cuts unemployment benefits for hardworking folks who have lost their jobs through no fault of their own. My home State and district contain some of the hardest-hit families and communities in this country, and it is unfair to blame these folks for the economic hard times they are experiencing. This bill proposes drug testing for unemployed workers drawing from insurance funds they have paid into. That is unfair and insulting. I don't see anyone in the Republican majority demanding drug testing for folks who receive oil and gas subsidies.

The President will veto this bill if it ever reaches his desk. This political game that's being played is just another round of the brinksmanship we have seen time and again this year.

We need to pass a clean extension of the payroll tax cut for working Americans. We need to pass a clean extension of the unemployment insurance for those who have lost their jobs. We need to pass a clean extension of the SGR doc fix so Medicare patients will know their doctors will be there for them.

We need for my Republican friends to stop playing political games with people's lives. I urge my colleagues to vote against this partisan bill.

Mr. CAMP. Mr. Speaker, I would just note that this legislation incorporates more than a dozen proposals that the President has either offered, supported, or signed into law. In fact, more than 90 percent of the bill is paid for with such policies.

With that, I would yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the chairman for yielding.

Mr. Speaker, I rise in support of H.R. 3630, and tire of the empty rhetoric that I hear over and over again. As the chairman just pointed out, this bill includes many provisions that your party's President recommended. This is a bipartisan piece of legislation, and we are politicizing something at the expense of working families, which is a sad thing to see happen in this Chamber.

The legislation includes important provisions designed to promote job creation; but I would like to focus on the bill's provisions to reform and improve unemployment insurance, or UI.

These commonsense reforms expect UI recipients to search for work and to make progress towards a GED or other training they need to get back to work. We let States make reasonable exceptions, but the message is clear: UI needs to change to do a better job of helping people get back to work.

The bill also lets States apply for waivers of Federal law so they can test better ways to engage the unemployed. Our colleagues are right—there are too many long-term unemployed today, and we need to hold government programs more accountable for helping more of them find work sooner, including through wage subsidies and other innovative approaches that have received bipartisan support.

Also contained in this bill is a program integrity provision to improve data standards in the UI program in order to help it operate more efficiently and effectively across States and to help it better coordinate with other programs. This same provision was included in the bipartisan child welfare legislation signed by President Obama in September and is included in another section of this bill covering the Temporary Assistance for Needy Families program.

H.R. 3630 also makes reasonable reductions in temporary Federal UI benefits while extending that program for another year and maintaining up to 59 weeks of benefits by the middle of 2012:

First, it ends 20 weeks of Federal benefits that were added to the program when the national unemployment rate was at 9.9 percent, or well above today's 8.6 percent. Second, we adopt the President's call to phase out a second 20 weeks of Federal UI benefits in the early months of 2012.

So, instead of cutting or slashing and so on, as many of my colleagues on the other side of the aisle dubiously claim, the facts show that the UI benefits extended in this bill would aid over 5 million people at a cost of $34 billion—all paid for through other savings. That's an average of almost $7,000 in Federal help for every person aided.

In fact, with this bill, the total UI spending since the start of 2008 will stretch to an astounding $546 billion. That's not a typo. UI spending has totaled over a half a trillion dollars in the past 5 years. That's over five times—listen to this—over five times as much as it would cost to put a man on the Moon in today's dollars.

I urge the support of this much needed legislation and, most importantly, of its long needed reforms so that the UI program does a better job in helping Americans get back to work sooner.

□ 1620

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

I must say, to talk about a man on the Moon and to essentially disregard the needs of millions of people who are on the ground unemployed in this country is, I think, unconscionable.

I now yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), another member of our committee.

Mr. BLUMENAUER. I thank the gentleman from Michigan.

A year ago, our Republican friends talked about reforming the process so that we wouldn't have legislation that was in a ''must-pass'' category that was laden with items that were unrelated or unnecessarily complicated. Well, here we are, less than a year after they adopted their rules, and we have legislation that is just that. Unemployment insurance has always been, I think, in times of economic stress, when benefits are threatened to expire, must-pass legislation. If you ask the American public, being able to keep $1,000 or more in the pockets of the average family, by keeping the payroll tax reduction, that would be must-pass legislation. And the SGR, the sustainable growth rate problem, to avoid a draconian cut in physician reimbursement—which I mercifully say I did not support when it was proposed by my Republican friends and enacted into law some 15 years ago—that is certainly must-pass legislation.

And here we have a hodgepodge of jamming all of these together, plus—wait a minute—the Keystone pipeline, a variety of things that are complicated, expensive, and unfair, jammed together in a must-pass legislative situation.

Mr. Speaker, I am opposed to draconian cuts in benefit levels. In a State like mine, it's going to be very hard on rural and small-town America, where those extended benefits make a big difference. The jobs aren't there. Now you may force some of these people who don't have a high school education to start a training program, which you are not willing to pay for.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. You are going to impose very significant cuts on hospitals. For example, the evaluation and management cap is going to impact dramatically hospitals that a number of us represent. It is going to scale up much higher costs for senior citizens who don't think they're high-income.

With all due respect, I think it's the wrong approach to serious problems that we face. We ought to deal with them one at a time in a balanced and thoughtful way, reject this Christmas tree, and do it right.

Mr. CAMP. I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I would like to enter into a colloquy with the distinguished chairman.

Mr. Chairman, I thank you for including language in this bill that would remove current barriers for States to strengthen the unemployment insurance program through optional drug testing. By doing so, we can help increase individuals' ability to gain future employment and help ensure benefits are not being used to finance an individual's drug dependency. It is my understanding that the intent of this language is to provide flexibility to States to establish drug screening methods if they so choose.

I yield to the gentleman from Michigan.

Mr. CAMP. That is correct. The language in the bill provides States with the option to screen and test UI program applicants for illegal drug use.

Mr. KINGSTON. Thank you.

I would like to call States' attention to drug screening assessments approved by the National Institutes of Health that identify individuals as having a high probability of drug use. Under the bill I introduced, individuals deemed by those assessments to be high risk would be required to complete and pass a drug test in order to receive benefits.

General tax dollars help fund payments after 26 weeks. So people who are unemployed should be looking for a job and should not become voluntarily ineligible by taking illegal drugs. In this tough budgetary environment, we must maximize tax dollar spending efficiently and effectively. I appreciate your commitment to hold a hearing on this issue no later than the spring, and I thank you for pointing toward further action.

Mr. CAMP. That is a helpful reminder, especially to those States that look to take advantage of how this legislation removes current bureaucratic barriers preventing them from doing that sort of screening and testing, if they so choose.

Mr. KINGSTON. I look forward to working with the committee on this proposal. I thank the chairman and the subcommittee chairman, Mr. DAVIS, for their support and their discussions of this language.

I thank the gentleman for engaging in this colloquy.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to our distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding, and I rise in opposition to this bill.

We are now in overtime. The scheduled date for ending this session was December 8. That date, of course, was substantially later than we normally suggest ending the session. Notwithstanding that fact, we did not meet that deadline.

In the Pledge to America, our Republican colleagues, when they were running for office to seek the majority—which they got—they pledged to America that they would not put nongermane items in must-pass bills. That, apparently, was a campaign pledge not to be honored in practice. In the Pledge to America, they also said that we needed to do appropriation bills one after another. That, apparently, was a pledge to be honored during the campaign but not in practice.

So we have ourselves confronted with a bill that must pass. We must not leave this city and our responsibilities without extending unemployment insurance. We must not leave Washington, D.C., for this holiday season, delivering a block of coal in the stockings of our constituents by failing to continue the tax cut from their payroll taxes. And we must not leave Washington, D.C., without affecting a continuation of the proper reimbursement of doctors to ensure that Medicare patients will be able to get their doctors' services.

We have three items to focus on to get done and nine appropriation bills. Now one of those appropriation bills has not even been reported out of subcommittee in this House, the Labor-Health bill. It hasn't been considered by the subcommittee. It hasn't been considered by the full committee. It hasn't been considered by this House. So we have a lot of business to do in essentially the next 72 hours.

What are we confronted with? We are confronted with a bill of over 350 pages, filed just a few days ago. We have heard a lot about reading the bills. I would be shocked if any Member has read this bill, shocked.

By contrast, the bill that was so criticized, the Affordable Care Act, was up for review for over a year, hundreds of hearings and essentially thousands of meetings around this country. This has not had a single town meeting, a single hearing, and a single perspective around this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the whip an additional 1 minute.

Mr. HOYER. I thank the gentleman for yielding.

So, my Tea Party friends, I am sure you lament the fact and think this bill ought not be passed. But I haven't seen you. I haven't heard you. I haven't gotten a letter from you.

I tell my friends on the Republican side of the aisle, I have demonstrated throughout this year that when we had the opportunity to work together, I worked to get the votes so that together, we could pass legislation that was necessary to run this country. So I don't take a back seat to anybody in this Chamber willing to work together in a bipartisan fashion. But this bill was not worked together in a bipartisan fashion. This bill seeks to poke a finger in the eye of the President of the United States, who has said, I will veto this bill, not because of the three things that I said were absolutely essential but because of something that is not essential to pass. Now the majority leader lamented last week that this would create 5,000 jobs if we passed the Keystone pipeline project. But a bill that would create at least a million jobs, the American Jobs Act, lays languishing in the bowels of the committee.

□ 1630

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. HOYER. So I can conclude. Yes, the gentleman asked for regular order. I lament the fact that we are not pursuing regular order. We could act in a responsible, bipartisan fashion to accomplish the three objectives I set forth and the appropriations bills; but, no, we're playing politics. We're pandering to a base. We're having a pretense that this bill can pass. It cannot.

Let us defeat this bill and then let us come together in a responsible fashion as the American public wants us to do and act on their behalf, not on the behalf of our politics.

Mr. CAMP. Mr. Speaker, I yield 1½ minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. As the sponsor of the Keystone pipeline language, I support H.R. 3630. And, no, it doesn't put a block of coal in the socks. It puts a barrel of oil in a pipeline. In fact, it puts 150,000 barrels of oil in the pipeline daily.

The American people need jobs. They want Congress to work together to help the private sector create those jobs. Keystone XL is shovel-ready. It will create thousands of jobs. All we need is a Federal permit, something that has already taken 3 years.

So why have the President and his allies in the Senate said no to these jobs? It's not for the cost; the project is privately funded to the tune of $7 billion. It's not to protect the environment; this pipeline will utilize the cleanest and safest new technology available, making it the safest pipeline in America. And it's not private property concerns because 97 percent of the landowners came to friendly settlements in

earlier Keystone efforts. Frankly, there is no excuse. This is pure politics. With thousands of jobs hanging in the balance, it's time to put politics aside and do the right thing.

Mr. LEVIN. It is my privilege to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), who is the lead sponsor on our unemployment insurance bill.

Mr. DOGGETT. I thank the gentleman.

This proposal certainly does represent a visit from the ghost of Christmas past—last Christmas to be specific—when Republicans stood here and said only a lump of coal for the unemployed until you stuff every stocking to overflowing.

Well, today's Republican bill would eliminate up to 40 weeks of unemployment coverage with the biggest cuts coming in States like mine, Texas, with high unemployment rates. That means that next year over 3 million unemployed Americans and their families will be shortchanged if this bill is enacted. Long-term unemployment in America today has not been this high, for this long, in 60 years. We have over 6 million fewer jobs now than when the recession began and more than four workers for every job opening. And in 10 States, this bill responds by making it possible to no longer require that unemployment insurance funds are used for unemployment insurance benefits.

Under the Democratic alternative that I have introduced, unemployment would be available only to those who are actively searching for a job, getting job training, or who are out there in a temporary layoff situation. Nor is an unemployment check any substitute for a paycheck. As The New York Times editorialized this morning: ''When was the last time any Republican lawmaker tried to live on $289 a week, the amount of the average unemployment benefit?''

And this same measure also offers a lump of coal for Medicare. I believe in seeking efficiencies in Medicare. That's one reason why we voted for the Affordable Care Act, to ensure that billions of dollars were saved. But the billions that are cut from other health care providers in today's bill come on top of across-the-board cuts that are already enacted and will be effective within about the next year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. DOGGETT. At some point, cuts to hospitals and nursing homes mean that seniors and the disabled will be unable to access the quality care that they need. And this bill's $8 billion cut to preventable chronic disease programs like heart disease and diabetes is shortsighted and will cost us more in the long run than it saves.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. I thank the gentleman for yielding. I would like to thank Chairman CAMP and Chairman DAVIS for their hard work on the much-needed reforms to our unemployment insurance program.

The Bureau of Labor Statistics reported today that there are over 3.3 million job openings in America. According to studies earlier this year, 22 percent of American businesses and 57 percent of small businesses are looking for employees and are ready to hire, if they can just find the right people. Matching willing employers with able workers is an absolute must.

In this uncertain economy, helping to cover the risk of training a new employee will help the unemployed back to work. Using unemployment dollars to subsidize the training of a new employee to reenter the workforce is just good public policy.

In June, I was proud to introduce the bipartisan-supported EMPLOY Act, to give States the flexibility to do precisely this. I remain very proud today that my concept is included in this package.

Support this bill, which gives States like Ohio the flexibility to use unemployment dollars for job-training services, and I want to thank the chairmen for working with me.

Mr. LEVIN. I yield 2 minutes to a very distinguished member of our committee, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, Mr. LEVIN, for yielding. And thank you for all of your great and good work.

Mr. Speaker, I rise in strong opposition to this bill. It is a very sad day for this body. Day in and day out, unemployed Americans beat the pavement applying for jobs everywhere and anywhere, sending hundreds of resumes applying for many jobs. These people lost their jobs through no fault of their own. They don't want a handout. They want a job.

In Atlanta we had a job fair where more than 4,500 people from as far away as New York showed up with the hope of just getting an interview. This bill is an insult to them. It is an affront to their dignity. It says that millions of Americans do not want to work or they are not searching hard enough for a job.

Instead of extending unemployment benefits before the holiday break, giving equal treatment for struggling Americans, as we do for the wealthy and large corporations, this legislation strips the program down to its bones. It's not right. It's not fair. It is not just.

This body represents the people, and we should not stomp on the souls of our fellow citizens. We can do better. We must do better. We must do better for the sake of our fellow citizens.

Mr. Speaker, is this the spirit of the season? Last night we offered an amendment to the Rules Committee that the Republicans refused to even consider. These amendments said, in effect, stop the politics, stop the games. Stand up for the people, for the people that voted for us, for our people that need our help. They are depending on us.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. LEWIS of Georgia. Mr. Speaker, we should stay here, stay here, don't go home until we can meet their expectations. We must come together and do what is right, and do it now. I urge all of my colleagues to oppose this bad bill and come together, pass a long-term, clean extension of unemployment benefits. That's the thing to do.

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

We think it is important to extend unemployment benefits, and that's what this bill does; but we do it with commonsense reforms, reforms that will help those who are unemployed get not just a paycheck from the government, but get a job and get a paycheck from the private sector.

□ 1640

These commonsense reforms are things like requiring unemployment insurance recipients to search for work and, if they don't have a GED, to get a GED. But we have a commonsense exception provision so that if you're an older worker and you've been a pipe fitter for 30 years, well, obviously, a GED isn't going to help you in your job search. But for those who are younger and who don't have the skills they need, it's clear that if you have that certificate, your chances of losing your job are much less.

And, third, we think they should participate in services to get them reemployed. Those are important. States need more flexibility in this area to get waivers from the Federal Government so they can enter in reemployment programs. There are many ideas in the States out there. We aren't mandating this from Washington. We want the States to be the laboratories of invention here.

We also think it's important to allow States to screen applicants for drugs. There's been a 1960s Department of Labor ruling that says States can't even look at this area. But with screening, you can get workers the proper help so they're not bounced from a job because they fail a drug test or don't get hired because they fail a drug test. These are all important, commonsense reforms, and they will help reduce our unemployment rates. They will help people get jobs.

And let me just say, in terms of job search, it is important that there be requirements in legislation to do that. Florida, for example, now requires those claiming benefits to report online each week five jobs they've applied for or to meet with a jobs counselor. The result? In the first 3 months of the new law, 65 percent of the claimants did not meet that obligation. Well,

they need to be out there assisting in finding jobs that they need.

Now, those are then keeping those resources for those who truly are unemployed and who truly can't find a job. In this era of limited resources, we need to make sure that they're used in the best, most effective and most efficient possible way. And these commonsense reforms give States the flexibility to design programs that meet the needs of their State, whether it be in drug screening, whether it be in searching for work, whether it be in employment services, or even States designing programs that allow the employers to receive part of the unemployment check so the workers get hired.

Those are the kinds of innovations that don't happen in Washington because they're saying, Extend the 99 weeks as is. Well, we can't afford to continue to deficit spend, as the other party did, $180 billion worth, since 2008, of unpaid-for unemployment benefits.

This is an important program. It's an important program that must be extended. It should be extended, and it will be extended if my colleagues vote for this legislation. And I urge support.

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

Mr. LEVIN. I yield myself 30 seconds.

Mr. CAMP, we've just received information from the Department of Labor that the Republican bill would cut unemployment benefits for 3.3 million Americans next year compared to an extension of current law. In the name of reform, don't cut the rug out from the unemployed of this country who are looking for work. That is, in one word, inexcusable—inexcusable.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

Mr. LEVIN. I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to commend Mr. CAMP and Mr. LEVIN for working hard on these issues. I think they do try to put the country before the party. But this bill is terrible. It is terrible.

The holidays must have come early for the majority. What we have here is a serious proposal? It's a stocking stuffed to the brim with ideology. And I thought we could put that aside and put the country first, more important than parties, more important than ideology.

I agree with you. Let's weed out those people who literally are crooks and try to steal from the public trough and take advantage of unemployment. I went to an unemployment office yesterday in my area, in my district, in a major city, Paterson. I went to the unemployment center. I looked through all of those folks that were waiting online and working and looking and seeking work and being trained for specific jobs, particularly in health care. I looked through those records. And if you think you're going to reduce the amount of money that Americans have to spend to help their brothers and sisters, you are dead wrong. Dead wrong.

What we've done in the Bush tax cuts, they were for the least needy. Now we're talking about the most needy. The unemployment rate in New Jersey is 9.1 percent. The average in the United States is 8.6 percent.

I'm asking you, I'm begging you, let's get beyond this.

And why didn't we put employers in this? What if employers had their part shaved like the employee that we are suggesting here? How many jobs would be created if the employer had not to pay 6.2 and, instead, 4.2 percent? And I agree with the President. That should have been reduced to 3.1 percent. We could put a lot of people to work.

A thousand dollars maybe in your pocket or my pocket or your pocket, Mr. Speaker, may not be the end all, but $1,000 in many people's who work every day for a living, who love this country, is an insult. And we're just making matters worse, Mr. Speaker. We're not making them better.

Mr. CAMP. Mr. Speaker, I ask unanimous consent for Mr. UPTON to control 15 minutes of the time.

The SPEAKER pro tempore. Is there objection?

Without objection, the gentleman from Michigan (Mr. UPTON) will control 15 minutes.

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 2 minutes.

This bill does a lot of things. It has real reforms. It's driven in large part by the unemployment reforms and extending the payroll tax cut, and it's all paid for.

Most Americans don't really want unemployment. They want a job. The spectrum provisions in this bill help our first responders with the allocation of the D block and creates perhaps as many as 100,000 jobs. The Keystone pipeline decision is part of this bill, too. It requires the President to review and make a decision, either way, within 60 days of enactment.

Just this morning, there were a number of press accounts that perhaps Iran will soon be conducting exercises to close the Straits of Hormuz. The Keystone pipeline will connect Canadian oil sands with refineries here in the United States, adding 20,000 private sector jobs and perhaps as many as 118,000 indirect jobs. It reduces our reliance on non-North American oil, which is a good thing. And it brings perhaps as many as 1 million barrels of oil a day—1 million barrels a day—into the United States that we don't have to import from someplace else. Canada is going to develop this no matter what. And that oil, 1 million barrels a day, is either going to come to the United States or it's going to a place like China. We want it here.

This is a good thing. It creates jobs. It reduces our reliance on oil from overseas. It is something that ought to be part of this bill, and it is. I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to another member of our committee, a distinguished, active member indeed, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my colleague and friend from the State of Michigan (Mr. LEVIN) for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 3630.

Today the Republican Party's true colors are fully exposed and on display—and it isn't pretty. The GOP argues time and time again against tax increases, but now it's clear. Their policy only applies when we are talking about increasing taxes on those making over $1 million a year.

Now, I don't begrudge anyone from making a buck in this country. I do, however, begrudge those who want to help America's wealthiest at the expense of America's middle class, especially when working people are hurting as much as they are right now.

Where is the shared sacrifice? Where is the shared responsibility? I believe Americans of all economic classes want a Federal Government that has a vision for our future and a vision for how to keep America strong.

□ 1650

That is why Democrats have a plan to provide an immediate cut in middle class taxes. We are pushing to cut the payroll tax in half for all working people, as well as expand it to small businesses, the engine creator of jobs in America.

Unfortunately, this GOP bill denies any payroll tax relief to small businesses. My friends on the other side of the aisle argue taxes impede growth, hurt American businesses, and stunt our economy. But apparently those arguments don't apply when we're talking about lowering taxes for the middle class or small businesses.

President Obama and the Democratic Party are championing cutting the payroll tax in half for all workers; my Republican colleagues refuse to even consider that. Democrats want to expand and enhance the payroll tax cut for employers, yet there's no such relief for small businesses in this bill.

But aside from what is not in this bill, I also want to object to what is in this bill—a new tax on senior citizens. If this bill is signed into law, seniors' premiums for Medicare will go up, and go up dramatically.

The true colors of the Republicans are clear.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. CROWLEY. Seniors making $40,000 a year are considered wealthy and deserve to see their Medicare costs go up; but a small, temporary income tax surcharge on people earning over $1 million a year, that's not acceptable?

Let's reject this bill. Hardworking Americans deserve better. They deserve middle class tax relief that doesn't come at the expense of our seniors.

Mr. UPTON. May I inquire of the Chair how much time is available on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) has 13 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 19 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 4½ minutes remaining.

Mr. UPTON. At this point, I will yield 2 minutes to the chairman of the Communications Subcommittee, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the chairman.

Mr. Speaker, the American people have waited long enough for this Congress to act to create jobs. This legislation does that. It does that through the Jump-Starting Opportunity With Broadband Spectrum Act of 2011. There is no reason to delay this bill any further.

This unleashes spectrum, both licensed and unlicensed, that when put into service will unleash new technologies, new innovations. And the chairman of the Federal Communications Commission said this part of the bill we're debating today could create as many as 700,000 new jobs. Other estimates say between 300,000 and 700,000 American jobs.

It generates upwards of $16 billion for companies who want to buy this broadband and pay the taxpayers for it because it is America's spectrum. And it does something that the Democrats, when they were in charge of the House for 4 years, failed to do: It makes this spectrum available, and it begins the process of building out an interoperable public safety broadband network as called for by the 9/11 Commission.

Now, this legislation didn't just drop out of the sky. It was thoughtfully and creatively crafted, and it finds the right balances. Its provisions were improved as the result of input and counsel from five separate public hearings we held, 11 months of negotiations, and discussions with Members of both sides of the aisle, the FCC, and the NTIA. But at some point the American people say stop talking and get it done, and that's what this legislation does as part of this bigger bill.

Hardworking middle class taxpayers want transparency and accountability; they don't want a blank check to anybody. So this legislation has the proper protections for the taxpayers. It builds out the public safety network. It creates 300,000 to 700,000 American jobs. Our economy needs the help, Americans need the jobs, and we need to generate revenue for the American taxpayer in a productive way, as this does. This legislation does all of these things and does them well. I urge support of this legislation.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. As I am preparing to speak, I'm thinking about a debate we had 3 years ago where banks received $700 billion, about the Fed 1 month ago printing $7.7 trillion for banks in this country and abroad, and here we're telling the American people who happen to be unemployed, you know, we're thinking of cutting benefits 40 weeks.

People want work, not welfare. People want work, not unemployment compensation. But when people do not have work, unemployment insurance is essential. It is a lifeline. And this legislation significantly cuts unemployment insurance, that safety net that millions rely on. It reduces the number of weeks unemployed workers are eligible for by as much as 40 weeks.

We need more jobs, and yet we have more long-term unemployed. We know the unemployment rate is actually higher because people have stopped looking for work. Nearly 14 million Americans are out of work, and among the long-term unemployed, more than half have been out of work for over a year.

The problem is not a lack of effort for those seeking a job, the problem is a lack of jobs. Let's get America back to work, not be cutting unemployment compensation.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman of the Health Subcommittee, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, we are all well aware of the inadequacies of the sustainable growth rate formula as a payment policy for reimbursing physicians. Unfortunately, the greatest threat—arguably—facing the Medicare program, if not the entire health care system, was left out of the new health reform law.

In 2010, Congress passed five temporary fixes to a pending physician payment cut. Some were retroactive and some lasted mere weeks. In other words, Congress kicked the can down the road five times last year.

Physician practices need more certainty than week-to-week patches. When this legislation becomes law, it will be the first multiyear fix to Medicare physician rates since 2003. Instead of just addressing the next oncoming payment cliff, the Middle Class Tax Relief and Job Creation Act provides a level of stability and predictability in payments for providers not seen in years and will allow Congress and the administration to work together to develop a long-term answer to the Medicare sustainable growth rate.

This 2-year fix, with a 1 percent increase in the next 2 years, is the first step in a long-term solution to eliminate the SGR and develop a more equitable and affordable Medicare payment policy for physicians. Not voting for this and supporting this 2-year fix may leave physicians facing just a 1-year patch, or more kicking the can down the road with no plan on how to move forward.

I urge my colleagues to support this legislation.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 1 minute to the very distinguished gentlelady from California, LYNN WOOLSEY.

Ms. WOOLSEY. I thank the gentleman for yielding.

Well, I've walked in the shoes of those who are needy. I know what it's like to go without. I know what it's like to struggle. Forty years ago I found myself—no fault of my own—a single mother with three young children all under the age of 5 and barely a dime to my name. I was one of the lucky ones; I had a good education. And so I was able to get a job, and I didn't need unemployment benefits. But my job wasn't enough to feed those three little kids. I needed AFDC just to make ends meet.

Nobody asked me to take a drug test, nobody asked if I had a GED. I was in trouble, and a generous, compassionate government helped me get back on my feet. That was over 40 years ago, my friends. And I can assure you that my children and I have more than paid back for that generous help that we received.

The Republican bill is not consistent with American values as I've lived them and understood them during my 74 years on this Earth. We're all in this together, I believe. There but for the grace of God go I.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlelady an additional 30 seconds.

Ms. WOOLSEY. It's time for this Congress to stop coddling millionaires and start standing up for all families and all children who are suffering in today's economy.

Mr. UPTON. Mr. Speaker, may I inquire again on the time? I think we're a couple of minutes ahead.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) has 9 minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 16¾ minutes remaining. The gentleman from Michigan (Mr. CAMP) retains 4½ minutes.

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

□ 1700

Mr. LEVIN. I yield 1 minute to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL. I thank the ranking member for allowing me this time.

Today I rise in strong opposition to H.R. 3630, which makes dramatic and harmful changes to the Emergency Unemployment Compensation program. It makes significant cuts to Medicare that would hurt our Nation's seniors. This bill contains political and controversial language that should be discussed and debated in separate legislation.

Before Congress breaks for this year, we need to pass a bill that solely focuses on extending relief to the unemployed workers and middle class Americans who are still suffering in this recovering economy. This is not the time

to play with the livelihood of millions of Americans.

Our voters sent us here to make their lives better, not more difficult. We were sent here to create jobs and stimulate the economy and protect our most vulnerable. To accomplish these goals, it will require a willing and compromising spirit.

The folks of the Seventh Congressional District of Alabama, that I am so proud to represent, want me to put people before politics and do what is in their best interest and not partisan interests. The American people expect and deserve more, not less from us. Therefore, I urge my colleagues to vote ''no'' on H.R. 3630.

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. WAXMAN) control 10 minutes of my time.

The SPEAKER pro tempore. Is there objection?

Without objection, the gentleman from California will control 10 minutes of the time.

There was no objection.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman of the Environment and the Economy Subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Thank you, Mr. Chairman.

My friend from Ohio came down and he said, you know, what we need, what America needs, is jobs. And so that's the important aspect of bringing the Keystone XL pipeline into this debate. Don't listen to me; listen to my friends in organized labor.

Brent Bookers, director of the construction department of Laborers International Union of North America, said in testimony: ''For many members of the Laborers, this project is not just a pipeline; it's a lifeline.''

David Barnett, United Association of Journeymen and Apprentices said: ''The fact of the matter is Keystone XL would, upon completion, be the most environmentally safe pipeline anywhere in America.''

And then Jeffrey Soth of the International Union of Operating Engineers said: ''Without the Keystone XL pipeline, American crude oil from the Bakken Formation, the fastest-growing oil field in the United States, will continue to move out of the region in the most dangerous, most expensive way possible, by tanker truck.''

Folks, this is about jobs. We're fortunate to be able to place this in this bill, 20,000 immediate jobs, 110,000 additional jobs.

I stood outside a refinery and I asked people, Where do you think the crude oil comes in, and how does the refined product go out? In any refinery in this country it's done through pipelines. So the Keystone XL pipeline is a job creator. Organized labor is strongly behind this. It creates 20,000 immediate jobs.

And you know what, its the best form of stimulus because we're not borrowing money, and it's not a government project.

So I appreciate what my colleagues have done, including it in this bill. I thank them. My organized labor friends thank you.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

I strongly oppose this legislation as presently structured and urge its defeat. There's no question that we must extend the payroll tax breaks, which puts money in the hands of most Americans so they can spend it and get our economy moving. We must make sure that unemployed people have the insurance so that they have a lifeline so they can pay their bills while they're looking for jobs. We have to keep our promises to those under Medicare to allow physicians to be adequately reimbursed.

But the price that the Republicans are imposing through this legislation is simply unacceptable. It contains dangerous poison pills, a series of riders and legislative provisions that could never pass the Senate or be signed by the President. The Republicans are trying to cram them through the back door by holding this bill hostage.

Now, doesn't that sound familiar, Republicans holding things hostage? It's what they did when we had to raise the debt ceiling or default on our debts, and they held that bill hostage to try to get some of their demands.

The provisions to pay for the Medicare reimbursement for doctors would cause 170,000 people who are now covered to be uninsured. We'd increase the already high out-of-pocket cost for Medicare beneficiaries, and subject a full quarter of Medicare beneficiaries to significantly higher premiums.

Reducing our commitment to public health and prevention activities is a prescription for more diabetes, heart disease, cancer, and obesity. But that's what the Republicans would have us do in this bill.

The Keystone XL tar sands pipeline has nothing to do with this legislation. It has to do with environmental concerns that the President is presently reviewing in an orderly manner. The Republicans would have the whole process short-circuited by demanding that he come to the conclusion that the Canadian pipeline owners, and maybe the Koch brothers, would like. But it would short circuit a conscientious review of what this would do throughout this country and how it would affect our environment.

The spectrum provisions are flawed. While they provide for spectrum auction incentives, the deployment of a public safety broadband network, and address spectrum usage by Federal agencies, there are many shortcomings in the governance provisions of how the public safety network would work, and how the spectrum auctions would take place. There are also extraneous provisions that undercut the open Internet and limit the FCC's ability to provide competitive safeguards. And, funding levels threaten to shortchange the public safety network itself.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WAXMAN. I yield myself another 30 seconds.

This bill is filled with loopholes and riders and special interest provisions. It's a very bad process to bring this bill to the House floor. Some of the provisions that came out of our committee never had full committee consideration.

So I urge Members to defeat the bill. Let's get down to doing what needs to be done. Don't hold important measures that must pass hostage. Let's work together and get a decent bill and pass it into law.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to cochair of the Doc Caucus and a member of the Health Subcommittee, the gentleman from Georgia, Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Physicians will see a 27.4 percent decrease in Medicare payments if we fail to act before the new year. If Congress fails to act, seniors may find that no physician in their area can afford to accept their Medicare card. That is not the holiday cheer our seniors deserve.

This bill is not perfect. As a medical doctor, I would prefer to be voting today on a permanent fix to this flawed physician payment formula in Medicare known as SGR, but I do not have that choice.

My choice, Mr. Speaker, is simple: vote for the physician fix or vote against it. Vote in support of my former patients who need access to their doctor when they're sick, or vote against them.

Vote to open up spectrum availability and bolster job creation within a growing telecommunications marketplace, or vote against it.

Vote for timely approval of the Keystone XL pipeline and, yes, create 20,000 immediate jobs, along with domestic energy independence, or vote against that.

Allow the EPA to enact job-killing Boiler MACT rules on every State and every industry in the United States, or vote to rein them in.

Today I'll be voting ''yes'' for the constituents of the 11th District of Georgia and for my country.

□ 1710

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Last year the Republicans refused to extend unemployment benefits unless the Bush tax cuts were extended for millionaires and billionaires. Well, here they go again, Mr. Speaker.

This year, the Republicans are trying to prevent continuation of jobless benefits and the payroll tax cut unless

their wish list of goodies for America's biggest polluters is granted in full. During this Christmas season, instead of gold, frankincense, and myrrh, the Republicans are bearing gifts of arsenic and mercury and oil on behalf of their planet-polluting patrons, Big Oil and Big Coal. The GOP used to stand for ''Grand Old Party.'' Now it stands for ''Gang of Polluters.'' Now it stands for the ''Gas and Oil Party.''

This Republican bill: One, blocks and indefinitely delays standards that would reduce hazardous air pollution like lead and cancer-causing substances that are released from industrial boilers and sent to the lungs of the children of America;

Two, rushes approval for the Keystone pipeline that will bring the dirtiest oil on the planet through the United States so it can be reexported to other countries while hurting our health and our environment here; and

Three, cuts much needed Medicare payments to hospitals to care for the sickest in our country.

The Republicans are presenting a false choice to the American people. We should not have to choose between toxic chemicals and tax relief for American workers. We should not have to choose between pollution and prosperity.

In this Republican-controlled House of Representatives, billionaires, Big Oil, big bankers benefit while the rest of America bears the burden. Enough is enough.

We know we need to pass the middle class tax cuts. We know we need to extend unemployment benefits. If we fail to act, Congress will leave a giant legislative lump of coal in the stockings of struggling Americans. It is unacceptable, bad for children, bad for the elderly, bad for the unemployed, and bad for America.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, it just seems logical that as we have a bill to extend unemployment insurance for those unemployed that we also have a measure for them to become employed, and that's the Keystone pipeline. It is a $7 billion infrastructure project that is ready to start today, employing as many as 20,000 laborers—mostly union labor, by the way.

Now, not only will it employ, but the delays of the State Department and the White House in permitting this project are costing jobs.

And I refer to Little Rock Fox Channel 16. There's their online story that says:

''Layoffs and a brief company shutdown is what employees face at Wellspun Tubular Company, which makes steel pipes for the oil industry.

''Company leaders say miles of pipeline are on the property, and that has caused five dozen employees to lose their jobs. The pipes would be part of the Keystone oil pipeline, which is a project running from Canada to Texas.''

The President has said that he would veto this bill extending unemployment and his tax holiday if this Keystone jobs bill was put in it. Mr. President, this is about creating jobs. Please join us.

Also, they said that the State Department may have to say no because they're rushed. But this is the same State Department that back in June testified before our committee that they could have the decision made on this pipeline by December 31.

The environmental studies have been there for months. This application has been with the State Department for 3½ years. The State Department has everything they need to make a correct recommendation for the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are again reminded to direct their remarks to the Chair.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 2 minutes to the man who's going to be the chairman of the Health Subcommittee when the public gets a chance next year to vote out the Keystone Kops overreaching Republicans who are doing it again to the American people, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Thank you, Mr. WAXMAN.

The gentleman from California (Mr. WAXMAN) had said before that essentially the Republicans putting up this bill are not serious. They know that this bill is not going to pass the Senate. They know that the President won't sign it. And when I heard my colleagues on the other side talk about how, well, we have a deadline of December 31 and basically said, Take it or leave it, well, they're not serious. That's not the way this House and this Congress works.

If you want to get something done by this December 31 deadline, you need to work with the Democrats, work with the Senate, and come up with something. And I know that's not what's happening here today. I mean, this idea that basically you say we're going to give you extended unemployment benefits but we're going to cut back on the number of weeks or that we're going to extend the payroll tax and we're going to come up with a doc fix, but we're going to pay for it dismantling the Affordable Care Act.

First, the Republicans cut the tax credits to help make insurance affordable, resulting in 170,000 additional people becoming uninsured; then they slash the public health and prevention fund, damaging efforts to realign the Nation's approach to health care; then they cut hospitals, affecting services that seniors depend on; and, finally, they increase the premiums under Medicare, resulting in millions of middle class seniors having to pay more for health care.

Now, we have a Democratic substitute that they wouldn't allow in order, and that Democratic substitute takes a very different approach. Unlike the Republicans, the Democratic substitute simply extends tax cuts for 160 million Americans. It extends unemployment insurance to help Americans stay afloat financially while they're out seeking work. And it ensures doctors in Medicare don't face large reductions next year and maintains access for seniors with a permanent SGR fix. And it does all of this by asking 300,000 people making more than a million dollars a year to pay their fair share and by capturing offshore contingency funds.

So if you want to actually pass something, put our substitute in order and we will meet that deadline of December 31 and actually do things that help people create jobs and reduce the deficit and make the doctors available so that if a senior wants to go to a doctor, they'll be able to do it.

Look at our substitute and don't continue with this sham.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. Mr. Speaker, I hear my colleagues speaking about what will pass. Let me tell you that the Boiler MACT provisions of this bill would pass the Senate if only they were allowed to get a vote. Forty-one members of the Democrat Party voted for Boiler MACT in this House; 12 Members of the Senate of the Democrat Party are co-patrons of similar language in the Senate.

The Boiler MACT provisions of this bill help hospitals deal with their increasing costs. It helps universities. It does help business, but it helps businesses large and small.

The bill requires reasonable regulations, and it requires reasonable time in which to comply with those regulations. Currently, they're only allowed 3 years plus possibly a 4th if allowed by the EPA administrator. The bill will allow 5 years plus reasonable time. And when you're trying to change the way you've been doing things, sometimes you need a little more time to get things done than 3 years.

It was interesting in committee, the EPA came in and was talking to us about projects they were trying to get done and money they'd left on the table. They couldn't get their projects done in 3 years. How do they expect American businesses to do so and provide jobs?

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from California, the next chair of the Telecommunications Subcommittee, Ms. ESHOO.

Ms. ESHOO. I thank the ranking member of the committee.

Mr. Speaker, within this bill are provisions on spectrum that will define our Nation's ability to lead the world in wireless broadband deployment. It will also define how we will finally provide our first responders with a nationwide interoperable broadband network that the 9/11 Commission called for.

□ 1720

I appreciate Chairman WALDEN's work with the minority, including the agreement on authorizing voluntary incentive spectrum auctions, reallocating the D-block for public safety, and providing the initial funding for Next Generation 9–1–1.

I do have four concerns, and I want to point them out:

The first pertains to the treatment of unlicensed spectrum. Unlicensed spectrum has created an innovative space for entrepreneurs, enabling Wi-Fi, Bluetooth and thousands of other devices and services—all meaning jobs. In fact, last month, the Consumer Federation of America released a new study which found the consumer benefits of unlicensed spectrum surpassing $50 billion, that's with a ''b,'' per year. Prohibiting the FCC, which is the expert agency, from using some of our Nation's best airwaves for unlicensed use, as the House language does, is simply foolhardy.

Secondly, I am very concerned about how the bill treats the spectrum public safety needs to create and manage a nationwide interoperable broadband network. The Republican bill, on the one hand, gives; but on the other hand, it takes away. This is not a solution, and I don't believe it's fair to public safety in our country.

Thirdly, the bill encourages the development of 50 separate networks instead of one nationwide network. Past experiences demonstrate that a state-based approach fails to achieve interoperability. I think it's going to cost money, and I don't think it's going to work.

Lastly, the provisions that restrict the FCC's ability to preserve competition and promote an open Internet simply do not belong in this legislation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. WAXMAN. I yield the gentlelady an additional 30 seconds.

Ms. ESHOO. I think our country is counting on us to make smart and bipartisan choices, but I am sorry to say that I don't think this bill meets the standard. I do believe that the Senate accomplished these goals in S. 911. I believe we can too but not through this bill. So I urge opposition to it for the reasons I've stated.

Mr. UPTON. Mr. Speaker, at this point I will yield 1 of my 2 remaining minutes to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the chairman of the Energy and Commerce Committee for the time.

We've all heard about the need to address jobs, to act on jobs, so here we are today to address the issue of job creation for so many in this country who are currently unemployed. Perhaps to some, the creation of jobs is just a pipe dream; but to many Republicans and Democrats, job creation is a Keystone pipeline. It's not a pipe dream.

In Colorado alone, the Alberta oil sands could create as many as 6,000 jobs in the next 4 years, and the Keystone pipeline is an important part of that. We hear over and over again of the need to create jobs, of the need to address the issue of job creation. Yet here we are, hearing opposition to job creation.

For every dollar we spend on oil from Saudi Arabia, 50 cents is returned to the U.S. economy. For every dollar spent on Canadian oil, 90 cents is returned to the domestic economy. It's because, in Canada's oil fields, American products are used en masse—Case loaders, Michelin tires, Wolverine boots, Ford trucks. The list goes on. This is not the way it is in countries thousands of miles away.

I urge this Congress not to put politics before paychecks. Pass this bill.

The SPEAKER pro tempore. The time of the gentleman from California has expired. The gentleman from Michigan (Mr. LEVIN) has 5¾ minutes remaining. The gentleman from Michigan (Mr. UPTON) has 1½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 4½ minutes remaining.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the chairman for yielding.

Mr. Speaker, at a time when our economy is struggling to recover, it's stunning to think that my friends on the other side of the aisle would deny an opportunity to reduce our reliance on Middle Eastern oil and create thousands of American jobs.

The Keystone XL pipeline does both. The project has been exhaustively studied and revised to ensure its safety. Our economy needs a safe, reliable source of energy. Canada can provide it, and it wants to provide it to help us reduce our reliance on Middle East oil while strengthening our national security. Twenty thousand new American jobs will be created to build this pipeline.

Mr. Speaker, I urge my colleagues to pass this bill. Approve the Keystone XL pipeline now.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all of my remaining time be given back to the gentleman from the great State of Michigan (Mr. CAMP).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CAMP) will have an additional 30 seconds.

There was no objection.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Michigan for yielding.

I think one of the strongest components of this bill that we're bringing to the floor today is the jobs component that's contained in the Keystone pipeline bill.

If you'll look at what we're trying to do right now, we've got some options here. The American people are clamoring for jobs. We've got the ability to force President Obama to get off the sidelines. The President has been good about running all around the country, giving these political speeches and campaigning. He's talking about jobs, and he's talking about the middle class. Yet here we have an opportunity to create 20,000 middle class jobs in America, and the President is saying ''no.'' The President said he'll veto the bill over this one provision.

Now, think about that. There is a bill that deals with unemployment benefits, and the President is saying he'd rather people be unemployed than to actually get jobs. They would much rather have jobs than be unemployed. Yet there is the ability to create 20,000 American jobs with the Keystone pipeline, and the President is turning his back on those middle class families.

There is over $7 billion of private investment. We can increase America's energy security. If that oil comes from Canada, our dependence on Middle Eastern oil can drop dramatically. We can eliminate a million barrels a day when this comes online, and we can reduce our dependence on Middle Eastern oil.

Let's create American jobs. What does President Obama have against 20,000 American jobs? I urge a ''yes'' vote.

Mr. LEVIN. Mr. Speaker, it is my privilege to yield 2 minutes to the distinguished gentleman from New York, CHARLES RANGEL.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. I was walking through the Cannon Building to get to one of the television stations when an older gentleman stopped me and asked me whether or not they were going to provide the unemployment tax benefits to them. He was trying to find out why we were gridlocked and what the problem was. I assumed he was from my district, but he was from some part of Texas.

He heard my explanation as to why we were not just passing what Democrats believe in and what Republicans say they don't have a problem with. I told him it was about the Keystone pipeline, and he says, What the hell is that?

That made me think, of all the people at this time of the year who are going to sleep tonight with limited resources and with all of the polls that are saying that Congress is out of touch with the needs of America, they're not talking about Republicans; they're talking about the Congress—Republicans and Democrats.

Is anyone telling me that providing a tax break for people who work hard every day has to be connected with a pipeline? If you worked every day and, through no fault of your own, you lost your job when you'd paid into a fund from which you were supposed to get some comfort, are you telling them that we need the Keystone pipeline?

Let's get real. This is a political thing that's being done not to deliver on the promise that we made to the American people. So let me make a plea:

For all of the people who are in need, for all of the people who are looking for a little break from Big Government, for all of the people whom we made these promises to, say that we couldn't do it because of the Keystone pipeline. If you think that makes any sense, then we are just a disgrace to the American people.

If you want a Keystone pipeline, bring it to the floor. Let's debate it and vote up or down. But to hold hostage the American people who are suffering is just plain wrong.

□ 1730

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3630. I appreciate the efforts of the chairman and my colleagues who serve on the relevant committees in crafting a package that responds to the needs of all Americans right now.

The bill addresses the urgent struggles of the unemployed and small business owners. It recognizes that we cannot dig our way out of a recession with more taxes and higher deficits. Whether you are a job creator or a job seeker, the bill extends critical assistance at a time when millions of Americans need it most. The bill does all this and more without adding one penny to the deficit. Important government reforms and cost-saving measures were included in the bill to reduce the debt and implement long overdue reforms. It's also important to note that this compromise takes steps to protect the Social Security Trust Fund.

Mr. Speaker, this bill is a smart step towards job creation and economic certainty. I urge my colleagues to support the bill.

Mr. LEVIN. I yield 1 minute to our distinguished leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding. I commend him for his extraordinary leadership on behalf of America's working families. He has demonstrated a long-term, consistent dedication to their well-being.

Mr. Speaker, I return to the floor. I spoke on the rule earlier. But I listened attentively to the debate, and I think a few points need to be made, and I will do that very briefly.

It is clear that the Republicans, in using the pipeline, are trying to change the subject. The subject at hand is, we have a proposal from the President of the United States which has within it proposals that have had bipartisan support over a period of time on how to have a payroll tax cut that benefits many middle-income families in our country, that respects that some people are out of work through no fault of their own and need unemployment insurance, and that our seniors want to have the doctor of their choice, and that issue has to be addressed here. The fact is is that because of the way the rules were set up—not to go into process—but the Republicans said, You are not even going to be able to bring the President's and the Democratic proposals to the floor. Instead, we are going to bring ours to the floor. But so that the public doesn't really understand the difference between the two, we are going to have a smokescreen go out there, a smokescreen of confusion by talking about the pipeline. And this is very interesting because this isn't about the pipeline.

We, as other speakers have said, could have a vote on the pipeline at any time, to vote it up or vote it down, consider what it means for jobs and the impact on the environment. And it doesn't reduce dependence on foreign oil. But nonetheless, that is a subject for debate at another time. I, myself, have not made a public statement one way or another. But many of our colleagues have. They are either supporting it or they are not, but that is not the point of the legislation. Many who support the pipeline are opposing this bill because they know it is being used. It is being used. And some of our friends in labor want this pipeline built. But I assure you that they want unemployment insurance for workers who, again, through no fault of their own, are out of work.

So let's just take a few points here. The proponents of this bill who are using the pipeline as a smokescreen and as an excuse say that it will create 20,000 jobs. Let's hope that that is correct. But what it's doing is standing in the way of the President's proposal, which will create 600,000 jobs, which will make an impact of 600,000 jobs on our economy. That's from the macroeconomic advisers. It will make the difference of 600,000 jobs. So while they are professing these 20,000 jobs, which may be a legitimate number—and let's say it's the highest number they could come up with, let's have that debate on another day. You may see a very big, strong vote on the floor for the pipeline, or you may not. So the point is, 20,000 jobs—if that's the argument—versus 600,000 jobs.

The other point is that the President's proposal affects 160 million Americans; 160 million Americans will have a payroll tax cut, according to his proposal, in a substantial way. This is not, as the Republicans want to do, to throw a bone to the middle class. This is about a thriving middle class. It's about a payroll tax cut that does what it sets out to do, puts $1,500 in the pockets of America's families who need it and spend it and, in doing so, injects demand, demand, demand into our economy, which further creates jobs. And how that is paid for is by a surtax on those making over $1 million a year.

So 160 million people affected; a surcharge on 300,000 of the wealthiest people in America. We don't begrudge them their wealth, their success. That's important. I don't think that any one of those 300,000 people would begrudge the 160 million Americans their payroll tax cut. But I do think it is the extremists on the Republican side in the House of Representatives who have an ideological point of view, and that is what is at work here. It isn't about those 300,000 begrudging the 160 million, and it isn't about the 160 million begrudging the 300,000. So let's understand the numbers here.

I want to reference the chairman's bill. Who sacrifices under the Republican bill? Seniors suffer $31 billion. Instead of a surcharge on the 300,000 wealthiest people in our country making over $1 million a year, the Republicans pay for the payroll tax by taking $31 billion from seniors. Federal workers sacrifice $40 billion. Unemployed Americans sacrifice $11 billion. Billionaires sacrifice zero. I think all Americans are willing to do their fair share. We all have to do our part, take responsibility, zero. So again, 20,000 jobs, 600,000 jobs; 160 million Americans, 300,000 Americans; $31 billion from Medicare.

The President's proposal and the Democratic plan that mirror each other reduce the deficit by $300 billion. And according to the Congressional Budget Office—and I will read from a Congressional Budget Office letter to Mr. CAMP. The independent, nonpartisan Budget Office of the House, writing to Mr. CAMP said, ''According to Congressional Budget Office's and Joint Tax Committee's estimates, enacting H.R. 3630''—the bill before us—''would change revenues and direct spending to produce increases in the deficit of $166.8 billion in fiscal year 2012 and $25.3 billion over the 2012–2021 period.''

So let's just take the lower number, $25 billion in the life of the bill. That's what the CBO says about the bill before us. That's why earlier today, there was a motion to say that this was not in keeping with being revenue-neutral, as the Republicans espouse and we agree.

So again, the numbers: 20,000 jobs with the pipeline—and that may be a good thing, but this is not the place. This is a smokescreen. This is a distraction. This is a change of subject. This is the masters of confusion so you don't know what really is at stake here.

You couldn't possibly be sincere about a payroll tax cut that makes the middle class thrive if you put an obstacle like that in front of it and call it a jobs bill to create 600,000 jobs. One hundred sixty million Americans benefit from this. Please don't tax 300,000; instead, take $31 billion from our seniors. Reduce the deficit by $300 billion; increase the deficit by $25 billion. The numbers are clear. They speak for themselves.

I urge my colleagues to vote ''no.'' I hope that we can come to the table and

share a view that this middle-income tax cut is worth doing without obstacles to its being signed into law, and that we can do it soon. I say it over and over again: Christmas is coming. For some, the goose is getting fat; for others, there are very slim prospects. Let's change that. Let's do the people's work. Let's get this done. I urge a ''no'' vote.

□ 1740

Mr. CAMP. Mr. Speaker, I yield myself 30 seconds.

If the distinguished minority leader had read the next paragraph of the letter to me by the Congressional Budget Office, she would have read that the bill in its entirety reduces the deficit by $1 billion.

Mr. Speaker, I would like to insert the entirety of the letter to me from the Congressional Budget Office into the RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 9, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) and the staff of the Joint Committee on Taxation (JCT) have reviewed H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, as introduced on December 9, 2011. The attached tables provide CBO's and JCT's estimates of the legislation's budgetary effects.

Table 1 presents a summary of the expected impact on deficits from changes in revenues and direct spending, along with estimated changes from reductions in existing caps on discretionary funding (those effects are subject to future appropriation actions).

According to CBO's and JCT's estimates, enacting H.R. 3630 would change revenues and direct spending to produce increases in the deficit of $166.8 billion in fiscal year 2012 and $25.3 billion over the 2012–2021 period.

Relative to discretionary spending projected under current law and assuming compliance with the current-law caps on discretionary appropriations for the next 10 years, CBO estimates that the proposed changes in discretionary funding caps under H.R. 3630 would lead to a reduction in projected discretionary spending of $26.2 billion over the 2012–2021 period (as shown in the bottom panel of Table 1).

Table 2 provides detail on the changes in revenues and direct spending for the major provisions of the legislation. Enacting the bill would reduce revenues by $88.3 billion over the 2012–2021 period and reduce direct spending by $63.1 billion over that period, according to CBO's and JCT's estimates. Those changes are the budgetary effects that would be expected to occur directly from enactment of H.R. 3630, while proposed changes in spending subject to appropriation are contingent upon enactment of future legislation.

Table 3 shows the estimated impact of H.R. 3630 under the Statutory Pay-As-You-Go Act of 2010 (S-PAYGO Act). Under that act, budget-reporting and enforcement procedures apply to changes in the on-budget deficit from changes in revenues and direct spending. Those procedures call for automatic reductions in certain direct spending programs if there are positive balances in either the 5-year or 10-year compilations of pay-as-you-go budgetary effects.

Following the specifications in the S-PAYGO Act, which allows for an adjustment to reflect the continuation of current rates on the payments to physicians under Medicare, CBO estimates that on-budget changes in direct spending and revenues subject to the pay-as-you-go considerations would increase deficits by $136.6 billion over the 2012–2016 period and would reduce deficits by $4.0 billion over the 2012–2021 period.

H.R. 3630 would direct the Office of Management and Budget to exclude from its scorecard of balances under the S-PAYGO Act any estimated deficit reduction for the 10-year period spanning fiscal years 2012 through 2021. The bill also specifies that the estimate submitted for printing in the Congressional Record should reflect three types of effects that are not included under the S-PAYGO Act: off-budget effects, projected changes in discretionary spending from changes in the caps on new appropriations, and estimated changes in net income of the National Flood Insurance Program (but those adjustments are not included in Table 3 because the provision has not been enacted into law).

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

TABLE 1. BUDGETARY EFFECTS OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011

[Millions of dollars, by fiscal year]

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
CHANGES IN REVENUES												
TOTAL CHANGES IN REVENUES[a]	−130,060	−46,650	−11,275	13,292	40,564	13,696	9,302	3,497	11,916	7,373	−134,129	−88,346
On-budget revenues	−39,143	−16,344	−11,270	13,302	40,582	13,717	9,325	3,522	11,942	7,401	−12,873	33,034
Off-budget revenues[b]	−90,917	−30,306	−5	−11	−18	−21	−23	−25	−26	−28	−121,257	−121,380
CHANGES IN DIRECT SPENDING												
TOTAL CHANGES IN DIRECT SPENDING:												
Estimated Budget Authority	36,839	24,915	−1,936	−12,494	−13,041	−15,491	−16,940	−17,368	−19,939	−27,481	34,283	−62,936
Estimated Outlays[c]	36,699	24,915	−1,931	−12,485	−12,991	−15,451	−16,919	−17,363	−20,043	−27,520	34,207	−63,089
On-budget outlays[b]	127,616	55,221	−1,931	−12,273	−12,586	−14,914	−16,372	−16,846	−19,547	−27,044	156,047	61,324
Off-budget outlays[b]	−90,917	−30,306	0	−212	−405	−537	−547	−517	−496	−476	−121,840	−124,413
NET INCREASE OR DECREASE (−) IN DEFICITS FROM REVENUES AND DIRECT SPENDING												
NET CHANGES IN DEFICITS	166,759	71,565	9,344	−25,776	−53,555	−29,147	−26,222	−20,861	−31,958	−34,893	168,337	25,257
On-budget deficit change	166,759	71,565	9,339	−25,575	−53,167	−28,631	−25,698	−20,368	−31,488	−34,445	168,920	28,290
Off-budget deficit change[b]	0	0	5	−201	−387	−516	−524	−492	−470	−448	−583	−3,033
CHANGES IN SPENDING SUBJECT TO APPROPRIATION FROM CHANGES IN CAPS ON DISCRETIONARY FUNDING												
TOTAL CHANGES IN DISCRETIONARY SPENDING:												
Estimated Authorization Level	0	−2,000	−3,000	−3,000	−3,000	−3,000	−3,000	−4,000	−4,000	−4,000	−11,000	−29,000
Estimated Outlays	0	−1,214	−2,279	−2,765	−2,992	−3,160	−3,276	−3,386	−3,506	−3,632	−9,250	−26,210

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

[a] For revenues, positive numbers indicate a decrease in the deficit; negative numbers indicate an increase in the deficit.

[b] The bill would modify and extend the payroll-tax holiday for one year, causing a reduction in off-budget revenues credited to the Social Security trust funds. The bill also would transfer from the Treasury to the Social Security trust funds an amount equal to that off-budget revenue loss. The off-budget receipt would offset the lost revenue and, thus, section 2001 would have no net off-budget effect. (Other sections in the bill would have an off-budget effect.)

[c] Title III of the bill would raise premiums for certain subsidized flood insurance policies, increasing net income to the National Flood Insurance Program by $4.9 billion. However, because many policies would continue to be subsidized and the program would continue to face significant interest costs for borrowing over the past decade, CBO expects that additional receipts collected under this legislation would be spent to cover future program shortfalls, resulting in no net effect on the budget over the 2012–2021 period.

TABLE 2. EFFECTS ON REVENUES AND DIRECT SPENDING OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011

[Millions of dollars, by fiscal year]

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
CHANGES IN REVENUES												
Extension of 100 Percent Expensing	−38,299	−17,648	15,174	10,730	8,430	6,564	4,181	2,523	1,397	944	−21,613	−6,005
Election to Accelerate AMT Credits	−1,526	−801	32	32	42	58	64	64	66	69	−2,221	−1,899
Extension of Payroll Tax Reduction (On-budget)	919	670	0	0	0	0	0	0	0	0	1,589	1,589
Extension of Payroll Tax Reduction (Off-budget)	−90,917	−30,306	0	0	0	0	0	0	0	0	−121,223	−121,223
Unemployment Compensation	0	24	78	78	58	21	13	−7	−12	−12	238	241
Tax on Unemployment Benefits for High Earners	−2	−6	−8	−11	−13	−13	−14	−14	−13	−14	−40	−107
Federal Employee Retirement Contributions	0	1,182	2,366	3,497	4,007	4,338	4,701	5,101	5,511	5,950	11,051	36,652
Health Care Provisions (on-budget)	0	0	82	172	278	340	380	410	438	464	532	2,563
Health Care Provisions (off-budget)	0	0	−5	−11	−18	−21	−23	−25	−26	−28	−34	−157
Repeal of Corporate Tax Timing Shift	−235	235	−28,993	−1,196	27,780	2,409	0	−4,555	4,555	0	−2,409	0
Total Changes in Revenues[a]	−130,060	−46,650	−11,275	13,292	40,564	13,696	9,302	3,497	11,916	7,373	−134,129	−88,346
On-budget revenues	−39,143	−16,344	−11,270	13,302	40,582	13,717	9,325	3,522	11,942	7,401	−12,873	33,034
Off-budget revenues[b]	−90,917	−30,306	−5	−11	−18	−21	−23	−25	−26	−28	−121,257	−121,380
CHANGES IN DIRECT SPENDING (Outlays)												
Title II—Extension of Certain Expiring Provisions and Related Measures:												
Extension of Payroll Tax Reduction (On-budget)[b]	90,917	30,306	0	0	0	0	0	0	0	0	121,223	121,223
Extension of Payroll Tax Reduction (Off-budget)[b]	−90,917	−30,306	0	0	0	0	0	0	0	0	−121,223	−121,223
Unemployment Compensation	23,620	10,705	−15	−15	−15	−15	−15	−15	−15	−15	34,280	34,205
Physician Payment Update	11,340	19,280	5,660	−1,350	40	810	1,040	940	680	410	34,970	38,850
Other Medicare Extensions and Health Provisions	1,484	1,037	−2,056	−3,429	−4,395	−4,770	−5,084	−5,392	−5,685	−10,078	−7,359	−38,368
Subtotal, Title II	36,444	31,022	3,589	−4,794	−4,370	−3,975	−4,059	−4,467	−5,020	−9,683	61,891	34,687
Title III—Flood Insurance Reform[c]	0	−70	−150	220	0	0	0	0	0	0	0	0
Title IV—Auction and Use of Spectrum	1,420	1,460	−445	−3,231	−3,895	−4,395	−3,444	−2,590	−726	−641	−4,691	−16,487
Title V—Offsets:												
Fannie Mae and Freddie Mac Guarantee Fees	−1,300	−4,600	−4,000	−3,500	−3,300	−3,300	−3,700	−3,900	−4,000	−4,100	−16,700	−35,700
Social Security Provisions Related to Noncovered Employment (off-budget)	0	0	0	−212	−405	−537	−547	−517	−496	−476	−617	−3,190
Require Social Security Number for Child Tax Credit	0	−2,606	−823	−820	−832	−848	−856	−864	−872	−872	−5,081	−9,393
Ending Unemployment Compensation and Supplemental Nutrition Assistance for Millionaires	−15	−14	−12	−12	−11	−12	−12	−12	−13	−14	−64	−127
Federal Civilian Employees	0	−25	−90	−136	−178	−214	−243	−267	−300	−340	−429	−1,793
Health Care Provisions	0	0	0	0	0	−2,170	−4,058	−4,746	−8,616	−11,394	0	−30,984
Subtotal, Title V	−1,315	−7,245	−4,925	−4,680	−4,726	−7,081	−9,416	−10,306	−14,297	−17,196	−22,891	−81,187
Title VI—Miscellaneous Provisions (Repeal Timing Shift for Merchandise Processing Fees)	150	−252	0	0	0	0	0	0	0	0	−102	−102
Total Changes in Direct Spending	36,699	24,915	−1,931	−12,485	−12,991	−15,451	−16,919	−17,363	−20,043	−27,520	34,207	−63,089
On-budget outlays	127,616	55,221	−1,931	−12,273	−12,586	−14,914	−16,372	−16,846	−19,547	−27,044	156,047	61,324
Off-budget outlays	−90,917	−30,306	0	−212	−405	−537	−547	−517	−496	−476	−121,840	−124,413

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Note: AMT = Alternative Minimum Tax; components may not sum to totals because of rounding.

[a] For revenues, positive numbers indicate a decrease in the deficit; negative numbers indicate an increase in the deficit.

[b] The bill would modify and extend the payroll-tax holiday for one year, causing a reduction in off-budget revenues credited to the Social Security trust funds. The bill also would transfer from the Treasury to the Social Security trust funds an amount equal to that off-budget revenue loss. The off-budget receipt would offset the lost revenue and, thus, section 2001 would have no net off-budget effect. (Other sections in the bill would have an off-budget effect.)

[c] Title III would raise premiums for certain subsidized flood insurance policies, increasing net income to the National Flood Insurance Program by $4.9 billion. However, because many policies would continue to be subsidized and the program would continue to face significant interest costs for borrowing over the past decade, CB0 expects that additional receipts collected under this legislation would be spent to cover future program shortfalls, resulting in no net effect on the budget over the 2012–2021 period.

TABLE 3. CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011

[Millions of dollars, by fiscal year]

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
NET INCREASE OR DECREASE (−) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes	166,759	71,565	9,339	−25,575	−53,167	−28,631	−25,698	−20,368	−31,488	−34,445	168,920	28,290

TABLE 3. CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011—Continued

[Millions of dollars, by fiscal year]

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
Less: Current-Policy Adjustment for Medicare Payments to Physicians[a]	10,160	17,080	5,040	0	0	0	0	0	0	0	32,280	32,280
Statutory Pay-As-You-Go Impact	156,599	54,485	4,299	−25,575	−53,167	−28,631	−25,698	−20,368	−31,488	−34,445	136,640	−3,990
Memorandum:												
Changes in Outlays[a]	117,456	38,141	−6,971	−12,273	−12,586	−14,914	−16,372	−16,846	−19,547	−27,044	123,767	29,044
Changes in Revenues	−39,143	−16,344	−11,270	13,302	40,582	13,717	9,325	3,522	11,942	7,401	−12,873	33,034

[a] Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.
Notes: Components may not sum to totals because of rounding.
Sources: Congressional Budget Office and Joint Committee on Taxation.

I would also note that the first bullet on the distinguished minority leader's chart was exactly the President's proposal. The President has asked to increase premiums on wealthy seniors; the President does.

So it is interesting the minority leader is criticizing the President's own proposal, which is put directly into this bill.

I reserve the balance of my time and would tell my colleague that I am prepared to close.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 2¾ minutes.

Mr. LEVIN. I want to start by reading one of the 400-plus communications we received. This is from Jackie of Amherst, New Hampshire: ''Unemployment benefits helped me make ends meet while I was using my savings and 401(k) to keep up with everything. Now they are gone. My savings are long gone. My 401(k) is almost gone. I am watching everything I worked so hard for, for my entire adult life, slip away from me. I am 50.''

In the name of reform, what the House Republicans are doing is to retreat, to retreat from assisting the unemployed through no fault of their own. According to the data received from the Department of Labor, 3.3 million Americans would lose weeks of unemployment benefits under this bill compared to an extension of current law.

The President has made his position clear. The Statement of Administration Policy says: ''The administration strongly opposes H.R. 3630. With only days left before taxes go up for 160 million hardworking American, H.R. 3630 plays politics at the expense of middle class families.

''Instead of working together to find a balanced approach that will actually pass both Houses of Congress, H.R. 3630 instead represents a choice to refight old political battles over health care and introduce ideological issues into what should be a simple debate about cutting taxes for the middle class.

''If the President were presented with H.R. 3630, he would veto the bill.''

In good conscience, we should not support this bill. Remembering the 3.3 million who would have their benefits cut under this bill, there should be a resounding ''no.'' A resounding ''no.''

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 2½ minutes.

Mr. CAMP. This bill will strengthen our economy and help get Americans back to work by lowering the tax burden for middle class families and job providers.

It prevents massive cuts to doctors working in the Medicare program to protect American seniors and those with disabilities, providing more stability in the doctor payment schedule than there has been in a decade.

It adopts 12 of the President's legislative initiatives, which represents the bipartisan cooperation Americans are demanding, and includes an increase in Medicare premiums for the wealthy, as the President requested.

It will extend Federal unemployment programs to 5 million Americans, those still struggling after the President's failed stimulus program. I'm still waiting for the 3.5 million jobs that were promised and the 6 percent unemployment rate. But we ensure in this bill that they get the assistance they need.

And under this bill, more than 1 year of benefits will be available. It's fully paid for with spending reductions, spending cuts, not job-killing tax hikes.

Commonsense reforms and savings in this bill include things like actually requiring those who receive an unemployment check to look for work and get a GED if they don't have a high school diploma, require undocumented workers who are seeking refundable—that's cash—tax credits to actually have a valid Social Security number, just like is required in the earned income tax credit.

And the bill freezes pay for Members of Congress and other nonmilitary government personnel. This legislation also protects critical programs by reducing the Federal tax subsidies that go to wealthier Americans. We put an end to millionaires and billionaires receiving unemployment benefits and food stamps, saving over $20 million.

We also adopt the President's plan to reduce subsidies to high-income seniors by requiring them to pay a greater share of their Medicare premium. That reduces Federal spending by $31 billion.

All told, this bill incorporates more than a dozen proposals the President has either offered, supported, or has signed into law in one variation or another. In fact, 90 percent of this bill is paid for with those policies.

I urge support of this legislation. This bill is about strengthening our economy, helping Americans find a job. It doesn't add one dime to the debt. It is bipartisan, and it will help get our economy back on track. Please vote ''yes'' for this bill.

I yield back the balance of my time.

Mr. HOLT. Mr. Speaker, instead of creating jobs—which is what the American people want and need from this body—we are here discussing a measure that has no chance of becoming law. Instead of working toward commonsense solutions to solve our jobs crisis and get Americans back to work, we are once again playing political games.

Mr. Speaker, we should not allow last year's one-year mistake to become a permanent attack on Social Security and the livelihood of its beneficiaries. Social Security should not be used as a rainy-day fund or a political bargaining chip. It should come as no surprise that President Roosevelt described it best. He said, ''We put these payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions and their unemployment benefits. With those taxes in there, no damn politician can ever scrap my social security program.'' Let's cut payroll taxes for 160 million Americans but make up the lost revenue by temporarily eliminating the cap on wages taxed for Social Security. As much as we need economic stimulus now, we will need Social Security for decades to come.

What else does this legislation do, Mr. Speaker? It contains irrelevant and controversial provisions like the Keystone Pipeline, which the President has promised to veto. It requires millions of American seniors to pay more for health care, while doing nothing to ask the wealthiest among us to pay their fair share. It reduces by 40 weeks the maximum length of unemployment benefits and cuts completely the benefits for millions of Americans who need this vital lifeline through no fault of their own. This bill cuts funding for preventative health care and endangers the health of our children by blocking air quality standards that will help combat pediatric asthma. It also fails to take seriously the question of Medicare reimbursement to physicians and instead simply puts a temporary patch on a problem that needs long-term reform.

But perhaps more important, Mr. Speaker, is to consider what this bill fails to do. This bill fails to address tax relief that could actually benefit middle-class families, expand our workforce, and grow our economy. This bill does nothing to address the Alternative Minimum Tax, which will affect more than 30 million Americans next year. It fails to provide tax relief for our Nation's teachers. It does nothing to address the need to invest in research and development. I have authored legislation to expand and make permanent the R&D tax credit and to promote increased investment in research-intensive small businesses. These measures are proven job creators, yet they have not been brought forward for consideration by this body because the majority has blocked any attempt to include meaningful amendments. This is just another example of how a closed rule produces bad legislation.

Mr. Speaker, many of the provisions contained in this legislation make little sense to middle-class families. So why are we here debating it? Why are we wasting time on a measure that is sure to fail? I urge my colleagues to join me in demanding a measure that provides commonsense tax relief for middle-class families, protects Social Security, and helps put the unemployed back to work.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to oppose H.R. 3630, ''Middle Class Tax Relief and Job Creation Act of 2011.'' This legislation sends the wrong message at the worst time for Americans. As we approach a new year, my colleagues on the other side of the aisle have once again targeted millions of seniors and middle class families for cuts without asking essentially anything of millionaires and billionaires.

They have singled out Medicare premium increases that permanently increase seniors' costs by $31 billion. The bill also, when you look at it carefully, spends $300 million on a special interest provision that helps a handful of specialty hospitals while cutting billions from community hospitals.

Republicans have targeted the unemployed, slashing 40 weeks of unemployment insurance, impacting millions of families still struggling under the weight of the worst economic downturn since the Great Depression. Twenty-two jurisdictions with the highest unemployment rates would be hit the hardest: Alabama, California, Connecticut, DC, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, and Washington. The result would be that in the state that Mr. CAMP and I come from—Michigan—the bill would cut unemployment insurance to 46 weeks.

Essentially the sacrifice will be borne by middle class and low income Americans, as the wealthiest among us have not been asked to join in this shared sacrifice. Not even after the wealthiest 1 percent saw their incomes nearly triple in the last three decades while salaries for middle class families barely budged.

There are more than four unemployed Americans for every job opening. Never on record in our Nation's history have there been so many unemployed Americans out of work for so long. There is nothing normal about this recession. Republicans are clearly out of touch with the needs of American families.

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. Every American deserves the right to be gainfully employed or own a successful business and I know we are all committed to that right and will not rest until all Americans have access to economic opportunity.

According to a report released by the Department of Labor late this afternoon, 3.3 million Americans would lose unemployment benefits as a result of the GOP bill compared to a continuation of current law. In the State of Texas alone 227,381 people will lose their sole source of income by the end of January.

This bill stands as a shining example of not keeping a pledge given to the American people. A little over a year ago, Republican leadership released to the public their Pledge to America in which they told the American people that they would ''end the practice of packaging unpopular bills with 'must-pass' legislation to circumvent the will of the American people. [Further] Instead, [Republicans] will advance major legislation one issue at a time.'' This is what my colleagues stated less than one year ago. But before this body today they have presented us with a package that is the exact opposite of that pledge. This bill is riddled with provisions that I cannot support. I will not support needlessly adding to the burdens already being borne by hard working Americans. This is an inconsistent message being given to the American people. The Republicans need to honor their pledge to the American people.

This bill will reduce the current Payroll Tax Cut by 2 percent and addresses the Sustainable Growth Rate (SGR) for two years, providing a 1 percent update for both 2012 and 2013 and resulting in a scheduled 37 percent cut in 2014. It extends the Emergency Unemployment Compensation Program until January, 2013 but lowers the amount of time benefits are provided from 99 weeks currently to 59 weeks.

It also includes permanent provisions allowing drug testing of applicants and would allow states to require a high school diploma or being enrolled in classes for a GED to be eligible for benefits. The bill offsets the costs of these extensions by significantly increasing both the amount of Medicare premiums paid by high-income beneficiaries and the number of beneficiaries required to pay these higher premiums, and by cutting Medicare provider rates.

In addition, it prohibits immigrants without social security numbers from receiving the refundable portion of the Child Tax Credit. It further offsets the bill by freezing federal employee pay for an additional year through 2013, and increases fees charged by Fannie Mae and Freddie Mac to lenders. It also includes frequency Spectrum sales to help offset the cost of the bill, but with provisions related to net neutrality included in the language.

H.R. 3630 is a direct assault on the jobless. This legislation sends the wrong message at the worst time for Americans who are looking for employment, who are concerned about losing their homes and who are doing everything in their power to feed themselves and their families, and their neighbors.

If we allow these unemployment insurance benefits to expire in the next 17 days—there will be millions of people who will not be able to pay their mortgage or their rent in January and could find themselves homeless by February.

We are throwing millions of Americans out of their life boats, into an ocean without a life preserver. This is senseless. If those benefits run out, millions of people who've lost their jobs could see their sole source of income end in January. And this could have an effect on the larger economy.

While the bill extends the payroll tax deduction, it limits the availability of federally funded unemployment assistance, and includes punitive provisions for the least skilled jobless workers.

If there is a single federal program that is absolutely critical to people in communities all across this Nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

According to the U.S. Bureau of Labor Statistics the state of Texas continues to have the largest year-over-year job increase in the country with a total of 253,200 jobs. However, there are still thousands of Texans like thousands of other Americans in dire need of a job.

The bill being brought to the Floor by my Republican Colleagues does not adequately address the needs of the unemployed.

The plan put forth by my Republican colleagues has provisions to slash the duration of federal unemployment benefits by 40 weeks. Since 2008, federal programs expiring in January have provided up to 73 weeks of compensation for workers who use up 26 weeks of state benefits.

In addition, the version heading to the House Floor would slash an additional 20 weeks of federal Emergency Unemployment Compensation and it would let states reduce benefits even further. It would also impose a uniform federal work search requirement and disqualify high school dropouts not actively pursuing GEDs and millionaires from receiving benefits. The unemployment reforms, sweeping as they are, may be lost amid other features of the Republican package.

A worker advocacy group recently described the drug testing element as the ''most disturbing'' part of the Republican unemployment reforms. ''Devising new ways to insult the unemployed only distracts from the current debate over how to best restore the nation's economy to strong footing and the discussion over how to best support the unemployed and get them back to work.''

The requirement to insist that to qualify for benefits that a person has earned should require a GED or a high school diploma will have a negative impact on minorities.

The labor force participation rate for persons without a high school diploma is 20 percentage points lower than the labor force participation rate for high school graduates.

Nationally, approximately 70 percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school.

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60 percent average for urban districts across the Nation.

What is needed is job training programs that are funded rather than penalties for those who for a multitude of reasons have not attained a high school diploma or GED.

Unemployed workers, many of whom rely on public transportation, need to be able to get to potential employers' places of work. Utility payments must be paid. Most people use their unemployment benefits to pay for the basics. No one is getting rich from unemployment benefits, because the weekly benefit checks are solely providing for basic food, medicine, gasoline and other necessary things many individuals with no other means of income are not able to afford.

Personal and family savings have been exhausted and 401Ks have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

With a national unemployment rate of 9.1 percent, preventing and prolonging people from receiving unemployment benefits is a national tragedy. In the City of Houston, the unemployment rate stands at 8.6 percent as almost 250,000 individuals remain unemployed.

Indeed, I cannot tell you how difficult it has been to explain to my constituents who are unemployed that there will be no further extension of unemployment benefits until the Congress acts. Whether the justification for inaction is the size of the debt or the need for deficit reduction, it is clear that it is more prudent to act immediately to give individuals and families looking for work a means to survive.

Currently, individuals who are seeking work find it to be like hunting for a needle in a hay stack. For every job available today, there are four people who are currently unemployed. You can not fit a square peg in a round hole and point fingers at the three other people who when that jobs is filled is left unemployed. Lets be realistic there are currently 7 million fewer jobs in the economy today compared to when this recession began.

UNEMPLOYMENT INSURANCE

Current law provides federal unemployment insurance benefits for up to 99 weeks, depending on the pervasiveness of unemployment in the state. The so-called Middle Class Tax Relief and Job Creation Act of 2011 reduces this to a maximum of 59 weeks in hardest hit states. Such a move fails to consider the weak jobs market and the harm reducing unemployment benefits would inflict on families and the national and local economies. Unemployment has been above 8 percent since April 2009, and the percent (43 percent in November 2011) of unemployed workers who have been without a job for six months or more has remained at record levels for 31 months.

This simply does not make sense. Reducing workers benefits does not solve the long-term unemployment crisis. It is illogical to reduce benefits at a time when long-term unemployment has broken records and is setting new ones.

My Republican colleagues not only cut the amount of unemployment benefits available by nearly fifty percent, this bill also includes provisions that would reduce access to and stigmatize those who receive unemployment insurance.

HIGHSCHOOL DIPLOMA OR GED REQUIRMENT FOR UNINSURANCE BENEFITS

This legislation denies unemployment insurance benefits to the most vulnerable workers, those without a high school diploma or GEDs, if they can't demonstrate they are enrolled in a program leading to a credential. Workers with less than a high school diploma are unemployed at significantly higher rates than workers with a bachelor's degree (13.2 percent v. 4.4 percent).

I understand the rationale behind wanting to advance the skills of our nation's work force. Believe me the hardships faced by those who have not attained a GED or high school diploma are indisputable.

The labor force participation rate for persons without a high school diploma is 20 percentages points lower than the labor force participation rate for high school graduates.

Nationally, approximately 70 percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school. If this measure passes, African-Americans and Hispanics will be hit the hardest. They have already been hit the hardest by this recession. And now we are throwing them out of their life boat!

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60 percent average for urban districts across the Nation.

Over his or her lifetime, a high school dropout earns, on average, about $260,000 less than a high school graduate, and about $1 million less than a college graduate.

However, I vehemently disagree with how to address increasing the skills of our workforce. I do not believe we should blame those who for a variety of reasons were not able to attain a high school diploma or GED. We should not punish them by excluding them from benefits that they have earned! We should be focused on programs to encourage and retrain our workforce. Programs like those offered by organizations like the National Urban League.

DRUG TESTING REQUIREMENT FOR UNEMPLOYMENT INSURANCE

To make matters worse, this message also allows states to require drug testing as a condition of receiving unemployment insurance, a condition that is highly controversial and possibly unconstitutional when imposed on all applicants or recipients.

This is an additional stigma to the jobless. It implies that all they are doing are sitting around the house doing drugs. It is part of a systematic strategy of blaming the jobless for their predicament rather than focusing on building the economy so that there are more jobs for which they can apply. This is demeaning, demoralizing, and not how hard working Americans who have lost their jobs should be treated.

Republicans have not cited any data suggesting that drug use contributes to joblessness or that there is an elevated rate of drug abuse among the unemployed.

We must act now to extend unemployment insurance and remove these dastardly provisions that do nothing more than insult the integrity of the jobless. We have 17 days to act. On Dec. 31, federal unemployment insurance benefits are set to expire, which means nearly 2 million will be cut off from unemployment insurance early next year if Congress doesn't act within the next 19 days. We must heed the immediate needs of their constituents who are worried about how they will meet their basic needs if they can't find a job and lose their unemployment insurance, and they should pass a clean bill that extends unemployment insurance and the payroll tax cut, vital lifelines for families struggling in this tough economy.

Under current law, states are not allowed to deny workers unemployment insurance for reasons other than on-the-job misconduct, fraud or earning too much money from part-time work.

Currently, 9.8 million people are receiving unemployment insurance in some form. In addition, an estimated 4.4 million families are receiving assistance through the Temporary Assistance for Needy Families program. Millions more get other kinds of aid.

The drug testing requirement is burdensome and onerous. Under current federal law an individual can not be required to pay for their own drug test. No funds have been extended to pay for drug testing. States that require drug tests will have to utilize administrative funds.

Testing costs around $25.00, there are currently 15 million people going through the system, as unemployment is granted in weekly increments this could result in millions of tests being taken a week at an astronomical cost to the state.

States will be have to pay to process an additional 15 million urine samples if drug testing for unemployment insurance is required.

Unemployment is at its highest in twenty-five years, the economy is in a downward spiral, millions of people are just getting by and government wants to further degrade them. There is no evidence to support that this requirement is effective. There is no evidence to support that the average person who applies for UI is an illegal drug user. The inference that those who need this benefit must be screened for drugs is offensive. Hardworking Americans are depending on a benefit they worked to attain.

UNEMPLOYMENT INSURANCE HELPS THE ECONOMY

A study was conducted the research firm IMPAQ International and the Urban Institute found Unemployment Insurance benefits:

Reduced the fall in GDP by 18.3%. This resulted in nominal GDP being $175 billion higher in 2009 than it would have been without unemployment insurance benefits.

In total, unemployment insurance kept GDP $315 billion higher from the start of the recession through the second quarter of 2010;

kept an average of 1.6 million Americans on the job in each quarter: at the low point of the recession, 1.8 million job losses were averted by UI benefits, lowering the unemployment rate by approximately 1.2 percentage points; made an even more positive impact than in previous recessions, thanks to the aggressive, bipartisan effort to expand unemployment insurance benefits and increase eligibility during both the Bush and Obama Administrations. ''There is reason to believe,'' said the study, ''that for this particular recession, the UI program provided stronger stabilization of real output than in many past recessions because extended benefits responded strongly.''

For every dollar spent on unemployment insurance, this study found an increase in economic activity of two dollars.

According to the Economic Policy Institute that extending unemployment benefits could prevent the loss of over 500,000 jobs.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

Republicans seem to want to blame the unemployed for unemployment. But the truth is there are over four unemployed workers for every available job, and there are nearly 7 million fewer jobs in the economy today compared to when the recession started in December 2007.

The legislation introduced today would continue the current Federal unemployment programs through next year.

This extension not only will help the unemployed, but it also will promote economic recovery. The Congressional Budget Office has declared that unemployment benefits are ''both timely and cost-effective in spurring economic activity and employment.'' The Economic Policy Institute has estimated that preventing UI benefits from expiring could prevent the loss of over 500,000 jobs.

In addition to continuing the Federal unemployment insurance programs for one year, the bill would provide some immediate assistance to States grappling with insolvency problems within their own UI programs.

The legislation would relieve insolvent States from interest payments on Federal loans for one year and place a one-year moratorium on higher Federal unemployment taxes that are imposed on employers in States with outstanding loans.

According to preliminary estimates, these solvency provisions will stop $5 billion in tax hikes on employers in nearly two dozen States, as well as provide $1.5 billion in interest relief. The legislation also provides a solvency bonus to those States not borrowing from the Federal government.

We must extend unemployment compensation. This will send a message to the nation's unemployed, that this Congress is dedicated to helping those trying to help themselves.

Until the economy begins to create more jobs at a much faster pace, and the various stimulus programs continue to accelerate project activity in local communities, we cannot sit idly and ignore the unemployed.

We cannot now, or ever, allow partisan politics to keep us from addressing the needs of American families, the unemployed and seniors. I encourage my colleagues on the other side of the aisle to drop these harmful policy riders.

Mr. DAVIS of Illinois. Mr. Speaker, I submit for your consideration opposition to drug testing and screening of unemployment insurance recipients and applicants as proposed in H.R. 3630 Middle Class Tax Relief and Job Creation Act of 2011. Never before has there been a greater need to ease the pain of millions of Americans attempting to make ends meet post economic/financial crisis and anemic jobs market. Daily, we are reminded of the rippling effects of these man-made disasters. Indeed, today's headline ''America's Youngest Outcasts'' shines the light on 1.6 million (one and 45 children) children homeless in 2010, a 38% spike from 2007. Yesterday's headline connected to dots and charted a direct correlation between the percentage of children living in poverty and unemployment rate. What will tomorrow's headline read with proposed unemployment insurance drug testing and screening?

Mandatory drug testing falls into the category of ill-conceived barriers. Implementing laws requiring mandatory ''suspicionless'' drug testing and screening for families is punitive and is not premised on any reasonable rationale. Such random testing is not only reckless and based on insidious stereotypes but mostly a costly and an inefficient way of identifying recipients in need of drug and substance abuse treatment. Additionally, imposing further sanctions on unemployment insurance recipients and applicants who've depleted savings or assets and at risk or in foreclosure will have harsh effects on children.

Our children's wellbeing is a measurement of our Nation's wellbeing. Lest anyone get carried away with the notion that unemployment insurance is a means of funding the purchase and usage of drugs, the fact is unemployment insurance promotes opportunity for the next generation.

The unrelenting partisan campaign to impose drug testing and screening requirements on the unemployed will be devastating. Beyond the toll on individuals, creating barriers to much needed unemployment insurance will have huge fiscal and social consequences. Congress can ill-afford to take a passive approach to helping millions of Americans waiting along the sidelines uncertain about employment opportunities. In these trying times we must hold fast to the words of James Madison, The Father of the Constitution, charging us to ''promote the general Welfare. . . . to ourselves and posterity.'' To do so otherwise is not only a disservice to our Constitution, but also a disservice to all Americans.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak in opposition to H.R. 3630. I support the extension of the payroll tax holiday and Emergency Unemployment Compensation, but the current version forces us to make unfair, and unnecessary choices between those individuals in this country who are most in need.

This legislation would make drastic cuts to health care programs. If enacted, H.R. 3630 would cut over $21 billion from Affordable Care Act programs, effectively increasing the number of uninsured Americans by 170,000. H.R. 3630 would also cut $8 billion from the Prevention and Public Health Trust Fund, and over $21 billion from Medicare provider rates. Mr. Speaker, as a registered nurse, I know that these cuts will fall largely on hospitals, and effectively cut off access to healthcare to the elderly, the sick, and the uninsured.

To suggest that this bill is an authentic attempt by the majority to resolve a lapse of benefits that will occur if not extended is simply disingenuous. The majority has attached controversial provisions that have no chance of being considered by the Senate, and would be promptly vetoed by the President.

It was my hope to offer an amendment to H.R. 3630 that would address the increase we have seen in the number of children and others living in poverty. Unfortunately, my Republican colleagues have barred any amendments to this flawed piece of legislation.

Failure to extend these benefits will have immediate and drastic effects on American middle class families. We should not risk tax increases on these families, or cut off unemployment benefits for those out of work. I cannot support this bill as it is not consistent with American values.

Mr. CARNAHAN. Mr. Speaker, I rise in opposition to H.R. 3630, the Middle Class Tax Relief and Job Creation Act.

I apologize that I was not able to vote on the question of consideration of the resolution for the Rule on H.R. 3630. I was in an important meeting with constituents at the time the vote was called and was not able to make it to the capitol in time. Had I been available, I would have voted ''no'' on this resolution so the House could work on a serious proposal to extend the payroll tax holiday, unemployment insurance, and Medicare payments.

H.R. 3630 makes cuts to essential programs, such as education, healthcare, and energy and contains several poison pill policy riders unrelated to the crucial issues of payroll tax and unemployment insurance that make this bill a political stunt, not a legitimate policy proposal. This bill as currently constructed is not about tax cuts for the middle class or creating jobs, rather, it is about political ideologies and severing bi-partisan agreements.

H.R. 3630 will severely cut unemployment insurance and federal employee benefits at a time when our economy cannot afford the damage these cuts will inflict. We need to focus on cutting taxes for the middle class and closing loopholes so that big corporations and the ultra-rich pay their fair share.

Furthermore, H.R. 3630 includes cuts to hospitals which would devastate the patients and the communities these hospitals serve. Specifically, the plan calls for significant cuts to funding for hospital outpatient care and Medicare ''bad debt'' that helps hospitals care for low-income seniors. At the same time, the measure fails to include expiring provisions that help provide care in rural America. In my district in Saint Louis, hospitals are an important source of jobs, like many communities throughout America. I cannot support a bill that would surely lead to cut backs in not only services for our seniors, but also to cuts in jobs in my community.

I strongly oppose this legislation, and hope to work on a serious compromise that provides real relief for the middle class and creates jobs for Americans.

Mr. CONYERS. Mr. Speaker, I rise in opposition to H.R. 3630, an unacceptable, tone deaf response to the legitimate needs of the American people.

Unless Congress acts this month, millions of hardworking Americans—nearly 2 million in January alone and over 6 million in 2012—will be cut off from the emergency lifeline provided by unemployment insurance. In my home State of Michigan, over 160,000 jobless Americans would be left adrift, without any way to weather the worst job market since the Great Depression.

Providing unemployment benefits during periods of economic crisis should be a no brainer. These benefits help keep the economy afloat and give job seekers the time necessary to find work in a tight job market. As

such, previous Congresses have always come together to pass these benefits on a bipartisan and bicameral basis. In fact, since the unemployment insurance system was created, Congress has never cut back on federally-funded extended benefits when unemployment was over 7.2 percent.

Yet, this is exactly what this unacceptable proposal from the Republican Majority would do. H.R. 3630 would cut back the maximum weeks of unemployment benefits from 99 weeks to 59 weeks for current beneficiaries in Michigan. According to the National Employment Law Project, the proposed cuts could mean a loss of up to $22 billion in economic activity next year and approximately 140,000 jobs lost nationally in 2012.

Additionally, the bill would add additional unnecessary restrictions on those seeking benefits. Applicants would be required to have a high school diploma, or use benefits to pay for the pursuit of a GED. It would also further humiliate those seeking unemployment benefits by requiring the unemployed to take drug tests in order to receive benefits. Insinuating that people are remaining unemployed because they're using illegal drugs is the height of ignorance and exemplifies how out of touch the Majority is when it comes to understanding the plight of Americans trying to survive the Great Recession. If anyone deserves to be drug tested, it's the Wall Street executives whose recklessness and irrational gambling problem caused the massive unemployment problem in the first place.

H.R. 3630 isn't a serious effort to extend these provisions. Instead, it's a package that's filled with riders and controversial cuts that won't pass the Senate. The bill includes language that would:

Create indefinite delay to standards that protect people's health from industrial boilers and incinerators, which would prevent up to 8,100 premature deaths, avoid 52,000 asthma attacks, and 5,100 heart attacks each year;

Short-circuit the review of the controversial Keystone XL Tar Sands Pipeline;

Make millions of seniors, some with incomes as low as $80,000 a year, pay substantially more for their health care under Medicare—increasing the health care costs of these seniors by $31 billion over 10 years;

Impose a pay freeze and benefit cuts that would take more than $53 billion out of the pockets of federal workers;

Cut $10.6 billion in Medicare ''bad debt'' payments, which help hospitals cover out of pocket costs that low-income seniors are unable to afford;

Cut $6.8 billion for hospital outpatient payments for emergency room visits;

Cut $4.1 billion to Medicaid DSH payments for hospitals that treat high numbers of uninsured patients; and

Relax restrictions on self-referral to physician owned hospitals, which would result in increased utilization of services and higher costs for the Medicare program.

The time is long past for partisan gamesmanship. In two short weeks, in addition to unemployment benefits running out, the taxes of middle class families in Michigan are scheduled to increase by $1,800 and cuts in the reimbursements for doctors who participate in Medicare will kick in.

It is clear that the Majority needs to take a break from its war on the environment, seniors, and the uninsured and join with Democrats to create jobs and grow our economy.

Mrs. DAVIS of California. Mr. Speaker, it's nice to hear the House Majority finally talking about the importance of infrastructure jobs. They claim this bill will create thousands of jobs from one project—the Keystone Pipeline extension.

However, America has infrastructure needs in all corners of the nation and this bill ignores those needs.

In San Diego County, where my district sits, there has been a 3-percent loss in construction jobs dropping it to 226th out of 337 metro areas. This is according to a report just released by the Associated General Contractors of America.

And San Diego was not alone. The report noted that 145 other metro areas suffered losses in construction jobs.

The reason for this drop in jobs, you may ask? The contractors say it is because Congress is lagging in passing infrastructure and transportation bills.

Despite being touted as a jobs bill, H.R. 3630 fails to address other critical infrastructure projects to rebuild our schools, roads, and bridges.

Mr. Speaker, this House should be debating a real infrastructure bill that will provide needed jobs and meet our infrastructure needs.

Mr. DINGELL. Mr. Speaker, today I rise with disappointment over the legislative package put before us. As American families struggle to heat their homes, find jobs in their communities, and save for retirement or their children's education, my colleagues on the other side of the aisle are using this package to provide assistance to these families to insert controversial policy riders. Like all members of the U.S. House of Representatives, I agree that we must pass a sensible solution to fix the way providers are paid under Medicare, an unemployment extension, and tax relief for middle-class families, but I cannot in good conscience support H.R. 3630 as written.

Like my colleagues, I agree strongly that we must address the Sustainable Growth Rate, ensuring that our medical providers are paid sufficiently for the coverage they provide under Medicare. However, H.R. 3630 will address this problem for only the next two years, leaving us to once again deal with a massive payment cut—37 percent—in 2014. I believe strongly that we must come together and find a way to permanently address the way we pay our doctors rather than kicking the can down the road time after time. Further, I cannot stomach though the drastic cuts to our healthcare programs. H.R. 3630 will pay for these extenders by increasing Medicare premiums for some beneficiaries and increasing the number of beneficiaries required to pay increased premiums. It also cuts over $21 billion from Affordable Care Act programs, endangering the implementation of health reform, increasing the number of uninsured by 170,000 people, and breaking our promise to American families, seniors and children that they will have access to affordable health coverage.

In another act of blatant cynicism, my Republican colleagues seem to be blaming the recession on the unemployed by slashing their benefits. America's working families didn't cause our country's economic troubles, yet the Republicans seem bent on making them pay all the same. We're not out of this recession, and my friends on the other side of the aisle want us to swallow an unheard-of 40–week reduction in benefits for people struggling to make ends meet? As if that weren't enough, Republicans seek to ensure that state agencies can engage in all manner of bureaucratic rascality to deny the truly needy the benefits they must have to keep the heat on and put food on the table. This GOP strategy to keep America down so they can win elections next year sickens me. The people in Michigan are hurting badly and need more help, not less. The Republicans' solution to the economic woes of working men and women would do Ebenezer Scrooge proud.

The final nail in this legislative coffin is the decision by the Majority to roll back efforts to protect our environment. I believe it is important that the Clean Air Act's health-based and air quality standards be protected. The federal government has a system already in place to keep our air clean and maintain the health of our citizens and rather than dismantle this system, we must bolster it. I agree any solution to air pollution issues must represent an equitable balance among all affected industries and parties. The existing Clean Air Act is such a solution and before we take any steps to alter it, as the so-called ''EPA Regulatory Relief Act'' does, we need to know we have developed something much better to put in its place. In hearings on this and other bills to change the Clean Air Act, I've asked my colleagues to come up with real solutions but instead their only idea is to indefinitely postpone Clean Air requirements without any regard to air quality or health effects. As we work to improve our fragile economy, it is important that we support businesses so they can have the tools to create and maintain jobs and put Americans back to work. However, it is also important that we not cede ground in our efforts to keep our air clean; the health of our citizens is too important.

Mr. Speaker, this bill is yet another in a long list of partisan bills that my Republican colleagues have brought to the House floor with the knowledge and understanding that it is dead on arrival in the Senate. If Congress is to govern properly—by producing balanced plans to reduce our deficit, investing in our Nation's infrastructure, and creating jobs—then we must set aside the extreme ideological agenda and come together for a common cause. The American people want and need the federal government working to restore our economy, increase our competitiveness in the global marketplace, and provide American families with the opportunity to succeed. When this bill fails to move in the Senate, I hope my Republican colleagues will realize that we cannot spend the rest of the 112th Congress legislating from the fringes of the political spectrum.

Mr. VAN HOLLEN. Mr. Speaker, I support extending the current payroll tax cut for 160 million working Americans. I support protecting the lifeline of unemployment insurance for those who remain out of work through no fault of their own. And I support fixing the broken Sustainable Growth Rate formula for physicians who participate in Medicare—which is precisely why I oppose this bill.

Everyone in this Chamber knows it won't pass the Senate. The President has said he won't sign it. In short, it has exactly zero chance of getting enacted into law.

Now, several weeks ago, that scenario sounded like it was actually the preferred outcome for a majority of my friends on the other side of the aisle. The Republican leadership

stated that it opposed extending the payroll tax cut and unemployment insurance. If the Republican leadership has changed its mind and is now sincere about protecting the middle class, it's time to dispense with the posturing, throw out the poison pills, stop scapegoating the federal workforce and start seriously negotiating a package that can receive bicameral, bipartisan support.

Mr. GEORGE MILLER of California. Mr. Speaker, 1.1 million Californians stand to lose their unemployment benefits if Congress fails to do its job.

And the bill before us today is the perfect example of Congress failing to do its job—yet again.

Let's be clear what's going on here.

Republicans in Congress have opposed every effort by President Obama and Democrats in Congress to create more American jobs and to rescue our economy from the worst recession to since the Great Depression.

They even opposed extending the payroll tax cut that the President signed into law last year that expires at the end of this year. That tax cut is worth $1,000 to the average American. If Congress does not extend the payroll tax cut, Congress will be increasing taxes on middle class workers by $1,000.

Republicans in Congress have also opposed extending unemployment insurance for the millions of workers who have not been able to find work for no fault of their own.

First, they block efforts to create jobs. Then they oppose extending to them unemployment insurance.

Unbelievable.

Now, they are feeling enormous public pressure to extend the payroll tax cut and unemployment insurance benefits. Democrats would pay for the cost of the payroll tax cut for middle class workers by slightly increasing taxes on people who earn more than $1 million per year.

Republicans refuse to increase taxes by any amount on people who earn more than $1 million a year.

Instead, they propose paying for the payroll tax cut by cutting unemployment insurance benefits.

Unbelievable.

Their bill cuts 40 weeks of unemployment insurance benefits from people in my state of California, and in 20 other states as well.

We wouldn't need long-term unemployment insurance if Republicans were serious about solving America's economic problems, but they are not serious about solving problems. In fact, they refuse.

No new jobs under their watch.

No new taxes on people who earn more than $1 million per year under their watch.

But, it's ok to cut unemployment benefits that help create jobs and keep food on middle class families' tables.

Now, to add to the indignity of it all, Republicans want to drug test those who lost their jobs through no fault of their own.

Have the Republicans in control of Congress forgotten how we got into this recession in the first place?

It was Wall Street that recklessly drove our nation's economy into the ditch. And millions lost their jobs because of it.

And the crisis persists in part because the majority refuses to do anything about it.

You'd think that the unemployed caused the job crisis.

The unemployed didn't sell toxic securities. They didn't sell trillions of dollars of phony credit default swaps. They didn't blow up the global economy.

No, that was Wall Street aided by lax oversight from Washington.

If the Republicans want to drug test people who get benefits from the federal government, I suggest they look at Wall Street bank executives who drove our economy into the ditch in the first place.

Congress should not demonize the unemployed who are desperate to get back to work.

Unbelievable.

Mr. Speaker, Congress has a job to do. It is our responsibility to work together to help put Americans back to work, to ensure our tax policy is fair and balanced, and to make sure that Americans have unemployment insurance benefits to help carry them and their families through while they are looking for work.

This bill would cut unemployment benefits by 40 weeks for the unemployed in California and 20 other states, and then it would require drug tests for those who do get benefits. This bill should be rejected.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 3630, which would be better entitled ''the House Republicans' ultimate year-end wish list.''

This Republican bill is an affront to senior citizens, middle class workers, and low-income families—at a time when Americans are enduring the toughest economy since the Great Depression.

As this bill details, Republicans would have seniors permanently pay increased Medicare premiums for just one year of a payroll tax cut for working Americans and a one-year gutted extension of unemployment insurance.

This bill is wrongheaded, it's heartless, and it's bad for our fragile economic recovery.

Republicans want one in four Medicare beneficiaries to start paying significantly higher Medicare premiums. If their proposal were fully in effect today it would hit people with $40,000 in annual income—those aren't the rich.

They ignore the reality that wealthier seniors already pay more for Medicare benefits today—and they've also paid more in Medicare taxes during their working years. Republicans should be honest about their goal here. This isn't to make the rich pay more, it is designed to undermine Medicare's guaranteed benefits for ALL of America's senior citizens and people with disabilities and get the government out of the business of guaranteeing health benefits.

Republicans have also tucked in a special interest giveaway that costs $300 million. They would undo parts of the health reform law in order to give physician-owned hospitals more room to grow and to line their pockets. We already know these facilities have caused patient deaths and run up Medicare costs with unnecessary use of tests and procedures. This Republican handout is bad for Americans' health, but it's great for these special interest friends of the Republicans.

The Medicare provisions and giveaways are enough to oppose this legislation. Unfortunately, this bill is also a vehicle to attack working families and environmental protections.

This bill would eliminate 40 weeks of unemployment insurance benefits for workers in my state of California and many other states. Not only do House Republicans want to pull the rug out from unemployed people searching for work, they also want them to submit to the indignity of having to take a drug test to qualify for benefits. Not only are you out of a job, you are also a presumed drug user in the eyes of Republicans.

America may want to drug test House leaders for including terrible anti-environmental policy riders that are entirely un-related to either tax cuts, unemployment insurance, or Medicare. In order to sweeten the pot for the more radical members of the Speaker's caucus, this legislation would block the EPA from reducing mercury pollution. It would also usurp Presidential authority and approve the Keystone tar sands pipeline without proper review.

We need to get down to the business of extending unemployment insurance, protecting seniors and preserving the middle class. This dangerous bill, once again, shows Republican's willingness to hang the middle class and senior citziens out to dry to further their special interest agenda.

Mr. WOLF. Mr. Speaker, while I support comprehensive tax reform, I do not support the flawed legislation presently before us. I have repeatedly said it is long past time to close tax loopholes, end the practice of tax earmarks and lower tax rates on American families and employers. I support a long-term ''doc fix'' to ensure that doctors continue to accept Medicare patients. I support the Keystone XL pipeline and efforts to reform unemployment insurance, all of which are included in this bill. However, these are not the central issues of the legislation we are considering today.

The issue today, as defined by both political parties and the president, is whether or not a temporary—and costly—one-year payroll tax ''holiday'' should expire at the end of the month. The real issue is whether it is responsible for Washington to further shortchange the Social Security Trust Fund at a time when it is already on an unsustainable path.

This ''holiday'' is a raid on Social Security, which is already going broke. Social Security is unique because it is paid for through a dedicated tax on workers who will receive future benefits. The money paid today funds benefits for existing retirees, and ensures future benefits. Because you pay now, a future retiree will pay your benefits. That is why, until last year, this revenue stream was considered sacrosanct by both political parties.

Raw facts demonstrate that Social Security is on an unsustainable path. Today's medical breakthroughs were simply not envisioned when the system was created in 1935. For example, in 1950, the average American lived for 68 years and 16 workers supported one retiree. Today, the average life expectancy is 78 and three workers support one retiree. Three and a half million people received Social Security in 1950; 55 million receive it today. Every day since January 1, 2011, over 10,000 baby-boomers turned 65. This trend will continue every day for the next 19 years. Do these numbers sound sustainable to anyone?

I recently asked a group of McLean High School students and a group of young James Madison University alumni whether they believed that they would receive Social Security benefits when they retire. Not one hand was raised. Not a single one.

The Social Security Actuary has said that by 2037 the trust fund will be unable to pay full benefits. When this time is reached, everyone

will receive an across the board cut of 22 percent, regardless of how much money they paid into the system.

Let me repeat. Under our current path, within 15 years all Social Security benefits will be cut by 22 percent.

Granting another tax holiday is unwise. It puts the existing benefits of those 55 million Americans who currently receive Social Security at risk to continue a failed ''stimulus'' policy.

Last December, when unemployment stood at 9.4 percent, the president touted the ''holiday'' as a one-year measure that would help cure our economic ills and would spur economic growth.

Yet here we are again. After spending most of the year above 9 percent, unemployment has dropped to 8.6 percent. But that belies the primary driver of this change: 315,000 Americans simply stopped looking for work. Nobody can say with a straight face that the payroll tax ''holiday'' has had a meaningful impact on the unemployment rate, nor would it if extended for another year.

Does it make sense that everyone, regardless of income, will get money from this ''stimulus?'' Does anyone think that Warren Buffet changed his buying habits as a result of this temporary suspension? Or General Electric's CEO, Jeffery Immelt, who is also head of President Obama's Council on Jobs and Competitiveness?

I opposed the legislation creating the Social Security tax ''holiday'' last year for similar reasons. I just cannot support an extension that further compromises the stability of the Social Security Trust Fund.

Real structural reforms are needed to stabilize Social Security. Past experience shows that Congress will spend the next 10 years figuring out how to spend the money designated as offsets for today's bill on other projects. It won't be used to pay for the bill. Knowing this, I cannot in good faith support a measure to raid the trust fund without comprehensive reform to the system.

The expiring payroll tax ''holiday'' is costing Americans $112 billion. To pay for it, we are borrowing money from nations such as China, which is spying on us, where human rights are an afterthought, and Catholic bishops, Protestant ministers and Tibetan monks are jailed for practicing their faith, and oil-exporting countries such as Saudi Arabia, which funded the radical madrasahs on the Afghan-Pakistan border resulting in the rise of the Taliban and al Qaeda.

Our national debt is over $15 trillion. It is projected to reach $17 trillion next year and $21 trillion in 2021. We have annual deficits of approximately $1 trillion. We have unfunded obligations and liabilities of $62 trillion.

We all know what needs to be done and that is why I have supported every serious effort to resolve this crisis, including the Bowles-Simpson recommendations, the Ryan Budget, the ''Gang of Six,'' the ''Cut, Cap and Balance'' plan and the Budget Control Act.

I also was among the bipartisan group of 103 members of Congress who urged the supercommittee to ''go big'' and identify $4 trillion in savings. I voted for the Balanced Budget Amendment to the Constitution, which would have established critical institutional reforms to ensure that the Federal Government lives within its means. In addition, since 2006, I have introduced my own bipartisan legislation, the SAFE Commission, multiple times.

While none of these solutions were perfect, they all took the necessary steps to rebuild and protect our economy. In order to solve this problem, everything must be on the table for consideration—all entitlement spending, all domestic discretionary spending, including defense spending, and tax reform, particularly changes to make the tax code more simple and fair and to end the practice of tax earmarks that cost hundreds of billions of dollars.

Because the extension of the payroll tax ''holiday'' is not part of a comprehensive tax and entitlement reform package, it ignores the bigger picture: everything must be on the table to enact sweeping reforms to right our fiscal ship of state.

Does anyone really think that this will only be a one-year extension? I suspect that at this time next year Congress will once again be considering another costly extension. And what will happen the year after that?

If past precedent holds, the 10-year price tag of this ''holiday'' will come to about $1.2 trillion. The supercommittee was unable to agree to any deficit reduction plan, let alone their $1.2 trillion goal. The consequences of this failure will be severe.

Air Force Chief of Staff General Norton Schwartz said that the coming across-the-board cuts to our defense capabilities, as a result of the supercommittee's failure, are akin to having major surgery performed by a plumber. The Commonwealth of Virginia will feel particular pain from these defense cuts. Bloomberg Government reported that Virginia is the number one recipient of defense spending.

How will the Congress pay for this extended tax cut and still make the needed cuts to our deficit and debt?

I feel as if Washington exists in a parallel universe. After months of passionately debating the importance of reducing the debt, the president and Congress are now using all the ''easy'' and ''quick'' offsets to extend a one-year temporary tax break that's barely, if at all, improved the economic indicators.

Senator TOM COBURN recently said that ''the question the American people ought to ask is where is the backbone in Washington to actually pay for these extensions in the year the money's spent.'' I think it's clear that the backbone doesn't exist.

Leadership starts at the top, and the president has repeatedly failed to address our Nation's deficit. Earlier this month, the president drew a line in the sand and said Congress shouldn't go home until the payroll holiday is extended.

He has not drawn that line for the doc fix, which is necessary to ensure that doctors will accept Medicare patients.

He has not done that for unemployment benefits.

He has done the opposite on the Keystone XL pipeline, postponing the decision for yet another year, until after the next election.

Above all, he has not drawn a line in the sand for a comprehensive deficit reduction plan. In fact, he has spent most of the year running from serious deficit reduction efforts, including the one proposed by his own fiscal commission. He has not proposed significant changes to entitlement programs or embraced comprehensive tax reform.

We need look no further than the riots in Europe to see the destructive impact that results from the crushing reality of a government unable to deliver promised entitlements to its citizens. There have been riots in Belgium, Spain, France, Ireland, England, Italy, Latvia, and Greece. And yet we are considering a proposal that moves us closer to Europe's instability.

Instead of using these bipartisan offsets to pay down our deficit, we're increasing spending and using these offsets to maintain our unacceptable levels of debt. The American people should be deeply troubled that Congress and the president cannot find any bipartisan agreement to save our country, but they can still come together to increase spending and shortchange Social Security. There is something fundamentally wrong with this picture.

Compounding my belief that the tax ''holiday'' will not be fully paid for, I do not agree with some of the offset measures that have been included, absent comprehensive reform.

Some would have the one-year tax ''holiday'' financed through a long-term, structural attack on federal employees. Federal employees work side-by-side on the front lines with our military personnel fighting the Global War on Terror in locations such as Iraq and Afghanistan. They put their lives at risk daily to defend our national interests.

The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent from my congressional district. CIA, FBI, DEA agents, and State Department employees are serving side-by-side with our military in the fight against the Taliban. Border Patrol and Immigration and Customs Enforcement agents are working to stop the flow of illegal immigrants and drugs across our borders.

The medical researchers at NIH working to develop cures for cancer, diabetes, Alzheimer's and autism are all dedicated federal employees. Dr. Francis Collins, the physician who mapped the human genome and serves as director of the National Institutes of Health, is a federal employee.

The National Weather Service meteorologist, who tracks hurricanes, and the FDA inspector working to stop a salmonella outbreak, are federal employees. The ATF agents who were in Blacksburg immediately following last week's shooting are federal employees. These are but a few examples of the vital jobs performed by federal employees.

We can't balance the budget through discretionary cuts alone. We have to address the spiraling costs of entitlements, because, to paraphrase the infamous bank robber Willie Sutton, that's where the money is. If you care about cancer research, if you care about national defense, if you care about road improvements or if you care about the poor, you should care about entitlement reform. We must reform these programs to preserve them for future generations. Otherwise, they will be made unrecognizable through forced, significant cuts or eliminated altogether.

Last December, the leaders of the president's bipartisan fiscal commission, Erskine Bowles and former Senator Alan Simpson, wrote to the president and leaders of Congress, ''Our growing national debt poses a dire threat to this nation's future. Ever since the economic downturn, Americans have had to make tough choices about how to make ends meet. Now it's time for leaders in Washington to do the same.''

Mr. Speaker, I cannot support this measure and will vote ''no'' as I did last December.

Let's put these offsets towards real deficit reduction and move forward with serious efforts to deal with our unsustainable spending.

Ms. FUDGE. Mr. Speaker, I rise today to strongly oppose this rule and the underlying bill. H.R. 3630 allows States to fund reemployment programs with money that would otherwise be in the pockets of the unemployed.

My amendment mandates transparency and accountability. It requires States to make public the amount of money taken from the checks of unemployed Americans.

This is not the time to divert funds away from those most in need in order to fund reemployment programs. Let me be clear, it's not that I am against reemployment programs.

But those who are unemployed need every dollar. And at a time when our economy is starting to recover, we need the unemployed to remain consumers. Every dollar of unemployment payments generates up to one dollar and ninety cents in economic growth.

I mentioned Karen from Cleveland on the House floor last week. Karen was laid off in March. Her unemployment check is allowing her to pay her mortgage and buy prescriptions she needs to maintain her health. She has completely used up her savings.

If Karen's check were to decrease, or disappear, the consequences would be devastating.

Karen, like millions of Americans, depends on unemployment insurance to stay in their homes, and buy needed medicine. It will create an endless cycle of medical bills and homeless shelters.

For all the unemployed mothers who provide for their children. For unemployed seniors who are not quite old enough for Social Security.

For all the unemployed Americans, whose funds are low and debts are high, trying to keep their lives together as they navigate the most difficult time period since the Great Depression.

Let's cut the partisan posturing and extend unemployment insurance without unnecessary riders.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 491, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. VAN HOLLEN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. VAN HOLLEN. Yes, I am.

Mr. CAMP. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Van Hollen moves to recommit the bill, H.R. 3630, to the Committee on Ways and Means, with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

TITLE VII—ADDITIONAL PROVISIONS

SEC. 701. EXTENSION AND EXPANSION OF PAYROLL TAX CUT FOR MIDDLE CLASS FAMILIES.

(a) EXTENSION.—For provision extending the payroll tax cut for middle class families, see section 2001.

(b) INCREASED RELIEF.—

(1) IN GENERAL.—Subsection (a) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(A) by inserting ''(9.3 percent for calendar year 2012)'' after ''10.40 percent'' in paragraph (1), and

(B) in paragraph (2)—

(i) by striking ''(including'' and inserting ''(3.1 percent in the case of calendar year 2012), including'' after ''4.2 percent'', and

(ii) by striking ''Code)'' and inserting ''Code''.

(2) COORDINATION WITH INDIVIDUAL DEDUCTION FOR EMPLOYMENT TAXES.—Subparagraph (A) of section 601(b)(2) of such Act is amended by inserting ''(66.67 percent for taxable years which begin in 2012)'' after ''59.6 percent''.

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(1) by inserting ''of such Code'' after ''164(f)'',

(2) by inserting ''of such Code'' after ''1401(a)'' in subparagraph (A), and

(3) by inserting ''of such Code'' after ''1401(b)'' in subparagraph (B).

SEC. 702. EXTENDING THE ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

For provision extending the allowance for bonus depreciation for certain business assets, see section 1201.

SEC. 703. PREVENTING A REDUCTION IN PAYMENTS TO DOCTORS.

For provision preventing a reduction in payments to doctors, see section 2201.

SEC. 704. ENSURING THAT MILLIONAIRES PAY THEIR FAIR SHARE.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

''PART VIII—SURTAX ON MILLIONAIRES

''Sec. 59B. Surtax on millionaires.

''SEC. 59B. SURTAX ON MILLIONAIRES.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2011 and before 2021, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 3.6 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds the threshold amount.

''(b) THRESHOLD AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The threshold amount is $1,000,000.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2012, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(3) MARRIED FILING SEPARATELY.—In the case of a married individual filing separately for any taxable year, the threshold amount shall be one-half of the amount otherwise in effect under this subsection for the taxable year.

''(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

''(d) SPECIAL RULES.—

''(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (b) shall be decreased by the excess of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VIII. SURTAX ON MILLIONAIRES.''.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 705. PREVENTING INSIDER TRADING BY MEMBERS OF CONGRESS.

(a) NONPUBLIC INFORMATION RELATING TO CONGRESS AND OTHER FEDERAL EMPLOYEES.—

(1) COMMODITIES TRANSACTIONS.—Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding at the end the following:

''(h) NONPUBLIC INFORMATION RELATING TO CONGRESS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling any commodity for future delivery or swap while such person is in possession of material nonpublic information, as defined by the Commission, relating to any pending or prospective legislative action relating to such commodity if—

''(1) such information was obtained by reason of such person being a Member or employee of Congress; or

''(2) such information was obtained from a Member or employee of Congress, and such person knows that the information was so obtained.

''(i) NONPUBLIC INFORMATION RELATING TO OTHER FEDERAL EMPLOYEES.—

''(1) RULEMAKING.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling any commodity for future delivery or swap while

such person is in possession of material nonpublic information derived from Federal employment and relating to such commodity if—

''(A) such information was obtained by reason of such person being an employee of an agency, as such term is defined in section 551(1) of title 5, United States Code; or

''(B) such information was obtained from such an employee, and such person knows that the information was so obtained.

''(2) MATERIAL NONPUBLIC INFORMATION.—For purposes of this subsection, the term 'material nonpublic information' means any information that an employee of an agency (as such term is defined in section 551(1) of title 5, United States Code) gains by reason of Federal employment and that such employee knows or should know has not been made available to the general public, including information that—

''(A) is routinely exempt from disclosure under section 552 of title 5, United States Code, or otherwise protected from disclosure by statute, Executive order, or regulation;

''(B) is designated as confidential by an agency; or

''(C) has not actually been disseminated to the general public and is not authorized to be made available to the public on request.''.

(2) SECURITIES TRANSACTIONS.—Section 10 of the Securities Exchange Act of 1934 is amended by adding at the end the following:

''(d) NONPUBLIC INFORMATION RELATING TO CONGRESS.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling the securities or security-based swaps of any issuer while such person is in possession of material nonpublic information, as defined by the Commission, relating to any pending or prospective legislative action relating to such issuer if—

''(1) such information was obtained by reason of such person being a Member or employee of Congress; or

''(2) such information was obtained from a Member or employee of Congress, and such person knows that the information was so obtained.

''(e) NONPUBLIC INFORMATION RELATING TO OTHER FEDERAL EMPLOYEES.—

''(1) RULEMAKING.—Not later than 270 days after the date of enactment of this subsection, the Commission shall by rule prohibit any person from buying or selling the securities or security-based swaps of any issuer while such person is in possession of material nonpublic information derived from Federal employment and relating to such issuer if—

''(A) such information was obtained by reason of such person being an employee of an agency, as such term is defined in section 551(1) of title 5, United States Code; or

''(B) such information was obtained from such an employee, and such person knows that the information was so obtained.

''(2) MATERIAL NONPUBLIC INFORMATION.—For purposes of this subsection, the term 'material nonpublic information' means any information that an employee of an agency (as such term is defined in section 551(1) of title 5, United States Code) gains by reason of Federal employment and that such employee knows or should know has not been made available to the general public, including information that—

''(A) is routinely exempt from disclosure under section 552 of title 5, United States Code, or otherwise protected from disclosure by statute, Executive order, or regulation;

''(B) is designated as confidential by an agency; or

''(C) has not actually been disseminated to the general public and is not authorized to be made available to the public on request.''.

(b) COMMITTEE HEARINGS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Committee on Agriculture of the House of Representatives shall hold a hearing on the implementation by the Commodity Futures Trading Commission of subsections (h) and (i) of section 4c of the Commodity Exchange Act (as added by subsection (a)(2) of this section), and the Committee on Financial Services of the House of Representatives shall hold a hearing on the implementation by the Securities Exchange Commission of subsections (d) and (e) of section 10 of the Securities Exchange Act of 1934 (as added by subsection (a)(1) of this section).

(2) EXERCISE OF RULEMAKING AUTHORITY.—Paragraph (1) is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives and, as such, shall be considered as part of the rules of the House, and such rules shall supersede any other rule of the House only to the extent that rule is inconsistent therewith; and

(B) with full recognition of the constitutional right of the House to change such rules (so far as relating to the procedure in the House) at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

(c) TIMELY REPORTING OF FINANCIAL TRANSACTIONS.—

(1) REPORTING REQUIREMENT.—Section 103 of the Ethics in Government Act of 1978 is amended by adding at the end the following subsection:

''(l) Within 90 days after the purchase, sale, or exchange of any stocks, bonds, commodities futures, or other forms of securities that are otherwise required to be reported under this Act and the transaction of which involves at least $1000 by any Member of Congress or officer or employee of the legislative branch required to so file, that Member, officer, or employee shall file a report of that transaction with the Clerk of the House of Representatives in the case of a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico, or with the Secretary of the Senate in the case of a Senator.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to transactions occurring on or after the date that is 90 days after the date of the enactment of this Act.

(d) DISCLOSURE OF POLITICAL INTELLIGENCE ACTIVITIES UNDER LOBBYING DISCLOSURE ACT.—

(1) DEFINITIONS.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(A) in paragraph (2)—

(i) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(ii) by inserting after ''lobbyists'' the following: ''or political intelligence consultants''; and

(B) by adding at the end the following new paragraphs:

''(17) POLITICAL INTELLIGENCE ACTIVITIES.—The term 'political intelligence activities' means political intelligence contacts and efforts in support of such contacts, including preparation and planning activities, research, and other background work that is intended, at the time it is performed, for use in contacts, and coordination with such contacts and efforts of others.

''(18) POLITICAL INTELLIGENCE CONTACT.—

''(A) DEFINITION.—The term 'political intelligence contact' means any oral or written communication (including an electronic communication) to or from a covered executive branch official or a covered legislative branch official, the information derived from which is intended for use in analyzing securities or commodities markets, or in informing investment decisions, and which is made on behalf of a client with regard to—

''(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

''(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; or

''(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license).

''(B) EXCEPTION.—The term 'political intelligence contact' does not include a communication that is made by or to a representative of the media if the purpose of the communication is gathering and disseminating news and information to the public.

''(19) POLITICAL INTELLIGENCE FIRM.—The term 'political intelligence firm' means a person or entity that has 1 or more employees who are political intelligence consultants to a client other than that person or entity.

''(20) POLITICAL INTELLIGENCE CONSULTANT.—The term 'political intelligence consultant' means any individual who is employed or retained by a client for financial or other compensation for services that include one or more political intelligence contacts.''.

(2) REGISTRATION REQUIREMENT.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting after ''whichever is earlier,'' the following: ''or a political intelligence consultant first makes a political intelligence contact,''; and

(II) by inserting after ''such lobbyist'' each place that term appears the following: ''or consultant'';

(ii) in paragraph (2), by inserting after ''lobbyists'' each place that term appears the following: ''or political intelligence consultants''; and

(iii) in paragraph (3)(A)—

(I) by inserting after ''lobbying activities'' each place that term appears the following: ''and political intelligence activities''; and

(II) in clause (i), by inserting after ''lobbying firm'' the following: ''or political intelligence firm'';

(B) in subsection (b)—

(i) in paragraph (3), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(ii) in paragraph (4)—

(I) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities''; and

(II) in subparagraph (C), by inserting after ''lobbying activity'' the following: ''or political intelligence activity'';

(iii) in paragraph (5), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities'';

(iv) in paragraph (6), by inserting after ''lobbyist'' each place that term appears the following: ''or political intelligence consultant''; and

(v) in the matter following paragraph (6), by inserting ''or political intelligence activities'' after ''such lobbying activities'';

(C) in subsection (c)—

(i) in paragraph (1), by inserting after ''lobbying contacts'' the following: ''or political intelligence contacts''; and

(ii) in paragraph (2)—

(I) by inserting after ''lobbying contact'' the following: ''or political intelligence contact''; and

(II) by inserting after ''lobbying contacts'' the following: ''and political intelligence contacts''; and

(D) in subsection (d), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''.

(3) REPORTS BY REGISTERED POLITICAL INTELLIGENCE CONSULTANTS.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(A) in subsection (a), by inserting after ''lobbying activities'' the following: ''and political intelligence activities'';

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(II) in subparagraph (A)—

(aa) by inserting after ''lobbyist'' the following: ''or political intelligence consultant''; and

(bb) by inserting after ''lobbying activities'' the following: ''or political intelligence activities'';

(III) in subparagraph (B), by inserting after ''lobbyists'' the following: ''and political intelligence consultants''; and

(IV) in subparagraph (C), by inserting after ''lobbyists'' the following: ''or political intelligence consultants'';

(ii) in paragraph (3)—

(I) by inserting after ''lobbying firm'' the following: ''or political intelligence firm''; and

(II) by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(iii) in paragraph (4), by inserting after ''lobbying activities'' each place that term appears the following: ''or political intelligence activities''; and

(C) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ''or a political intelligence consultant'' after ''a lobbyist''.

(4) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended—

(A) in paragraph (3)(A), by inserting after ''lobbying firms'' the following: '', political intelligence consultants, political intelligence firms,'';

(B) in paragraph (7), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''; and

(C) in paragraph (8), by striking ''or lobbying firm'' and inserting ''lobbying firm, political intelligence consultant, or political intelligence firm''.

(5) RULES OF CONSTRUCTION.—Section 8(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(b)) is amended by striking ''or lobbying contacts'' and inserting ''lobbying contacts, political intelligence activities, or political intelligence contacts''.

(6) IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.—Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended—

(A) in subsection (a)—

(i) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(ii) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(iii) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity'';

(B) in subsection (b)—

(i) in the heading, by inserting ''OR POLITICAL INTELLIGENCE'' after ''LOBBYING'';

(ii) by inserting ''or political intelligence contact'' after ''lobbying contact'' each place that term appears; and

(iii) in paragraph (2), by inserting ''or political intelligence activity, as the case may be'' after ''lobbying activity''; and

(C) in subsection (c), by inserting ''or political intelligence contact'' after ''lobbying contact''.

(7) ANNUAL AUDITS AND REPORTS BY COMPTROLLER GENERAL.—Section 26 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1614) is amended—

(A) in subsection (a)—

(i) by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(ii) by striking ''lobbying registrations'' and inserting ''registrations'';

(B) in subsection (b)(1)(A), by inserting ''political intelligence firms, political intelligence consultants,'' after ''lobbying firms''; and

(C) in subsection (c), by inserting ''or political intelligence consultant'' after ''a lobbyist''.

(e) EFFECTIVE DATE.—Subject to subsection (c)(2), this section and the amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 706. FREEZE ON MEMBER COLA AND PENSION REFORM.

For provision freezing Member COLA and effecting pension reform, see section 5421(b)(1) and part 1 of subtitle E of title V, respectively.

Mr. VAN HOLLEN (during the reading). Mr. Speaker, I ask unanimous consent to suspend the reading of the bill.

Mr. CAMP. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. CAMP (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection?

Without objection, the remainder of the motion is considered read.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan continues to reserve a point of order.

The gentleman from Maryland is recognized for 5 minutes on his motion.

Mr. VAN HOLLEN. Thank you very much, Mr. Speaker.

It was just a few weeks ago that our Republican colleagues in the House and the Senate said they didn't want to do any payroll tax cut for working Americans. They were opposed to any payroll tax cut for the 160 million working Americans, and at the same time they were arguing vigorously in support of protecting tax breaks for the very wealthy in this country. They had been very clear: They don't want to ask the very wealthiest to simply go back to paying the same tax rates that they were paying during the Clinton administration—a time when the economy was booming and 20 million jobs were created. They don't want to do that, but they were prepared to increase the payroll tax on 160 million working Americans. Well, they realized that that didn't sound so good to the American people, and so we are here today.

□ 1810

And what the Republican proposal does is two things: It inserts into their bill poison pills which the President has said he will not sign, and they know he said that.

What will the result be? It will be the same result that our Republican colleagues wanted 2 weeks ago, which is no payroll tax cut for 160 million Americans.

But what they could not bring themselves to do, Mr. Speaker, was pay for that payroll tax cut for 160 million by asking very wealthy people, millionaires and billionaires, to share a little bit more in the responsibility for reducing our deficit. They didn't want to do that, and so their bill cuts other people.

For example, their bill would cut the pension of the folks who helped track down Osama Bin Laden. Thank you very much for helping us track down Osama Bin Laden. We're going to cut your pension. We're going to cut your pension and that of other hardworking men and women who protect this country every day in that way.

Who else are we going to ask to pay for it? Well, let's ask seniors who earn $80,000 or so. Let's increase their premiums. We don't want to ask folks over $1 million to pay a little bit more, share a little bit more responsibility. Let's ask seniors at $80,000 a year.

And you know what? Let's change the current unemployment compensation law from what it would be if we extended current law. Let's change it in a way where folks who are out of work, through no fault of their own, they're looking every day for a job, let's give them less than what they would get if we extended the current unemployment compensation.

So those are all the gymnastics that bring us here today, simply because the majority doesn't want to ask the folks at the very top to pay a little more. What our motion to recommit does is say, we need to have shared responsibility in this country. Let's work together to bring down the deficit.

We all know from independent economists that increasing the payroll tax cut will raise another 300,000 jobs; so, in fact, our motion to recommit increases that. And it also does other things to hold Members of this body accountable.

So the choice is simple. Do we want to ask folks at the very top to help reduce our deficit and provide that payroll tax cut, and do we want to hold this body accountable?

On that issue, I defer to the gentlelady from New York, the ranking member of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, I am going to make an offer that no one can refuse or no one should refuse.

I'm pleased that the STOCK Act is something we can finally vote on today in this Congress. The STOCK Act has bipartisan support from 231 Members of Congress, a majority of the House, ranging from freshman Members to

senior Members from both sides of the aisle.

The bill has been around since 2006, and we do not need to study it another day. A critical part of the bill is the registration of the political intelligence industry. The burgeoning K Street industry gathers information from Members and staff in order to enrich their Wall Street clients, and it has been completely unregulated.

We will finally regulate, through the STOCK Act, this lucrative industry, and ensure that Members of Congress and their staffs come to Washington to serve their constituents and not fatten their own bank accounts. There are 535 of us privileged enough to serve in this Congress, and we must hold ourselves accountable to the highest standards.

The American people have shown an incredible interest in the STOCK Act. If you fail to vote for this motion today, you're going to tell them that you're not interested in their concerns. None of us on either side of the aisle want to do that.

So I urge my colleagues to vote in favor of today's motion to recommit to pass this bill that has been around for years and needs passing very badly, and to hold ourselves accountable to the American people and to the letter of the law.

The SPEAKER pro tempore. The time of the gentleman from Maryland has expired.

Mr. CAMP. Mr. Speaker, I withdraw my reservation and seek time in opposition to the motion to recommit.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Mr. Speaker, this motion to recommit is a further illustration of the glaring differences in priorities between Republicans and Democrats. Republicans have brought a plan to the floor today that is about protecting taxpayers and creating American jobs. And instead of joining us in that important task, my Democratic friends are offering yet another politically motivated motion.

In fact, one senior Democratic aide recently said to the press, and I quote, ''MTRs are all political.'' You can read it right here.

My colleagues and the American people should not be fooled. They should not be distracted by these political games.

Make no mistake. Our bill extends the payroll tax cut for every employee in this country. And if my friends on the other side of the aisle choose to vote against it, they are supporting a tax increase on every American who collects a paycheck.

This motion contains a massive 10-year tax increase. It increases taxes on employers, on small businesses, on investors, the very people we need paying more paychecks, not more taxes. In fact, this exact provision has been defeated multiple times in the U.S. Senate by Republicans and Democrats alike in a bipartisan effort.

Our bill is about strengthening our economy, getting Americans back to work through commonsense reforms to the unemployment insurance program. It will ensure American seniors and the disabled are protected by preventing massive cuts to doctors working in the Medicare program. And it will be paid for with fiscally responsible reforms, not job-killing tax hikes.

I urge my colleagues, vote against this motion to recommit and vote for the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. VAN HOLLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered, and the motion to suspend the rules on H.R. 2767, if ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 244, not voting 6, as follows:

[Roll No. 922]

AYES—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—244

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—6

Bachmann	Filner	Gutierrez
Coble	Giffords	Paul

□ 1841

Messrs. FLAKE, PALAZZO, and MURPHY of Pennsylvania changed their vote from ''aye'' to ''no.''

Messrs. HINCHEY, ALTMIRE, Ms. SPEIER, and Mr. CLEAVER changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 922, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 234, noes 193, not voting 6, as follows:

[Roll No. 923]

AYES—234

Adams	DesJarlais	Hunter
Aderholt	Diaz-Balart	Hurt
Akin	Dold	Issa
Alexander	Donnelly (IN)	Jenkins
Amodei	Dreier	Johnson (OH)
Austria	Duffy	Johnson, Sam
Bachus	Duncan (SC)	Jones
Barletta	Duncan (TN)	Jordan
Barrow	Ellmers	Kelly
Bartlett	Emerson	King (IA)
Bass (NH)	Farenthold	King (NY)
Benishek	Fincher	Kingston
Berg	Fitzpatrick	Kinzinger (IL)
Biggert	Fleischmann	Kline
Bilbray	Fleming	Labrador
Bilirakis	Flores	Lamborn
Bishop (UT)	Forbes	Lance
Black	Foxx	Landry
Blackburn	Franks (AZ)	Lankford
Bonner	Frelinghuysen	Latham
Bono Mack	Gallegly	LaTourette
Boren	Gardner	Latta
Boswell	Gerlach	Lewis (CA)
Boustany	Gibbs	LoBiondo
Brady (TX)	Gibson	Loebsack
Braley (IA)	Gingrey (GA)	Long
Broun (GA)	Gohmert	Lucas
Buchanan	Goodlatte	Luetkemeyer
Bucshon	Gosar	Lungren, Daniel E.
Buerkle	Gowdy	Mack
Burgess	Granger	Manzullo
Burton (IN)	Graves (GA)	Marchant
Calvert	Graves (MO)	Marino
Camp	Griffin (AR)	Matheson
Canseco	Griffith (VA)	McCarthy (CA)
Cantor	Grimm	McCaul
Capito	Guinta	McCotter
Cardoza	Guthrie	McHenry
Carter	Hall	McKeon
Cassidy	Hanna	McMorris Rodgers
Chabot	Harper	Meehan
Chaffetz	Harris	Mica
Coffman (CO)	Hartzler	Miller (FL)
Cole	Hastings (WA)	Miller (MI)
Conaway	Hayworth	Miller, Gary
Cravaack	Heck	Mulvaney
Crawford	Hensarling	Murphy (PA)
Crenshaw	Herger	Myrick
Culberson	Herrera Beutler	Noem
Davis (KY)	Huelskamp	Nugent
Denham	Huizenga (MI)	Nunes
Dent	Hultgren	Nunnelee
		Olson
		Palazzo
		Paulsen
		Pearce
		Pence
		Petri
		Pitts
		Platts
		Poe (TX)
		Pompeo
		Posey
		Price (GA)
		Quayle
		Reed
		Rehberg
		Reichert
		Renacci
		Ribble
		Rigell
		Rivera
		Roby
		Roe (TN)
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Rokita
		Rooney
		Ros-Lehtinen
		Roskam
		Ross (AR)
		Ross (FL)
		Royce
		Runyan
		Ryan (WI)
		Scalise
		Schilling
		Schmidt
		Schock
		Schweikert
		Scott (SC)
		Scott, Austin
		Sensenbrenner
		Sessions
		Shimkus
		Shuster
		Simpson
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Southerland
		Stearns
		Stivers
		Stutzman
		Sullivan
		Terry
		Thompson (PA)
		Thornberry
		Tiberi
		Tipton
		Turner (NY)
		Turner (OH)
		Upton
		Walberg
		Walden
		Walsh (IL)
		Walz (MN)
		Webster
		West
		Westmoreland
		Whitfield
		Wilson (SC)
		Wittman
		Womack
		Yoder
		Young (AK)
		Young (FL)
		Young (IN)

NOES—193

Ackerman	Gonzalez	Olver
Altmire	Green, Al	Owens
Amash	Green, Gene	Pallone
Andrews	Grijalva	Pascrell
Baca	Hahn	Pastor (AZ)
Baldwin	Hanabusa	Payne
Barton (TX)	Hastings (FL)	Pelosi
Bass (CA)	Heinrich	Perlmutter
Becerra	Higgins	Peters
Berkley	Himes	Peterson
Berman	Hinchey	Pingree (ME)
Bishop (GA)	Hinojosa	Polis
Bishop (NY)	Hirono	Price (NC)
Blumenauer	Hochul	Quigley
Brady (PA)	Holden	Rahall
Brooks	Holt	Rangel
Brown (FL)	Honda	Reyes
Butterfield	Hoyer	Richardson
Campbell	Inslee	Richmond
Capps	Israel	Rothman (NJ)
Capuano	Jackson (IL)	Roybal-Allard
Carnahan	Jackson Lee (TX)	Ruppersberger
Carney	Johnson (GA)	Rush
Carson (IN)	Johnson (IL)	Ryan (OH)
Castor (FL)	Johnson, E. B.	Sánchez, Linda T.
Chandler	Kaptur	Sanchez, Loretta
Chu	Keating	Sarbanes
Cicilline	Kildee	Schakowsky
Clarke (MI)	Kind	Schiff
Clarke (NY)	Kissell	Schrader
Clay	Kucinich	Schwartz
Cleaver	Langevin	Scott (VA)
Clyburn	Larsen (WA)	Scott, David
Cohen	Larson (CT)	Serrano
Connolly (VA)	Lee (CA)	Sewell
Conyers	Levin	Sherman
Cooper	Lewis (GA)	Shuler
Costa	Lipinski	Sires
Costello	Lofgren, Zoe	Slaughter
Courtney	Lowey	Smith (WA)
Critz	Luján	Speier
Crowley	Lummis	Stark
Cuellar	Lynch	Sutton
Cummings	Maloney	Thompson (CA)
Davis (CA)	Markey	Thompson (MS)
Davis (IL)	Matsui	Tierney
DeFazio	McCarthy (NY)	Tonko
DeGette	McClintock	Towns
DeLauro	McCollum	Tsongas
Deutch	McDermott	Van Hollen
Dicks	McGovern	Velázquez
Dingell	McIntyre	Visclosky
Doggett	McKinley	Wasserman Schultz
Doyle	McNerney	Waters
Edwards	Meeks	Watt
Ellison	Michaud	Waxman
Engel	Miller (NC)	Welch
Eshoo	Miller, George	Wilson (FL)
Farr	Moore	Wolf
Fattah	Moran	Woodall
Flake	Murphy (CT)	Woolsey
Fortenberry	Nadler	Yarmuth
Frank (MA)	Napolitano	
Fudge	Neal	
Garamendi	Neugebauer	
Garrett		

NOT VOTING—6

Bachmann	Filner	Gutierrez
Coble	Giffords	Paul

□ 1851

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 923, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

WILLIAM T. TRANT POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2767) to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The question was taken.

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

RECORDED VOTE

Mr. PAULSEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 924]

AYES—420

Ackerman	Broun (GA)	Costello
Adams	Brown (FL)	Courtney
Aderholt	Buchanan	Cravaack
Akin	Bucshon	Crawford
Alexander	Buerkle	Critz
Altmire	Burgess	Crowley
Amash	Burton (IN)	Cuellar
Amodei	Butterfield	Culberson
Andrews	Calvert	Cummings
Austria	Camp	Davis (CA)
Baca	Campbell	Davis (IL)
Bachus	Canseco	Davis (KY)
Baldwin	Cantor	DeFazio
Barletta	Capito	DeGette
Barrow	Capps	DeLauro
Bartlett	Capuano	Denham
Barton (TX)	Cardoza	Dent
Bass (CA)	Carnahan	DesJarlais
Bass (NH)	Carney	Deutch
Becerra	Carson (IN)	Diaz-Balart
Benishek	Carter	Dicks
Berg	Cassidy	Dingell
Berkley	Castor (FL)	Dold
Berman	Chabot	Donnelly (IN)
Biggert	Chaffetz	Doyle
Bilbray	Chandler	Dreier
Bilirakis	Chu	Duffy
Bishop (GA)	Cicilline	Duncan (SC)
Bishop (NY)	Clarke (MI)	Duncan (TN)
Bishop (UT)	Clarke (NY)	Edwards
Black	Clay	Ellison
Blackburn	Cleaver	Ellmers
Blumenauer	Clyburn	Emerson
Bonner	Coffman (CO)	Engel
Bono Mack	Cohen	Eshoo
Boren	Cole	Farenthold
Boswell	Conaway	Farr
Boustany	Connolly (VA)	Fattah
Brady (TX)	Conyers	Fincher
Braley (IA)	Cooper	Fitzpatrick
Brooks	Costa	Flake

Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bachmann
Brady (PA)
Coble
Crenshaw
Doggett
Filner
Giffords
Gutierrez
Hurt
Landry
Larsen (WA)
Myrick
Paul

□ 1859

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 924, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112–330) on the resolution (H. Res. 493) providing for consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 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; and providing for proceedings during the period from December 16, 2011 through January 16, 2012, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3521

Mr. HONDA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3521.

The SPEAKER pro tempore (Mr. BROOKS). Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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.

FALLEN HEROES OF 9/11 ACT

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3421

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 ''Fallen Heroes of 9/11 Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) the tragic deaths at the World Trade Center, at the Pentagon, and in rural Pennsylvania on September 11, 2001, have forever changed our Nation;

(2) the officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States government and others, who responded to the attacks on the World Trade Center in New York City and perished as a result of the tragic events of September 11, 2001 (including those who are missing and presumed dead), took heroic and noble action on that day;

(3) the officers, emergency rescue workers, and employees of local and United States government agencies, who responded to the attack on the Pentagon in Washington, DC, took heroic and noble action to evacuate the premises and prevent further casualties of Pentagon employees;

(4) the passengers and crew of United Airlines Flight 93, recognizing the imminent danger that the aircraft that they were aboard posed to large numbers of innocent men, women and children, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft could not be used as a weapon; and

(5) given the unprecedented nature of the attacks against the United States of America and the need to properly demonstrate the support of the country for those who lost their lives to terrorism, it is fitting that their sacrifice be recognized with the award of an appropriate medal.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—

(1) AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of 3 gold medals of appropriate design in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

(2) DISPLAY.—Following the award of the gold medals referred to in paragraph (1), one gold medal shall be given to each of—

(A) the Flight 93 National Memorial in Pennsylvania,

(B) the National September 11 Memorial and Museum in New York, and

(C) the Pentagon Memorial at the Pentagon,

with the understanding that each medal is to be put on permanent, appropriate display.

(3) DESIGN AND STRIKING.—For the purposes of the awards referred to in paragraph (1), the Secretary of the Treasury shall strike 3 designs of the gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(b) DUPLICATE MEDALS.—Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, at a price sufficient to cover the costs of

the medals, including labor, materials, dyes, use of machinery, and overhead expenses.

(c) NATIONAL MEDALS.—Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(d) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under subsection (b) shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

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

There was no objection.

Mr. FITZPATRICK. Mr. Speaker, I would like to submit an exchange of letters with the Ways and Means Committee regarding this bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS, LONGWORTH HOUSE OFFICE BUILDING,

Washington, DC, December 13, 2011.

Hon. SPENCER BACHUS,

Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BACHUS: I am writing concerning H.R. 3421, the ''Fallen Heroes of 9/11 Act,'' which is scheduled for Floor action today.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 3421 contains a provision that provides for the sale of duplicate medals, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin and medal bills and in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3421, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 13, 2011.

Hon. DAVE CAMP,

Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 3421, the Fallen Heroes of 9/11 Act, which is scheduled under for Floor consideration under suspension of the rules on Tuesday, December 13, 2011.

I wish to confirm our mutual understanding on this bill. As you know, section 3 of the bill relates to the proceeds of the sale of the medals. I acknowledge your committee's jurisdictional interest in such proceeds as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 3421 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202–225–7502.

Sincerely,

SPENCER BACHUS,
Chairman.

I yield 3 minutes to the author and sponsor of this bill, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding.

I rise today in support of the Fallen Heroes of 9/11 Act, which I introduced earlier this year in honor of the 10th anniversary of September 11. I represent Shanksville, Pennsylvania, the area where Flight 93 went down, and, more importantly, where the first counterattack of the war on terror occurred.

It has been an honor for me to work closely with the Families of Flight 93 over the years on key initiatives, including funding the Flight 93 National Memorial and awarding the 9/11 heroes a Congressional Gold Medal. The Fallen Heroes of 9/11 Act would award one collective Congressional Gold Medal to honor the heroes that perished on 9/11, to be displayed at each memorial site—the Flight 93 National Memorial in Pennsylvania, the National September 11 Memorial and Museum in New York, and the Pentagon Memorial. The tragic deaths at the World Trade Center, at the Pentagon, and in rural Pennsylvania on September 11, 2001, have forever changed our Nation.

The officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States Government and others, who responded to the attacks on the World Trade Center in New York City and perished as a result of the tragic events of September 11, 2001, took heroic and noble action on that day.

The officers, emergency rescue workers and employees of local and United States Government agencies who responded to the attack on the Pentagon and Washington took heroic and noble action to evacuate the premises and prevent further casualties of the Pentagon employees.

And the passengers and crew of United Airlines Flight 93, recognizing the imminent danger that the aircraft that they had boarded posed to large numbers of innocent men, women, and children, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that that aircraft could not be used as a weapon.

Given the unprecedented nature of the attacks against the United States of America and the need to properly demonstrate the support of the country for those who lost their lives to terrorism, it is fitting that their sacrifice be recognized with the award of an appropriate medal.

Awarding this medal would give Congress and the American people an opportunity to further pay tribute and honor the heroic men and women that lost their lives that day. There would be no better gift this holiday season to those who lost loved ones than passing this bill and officially recognizing those that lost their lives that fateful day.

Mr. Speaker, I urge all my colleagues to support this bill, the Fallen Heroes of 9/11 Act, and I want to thank the over 350 Members I believe it was that signed on to this bill to make it possible that we're here today, going to pass this and hopefully send it to the President.

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

This year represents the 10th year since our country was attacked by terrorists and it forever changed our Nation. The events that took place on September 11, 2001, will be forever embedded into every American soul. I, being a New Yorker, on that day can recall with vivid memory that I was in the city because it was an Election Day in New York, a beautiful day in New York, and being pulled to the television by some individuals that our Nation was under attack. I could then look out from the venue where I was and literally see the two towers. Then getting on the phone to talk to individuals, many and some of whom were racing to the scene of the tragedy—not racing from it. Our first responders were racing to it because they wanted to help their fellow human beings. These were heroes, indeed, and we use the word ''heroes'' sometimes as a manner of course. But if you want to talk about a heroic act, when and in the time of crisis, individuals willing to put their own lives on the line to help a fellow human being, I tell you, the first responders, the officers, the emergency workers and others indeed are truly American heroes.

When you think about what took place, what must have taken place on that fateful day, for the passengers and the crew of the United Airlines Flight 93, think about what they must have gone through knowing that there had been planes already attacking our Nation, but yet they made a decision to sacrifice their lives and to make sure that the plane would go down so that

no one, no other lives would be destroyed. That is the true meaning of a hero.

Think about the government employees, both local and the United States Government, who responded to the attack on the Pentagon in Washington, D.C., who took courageous steps to protect fellow Americans. They were heroes. And that is why on this 10th anniversary, H.R. 3421, where we would have three coins to commemorate those heroes, those sheroes of the day that the United States of America was attacked by terrorists, is a way that we can come together and say we shall never forget, and we shall honor those individuals who left their families because of a vicious act but also in attempting to save many other American lives.

And so, Mr. Speaker, I say that I thank all of the 328 cosponsors who united together to say to those heroes, we shall never forget you, we shall never stop thanking you, we will always, always hold your name up high, and these coins are the commemoratives of those acts so that children yet unborn will know of your heroic acts, and they shall never ever perish from the minds of an American citizen, whether they are here today or whether they will be born tomorrow.

I reserve the balance of my time.

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

I rise today also in support of H.R. 3421, the Fallen Heroes of 9/11 Act, introduced November 14 by the gentleman from Pennsylvania (Mr. SHUSTER). Remarkably in the short 4 weeks since its introduction, it has obtained almost 330 cosponsors from this House of Representatives.

□ 1910

The bill before us recognizes the heroism of the men and women who died on September 11, 2001, that day just over a decade ago that changed this country and in fact changed this world and changed it forever. At three sites—seemingly unconnected on that clear, bright morning—thousands of brave men and women died in the most agonizing way and before our eyes. Each of them was a hero, and this bill awards a Congressional Gold Medal in their memory.

There will be three designs, one for each of the attack sites in New York City, at the Pentagon, and in the Commonwealth of Pennsylvania. And the medals struck for those sites will be displayed at the museums there that preserve the memories of that frightful day.

After the award of the medals, bronze copies of the medals will be available for purchase at a nominal price. Each design, which should be reviewed by the Citizens Coinage Advisory Committee and the Commission on Fine Arts, is to capture the horror of that day and the majesty of those heroic deaths.

This medal will be the second and final Congressional Gold Medal to be approved during this session of the 112th Congress.

Mr. Speaker, I urge immediate passage of this bill, and I reserve the balance of my time.

Mr. MEEKS. I yield 1 minute to the gentlelady from the great State of New York, CAROLYN MALONEY.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 3421, the Fallen Heroes of 9/11 Act.

After 9/11, I have never seen this body so united and determined; and this same determination and united spirit is behind the bill that we are passing today, with well over 300 cosponsors.

This year marked the 10th anniversary of that tragic day where we had innocent Americans murdered on our soil, invaded; the first act of terrorism that we are confronting and combating today in this Congress.

The bill will symbolize in the gold coin the 9/11 site in New York, the site at the Pentagon, the heroic flight over Pennsylvania, and will have the gold coin put on display in the museums in these three locations.

On 9/11, we lost thousands and thousands of Americans, innocent Americans, who did what we did today, went up and went to work and were murdered because they were Americans. It was outrageous. We will never forget. This is another way that we can memorialize the heroic actions, the heroes and heroines that worked hard to try to protect them, and really recognize how outrageous it was that an American citizen was murdered just for being an American.

Since 9/11, thousands and thousands more have lost their health. And I thank this body for acting in the last Congress to provide health care and compensation and monitoring for those who risked their lives to save the lives of others.

No other act has changed this country as much as 9/11. We totally reorganized our priorities, created a Homeland Security Department, totally reorganized our intelligence gathering, and implemented 43 of the 53 recommendations of the 9/11 Commission. It was this Congress at its best.

The 9/11 Commission report, which was a bipartisan product, came forward with concrete recommendations. Their report sold more copies than ''Harry Potter.'' It was an important report, and this Congress took that report and enacted those recommendations into law. With that same bipartisan spirit, we should be attacking the economic challenges that we confront today.

I compliment my colleagues on both sides of the aisle for sponsoring and working on this legislation. It will mean a great deal to the men and women that I have the honor of representing to have a bronze coin that they can purchase to remember, to have their input into the artistic framing of the message for these three tragedies in our country. It is thoughtful, it is purposeful, and it is historic. I thank my colleagues.

Mr. FITZPATRICK. I reserve the balance of my time and inform the gentleman from New York that I am prepared to close.

Mr. MEEKS. Mr. Speaker, I yield myself the balance of my time.

Being a New Yorker, I still, to this day, as I walk the streets of downtown Manhattan, cannot believe that the Twin Towers are not there. I taught my daughters how to navigate the streets of New York looking up at those towers as some look up to see the North Star. I will never really, in my heart, conceive of the towers not being there, even as we build this great memorial.

But when I think about the families, how they must feel—if I just utilized them as a tool for my daughters and they're gone—but when you think about the families whose loved ones are gone, we have to do everything in our power so they know that we will always be thinking of the ones that are not able to have dinner with them this evening.

These coins—when tourists come to visit the various sites or when individuals want to purchase them for the commemorative event so they can always remember these heroes—are a symbol of the United States House of Representatives and Congress that in these kinds of times we do come together and we will work together in a bipartisan manner to salute Americans and others, because some lost their lives who were not American citizens, that we shall never forget. And we thank them for their courage, we thank them for their heroism, and we thank the families for the sacrifices that they have made as a result of not having those loved ones.

Let me also thank my colleagues and Mr. SHUSTER for introducing this bill and working collectively together in a spirit of being Americans. I thank my colleagues on the other side of the aisle.

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

Mr. FITZPATRICK. Mr. Speaker, I represent Bucks County, Pennsylvania, which is the home of a 9/11 memorial for Pennsylvanians, for Americans, for all those killed on September 11, 2001. It is also the home of Ellen Saracini, widow of Captain Victor Saracini, who was the pilot of United Flight 175, which was crashed into the south tower at approximately 9:03 that morning.

He went to work, along with 2,973 other men and women lost on September 11, never imagining that they would not be returning home. For Ellen Saracini and for the other 17 families from Bucks County who lost a loved family member on that day, I want to thank my friend and colleague from Pennsylvania (Mr. SHUSTER) for offering this bill. I was proud to help

him introduce it, and I humbly ask my colleagues to support it.

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

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 3421, a bill to award Congressional Gold Medals to the heroes of 9/11.

During the attacks on the United States on September 11th, 2,996 Americans lost their lives at the World Trade Center, the Pentagon and in a field in rural Pennsylvania. Many more might have perished had hundreds of law enforcement officers, emergency workers and State and local government employees, not sprung into action to help evacuate the World Trade Center and the Pentagon and, in the case of the passengers and crew of United Airlines Flight 93, averted greater disaster by sacrificing themselves.

The three gold medals this legislation awards, will be permanently displayed at the Flight 93 National Memorial in Pennsylvania, the National September 11 Memorial in New York and the Memorial at the Pentagon as a constant and visible reminder of the exceptional acts of heroism exercised on that tragic day.

As a cosponsor of H.R. 3421, I encourage my colleagues to join me in support of the many heroic men and women who put themselves in harm's way on September 11th, 2001 with this Congressional Gold Medal.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 3421.

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. MEEKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1920

UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 886

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 ''United States Marshals Service 225th Anniversary Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress hereby finds as follows:

(1) The United States Marshals, the first Federal law enforcement officers in America, were established under section 27 of the Act of Congress entitled ''Chapter XX.—An Act to Establish the Judicial Courts of the United States'' and enacted on September 24, 1789 (commonly referred to as the ''Judiciary Act of September 24, 1789''), during the 1st Session of the 1st Congress, and signed into law by the 1st President of the United States, George Washington.

(2) George Washington had carefully considered the appointments to the Judicial Branch long before the enactment of the Judiciary Act of September 24, 1789, and nominated the first 11 United States Marshals on September 24, and the remaining two Marshals on September 25, 1789. The Senate confirmed all 13 on September 26, 1789, 2 days after the Judiciary Act was signed into law.

(3) In 1969, by order of the Department of Justice, the United States Marshals Service was created, and achieved Bureau status in 1974. The United States Marshals Service has had major significance in the history of the United States, and has directly contributed to the safety and preservation of this Nation, by serving as an instrument of civil authority used by all 3 branches of the United States Government.

(4) One of the original 13 United States Marshals, Robert Forsyth of Georgia, a 40-year-old veteran of the Revolutionary War, was the first civilian official of the United States Government, and the first of many United States Marshals and deputies, to be killed in the line of duty when he was shot on January 11, 1794, while trying to serve civil process.

(5) The United States Marshals Service Commemorative Coin will be the first commemorative coin to honor the United States Marshals Service.

(6) The United States should pay tribute to the Nation's oldest Federal law enforcement agency, the United States Marshals Service, by minting and issuing commemorative coins, as provided in this Act.

(7) A commemorative coin will bring national and international attention to the lasting legacy of this Nation's oldest Federal law enforcement agency.

(8) The proceeds from a surcharge on the sale of such commemorative coins will assist the financing of national museums and charitable organizations.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 225th anniversary of the establishment of the United States Marshals Service, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 gold coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent alloy.

(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins, which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31 United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 225 years of exemplary and unparalleled achievements of the United States Marshals Service.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of—

(i) the mint date ''2015''; and

(ii) the years 1789 and 2014; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum'', and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) $5 GOLD COINS.—

(i) OBVERSE.—The obverse of the $5 coins issued under this Act shall bear an image of the United States Marshals Service Star (also known as ''America's Star'').

(ii) REVERSE.—The reverse of the $5 coins issued under this Act shall bear a design emblematic of the sacrifice and service of the men and women of the United States Marshals Service who lost their lives in the line of duty and include the Marshals Service motto ''Justice, Integrity, Service.''

(B) $1 SILVER COINS.—

(i) OBVERSE.—The obverse of the $1 coins issued under this Act shall bear an image of the United States Marshals Service Star (also known as ''America's Star'').

(ii) REVERSE.—The reverse of the $1 silver coins issued under this Act shall bear an image emblematic of the United States Marshals legendary status in America's cultural landscape. The image should depict Marshals as the lawmen of our frontiers, including their geographic, political, or cultural history, and shall include the Marshals Service motto ''Justice, Integrity, Service''.

(C) HALF DOLLAR CLAD COINS.—

(i) OBVERSE.—The obverse of the half dollar clad coins issued under this Act shall bear an image emblematic of the United States Marshals Service and its history.

(ii) REVERSE.—The reverse of the half dollar clad coins issued under this Act shall bear an image consistent with the role that the United States Marshals played in a changing nation, as they were involved in some of the most pivotal social issues in American history. The image should show the ties that the Marshals have to the United States Constitution, with themes including—

(I) the Whiskey Rebellion and the rule of law;

(II) slavery and the legacy of inequality; and

(III) the struggle between labor and capital.

(4) REALISTIC AND HISTORICALLY ACCURATE DEPICTIONS.—The images for the designs of coins issued under this Act shall be selected on the basis of the realism and historical accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called ''Golden Age of Coinage'' in the United States, at the beginning of the 20th Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Director of the United

States Marshals Service and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in proof quality and uncirculated quality.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins, to the public, minted under this Act beginning on or after January 1, 2015, except for a limited number to be issued prior to such date to the Director of the United States Marshals Service and employees of the Service for display and presentation during the 225th Anniversary celebration.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2015.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 gold coin.

(2) A surcharge of $10 per coin for the $1 silver coin.

(3) A surcharge of $3 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, the Secretary shall promptly distribute all surcharges received from the sale of coins issued under this Act as follows:

(1) The first $5,000,000 available for distribution under this section, to the U.S. Marshals Museum, Inc., also known as the United States Marshals Museum, for the preservation, maintenance, and display of artifacts and documents.

(2) Of amounts available for distribution after the payment under paragraph (1)—

(A) One third shall be distributed to the National Center for Missing & Exploited Children, to be used for finding missing children and combating child sexual exploitation.

(B) One third shall be distributed to the Federal Law Enforcement Officers Association Foundation, to be used—

(i) to provide financial assistance for—

(I) surviving family members of Federal law enforcement members killed in the line of duty;

(II) Federal law enforcement members who have become disabled; and

(III) Federal law enforcement employees and their families in select instances, such as severe trauma or financial loss, where no other source of assistance is available;

(ii) to provide scholarships to students pursuing a career in the law enforcement field; and

(iii) to provide selective grants to charitable organizations.

(C) One third shall be distributed to the National Law Enforcement Officers Memorial Fund, to support the construction of the National Law Enforcement Museum and the preservation and display of its artifacts.

(c) AUDITS.—All organizations, associations, and funds shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to this issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

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

There was no objection.

Mr. JONES. Mr. Speaker, I would like to submit an exchange of letters with the Ways and Means Committee regarding this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 13, 2011.

Hon. SPENCER BACHUS,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN BACHUS, I am writing concerning H.R. 886, the ''United States Marshals Service 225th Commemorative Coin Act,'' which is scheduled for Floor action today.

As you know, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 886 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and this falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 886, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 13, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN CAMP: I am writing in response to your letter regarding H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act, which is scheduled under for Floor consideration under suspension of the rules on Tuesday, December 13, 2011.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters and appreciate your willingness to forego action by the Committee on Ways and Means on H.R. 886 in order to allow the bill to come to the Floor expeditiously. Also, I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. Therefore, I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance and if you should need anything further, please do not hesitate to contact Natalie McGarry of my staff at 202–225–7502.

Sincerely,

SPENCER BACHUS,
Chairman.

I yield such time as he may consume to the gentleman from Arkansas (Mr. WOMACK), the sponsor of the bill.

Mr. WOMACK. I thank the gentleman for yielding.

Mr. Speaker, in 2005 16 cities competed for the right to become the home of the U.S. Marshals Museum. The city in my district, Fort Smith, was one of the two finalists and was ultimately chosen for many reasons, one of which was its strong historical connection to the U.S. Marshals Service.

Fort Smith was, for many years, the seat of justice, not only for the western district of Arkansas but Indian territory as well. More marshals and deputies have been killed in the line of duty out of the western district of Arkansas than any other district in the country. Most were killed riding out under famed Judge Isaac C. Parker, immortalized by the novel, ''True Grit,'' and the movies by the same name.

A few months ago, Mr. Speaker, I introduced legislation to mint a coin to commemorate the 225th anniversary of the U.S. Marshals Service. Today I'm pleased to be standing here with the opportunity to urge my fellow Members, many of whom are cosponsors of this bill, to join me in honoring a truly deserving institution.

The proceeds from the sale of these coins will assist in the preservation and maintenance of artifacts and documents which will be displayed in the U.S. Marshals Museum. Additional proceeds will go to the Federal Law Enforcement Officers Association, the National Law Enforcement Museum, and the National Center for Missing and Exploited Children.

The museum, which will overlook the beautiful Arkansas River, will consist of 20,000 square feet of exhibit space to highlight pivotal moments in the history of the U.S. Marshals Service, such as the ''Going Snake Massacre'' of April 15, 1872, which left one deputy and seven posse men dead in the bloodiest day in Marshals history. This event will be the central exhibit of this museum.

A Hall of Honor for fallen marshals will also be part of the more than $50 million facility, paying tribute to those killed in the line of duty, from Robert Forsythe in 1794 to Deputy Marshals Derek Hotsinpiller and John Perry in 2011.

In addition to serving as a symbol and constant reminder of the character and tradition of one of America's greatest institutions, this commemorative coin will allow the U.S. Marshals Museum to honor past marshals like Bass Reeves, who, in 1875, was commissioned as one of the first African American deputy marshals west of the Mississippi River. Reeves was a skilled gunslinger, who, on one occasion, brought in 19 horse thieves to the Federal jail in Fort Smith, all by himself.

But as the Nation's oldest law enforcement agency, Bass Reeves is only one of many characters etched into the storied history of the U.S. Marshals Service, including the famous Three Guardsmen of the Oklahoma Territory, Wild Bill Hickok, the Earp brothers, Virgil, Morgan, and, briefly, Wyatt, along with Doc Holliday during the shootout at the OK Corral.

Today that same grit and courage defines the Marshals Service.

U.S. marshals were in Oxford, Mississippi, to protect James Meredith when he became the first African American to attend the University of Mississippi. U.S. marshals were in the State of Washington when convicted Soviet spy Christopher Boyce was captured when he escaped from prison. And U.S. marshals were in Oklahoma and New York to administer justice following the terrorist attacks that took the lives of innocent Americans.

Since 1789 the U.S. Marshals Service has served this country with dedication and distinction, upholding its creed of justice, integrity, and service. And today, U.S. marshals continue to play an integral role in the security of our country. They assist when tragedy strikes. They ensure the safety and well-being of Federal officials, and they track down and apprehend some of the most dangerous fugitives, murderers, sex offenders, and gang members, with little regard for their own safety.

Mr. Speaker, the U.S. Marshals Service has meant so much to so many. Over the course of history, more than 250 marshals have given that ultimate sacrifice. They have selflessly given their own lives to protect our way of life. This coin will serve as a token of our appreciation and a symbol of their sacrifice.

Mr. Speaker, there are a lot of people to thank, including the 300-plus cosponsors of this legislation who, with their cosponsorship, made considering of this bill possible.

I want to thank Chairman BACHUS for his support in moving this bill forward through committee.

I want to thank my friend MIKE ROSS of the Fourth District of Arkansas for his personal involvement in seeking cosponsors for this legislation and his unfailing support for the construction of this museum.

I want to thank the gentleman from Arizona, ED PASTOR. ED took this legislation to the Hispanic Caucus and got widespread support there.

Thanks also to the late Ray Baker, the mayor of Fort Smith, who was in the early beginnings of the development of this museum project, and current mayor, Sandy Sanders.

I want to thank the CEO of the Marshals Museum Organization, Jim Dunn and Jim Johnson, and very soon they will be conducting nationwide campaigns to see that the funding is possible to construct this museum.

Mr. Speaker, I'm proud to have sponsored this legislation.

I also want to thank my friend, JOHN BOOZMAN, my predecessor who began this process in a previous Congress and I know will work very hard in the Senate to champion this legislation through the other body.

I'm proud to have been the sponsor, but more than anything, I'm proud of what the U.S. Marshals Service means to our country. And I am anxiously looking forward to the construction of this museum so that we can showcase the museum, the institution of the Marshals Service, and the great city of Fort Smith and the Third District of Arkansas to all who will come and see.

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

I am proud to support H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act.

This bill honors our Nation's oldest Federal law enforcement agency and requires the Secretary of the Treasury to mint three different coins to celebrate the Marshals' 225th anniversary.

The first President of the United States of America, George Washington, had the privilege of nominating the first 13 marshals, who were then confirmed by the Senate. Since those days of the early Republic, the Marshals have continued their brave service to the Nation. Among the duties the Marshals have undertaken include combating counterfeiting from 1789 to 1865, when the Secret Service was established; conducting the national census, from 1790 to 1879; and confiscating property used by the Confederacy during the Civil War.

Today, there is a U.S. Marshal in each of the 94 Federal districts, protecting the legal system. As a former prosecutor, I can attest to the importance that marshals play in our judiciary system. U.S. marshals, among their other duties, protect the Federal judiciary, allowing our country to maintain a system of fairness and integrity. They also protect witnesses and jurors, enabling citizens to engage in a high duty of serving their communities.

The U.S. Marshals have so many great accomplishments. But one that's of special consideration for me, as a young child, one of the greatest accomplishments that I can recall is doing their service during the civil rights era, when the rule of law was under threat in the South. When riots broke out over the enrollment of James Meredith, a young African American student at Ole Miss, it was the U.S. Marshals Service that protected him with a 24-hour detail for an entire year.

□ 1930

One cannot underestimate the role they played in helping desegregate the South and promoting our great Nation to the point where we are today to where even in fact the 44th President of the United States of America is an African American.

So I am pleased to pay tribute to the Marshals Service by supporting this act, and I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. JONES. I have no further speakers; so I reserve the balance of my time.

Mr. MEEKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS of Arkansas. Mr. Speaker, I rise today in support of H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act. I'm proud to be an original cosponsor of this bill and to work very closely with my colleague from Arkansas, Mr. WOMACK, to issue a commemorative coin honoring the 225th anniversary of the United States Marshals Service in helping to raise money for the U.S. Marshals museum in Fort Smith, Arkansas. The very first Congress with its very first bill created the U.S. Marshals Service when President George Washington signed the Judiciary Act of 1789. This was the same bill that created the entire Federal judicial system, and today the U.S. Marshals Service remains the Nation's oldest Federal law enforcement agency.

My home State of Arkansas has a proud chapter in the history of the U.S. Marshals Service. As a young State, Arkansas sat on the western edge of a growing Nation in the late 1800s, and it would be the U.S. Marshals and their deputies based out of Forth Smith, Arkansas, that had jurisdiction over

74,000 square miles, an area where countless numbers of dangerous criminals fled into Indian territory to escape prosecution.

Home to Judge Parker's courthouse, Fort Smith became the center of law and order in the Western United States throughout much of the late 19th century.

Charles Portis' 1968 novel ''True Grit'' first introduced Fort Smith, Arkansas, to many Americans and its role in the history of the U.S. Marshals Service. An Arkansan born and raised in El Dorado, Arkansas, in my congressional district, Charles Portis later saw his novel turned into the 1969 movie starring Arkansas native and recording artist, singer Glen Campbell, and John Wayne as U.S. Marshal Rooster Cogburn; and more recently, the 2010 remake of the movie featuring Jeff Bridges in the same role.

The importance of Fort Smith, Arkansas, to the U.S. Marshals Service is in part why the city will also be home to the U.S. Marshals museum, to be funded partly by sales from the U.S. Marshals Service 225th Anniversary Commemorative Coin. When finished, the U.S. Marshals museum will be a world class national museum with over 20,000 square feet helping to share the history and legacy of the U.S. Marshals Service.

Most importantly, it will serve as a memorial for all of those within the U.S. Marshals Service who gave their lives in service to our country.

Today more than 4,000 U.S. Marshals, deputy marshals, and criminal investigators make up the modern U.S. Marshals Service, carrying out many of the duties first assigned to them more than two centuries ago.

Our U.S. Marshals and deputy marshals protect the Federal judicial system, apprehend Federal fugitives, seize property, house and transport Federal prisoners, and operate the witness security program. They continue to risk their lives to preserve and protect law and order, the very basic tenet of our American democracy and, yes, our way of life.

Mr. Speaker, this bill, which will not add a single dime to the deficit, will allow our Nation to recognize, honor, and thank the sacrifices that so many U.S. marshals and deputy marshals have made to this country over the past 225 years. It will also generate revenue from the U.S. Marshals Service 225th anniversary Commemorative Coin sales to help build a museum in their honor in Fort Smith, Arkansas, so that this generation and the generations that follow will know the truly American story of the U.S. Marshals Service.

So, Mr. Speaker, I'm proud to join my colleague from Arkansas (Mr. WOMACK) in offering up a bipartisan bill, and I'm asking you to join me in voting for H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act. Again I'd like to thank the gentleman from Arkansas, Mr. WOMACK, for his steadfast leadership and hard work to see this day become a reality.

Mr. MEEKS. Mr. Speaker, as we close, it is important for us to remember the history of our great country. And by celebrating the 225th anniversary of the United States Marshals Service, that's exactly what we're doing. By creating this museum for the preservation and the maintenance and the display of artifacts and documents—and it is important—the money, the first $5 million in surcharge proceeds, will do just that.

But the money that's additionally raised will be utilized for great purposes. The National Center for Missing and Exploited Children will be beneficiaries, and the Federal Law Enforcement Officers Association Foundation will be beneficiaries, and the National Law Enforcement Officers Memorial Fund will be beneficiaries. And they would have to raise matching funds for a coin that is sold. These coins are for sale.

So we will be able to commemorate the United States Marshals and the service that they have rendered to this country, and in addition thereto be able to support three much-needed organizations for individuals who really need the support of those three organizations.

So I ask all of my colleagues to join us on H.R. 886, the United States Marshals Service 225th Anniversary Commemorative Coin Act, and vote ''aye.''

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 886, 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. MEEKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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DRUG TRAFFICKING SAFE HARBOR ELIMINATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 313) to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 313

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 ''Drug Trafficking Safe Harbor Elimination Act of 2011''.

SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT TO CLARIFY CONSPIRACIES CONDUCTED WITHIN THE UNITED STATES MAY BE CRIMINALLY PROSECUTED IN THE UNITED STATES.

Section 406 of the Controlled Substances Act (21 U.S.C. 846) is amended by—

(1) inserting ''(a)'' before ''Any''; and

(2) inserting at the end the following:

''(b) Whoever, within the United States, conspires with one or more persons, or aids or abets one or more persons, regardless of where such other persons are located, to engage in conduct at any place outside the United States that would constitute a violation of this title, other than a violation of section 404(a), if committed within the United States, shall be subject to the same penalties that would apply to such conduct if it were to occur within the United States.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 313, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

H.R. 313, the Drug Trafficking Safe Harbor Elimination Act of 2011, introduced by the gentleman from California (Mr. SCHIFF) and me, closes a loophole in Federal law.

Drug traffickers are currently exempt from prosecution in the United States when they conspire to traffic drugs outside of the United States. This bill clarifies Congress' intent that the drug trafficking conspiracy statute should be given extraterritorial application. A Federal criminal case demonstrates how the loophole is being exploited.

In 1998 two individuals conspired with members of a large Colombian drug trafficking organization and a Saudi Arabian prince. The goal of the conspiracy was to traffic 2,000 kilograms of cocaine, worth over $100 million, from South America to Europe. Several meetings among the coconspirators occurred in Miami, Florida, and elsewhere around the world. Specifically while in Miami, they planned in detail to purchase the cocaine in Colombia and ship it to Europe for distribution.

The prince used his royal jet under the cover of diplomatic immunity to transport the cocaine from Venezuela to Paris, France. Although part of the cocaine was seized by law enforcement authorities in France and Spain, about 1,000 kilograms of cocaine were distributed and sold in the Netherlands, Italy, and elsewhere in Europe.

In 2005 two of the conspirators were convicted of drug trafficking and conspiracy in the Federal district court in Florida, and each was sentenced to over 20 years in prison. However, in 2007 the U.S. Court of Appeals for the Eleventh Circuit vacated their convictions. The court reasoned that there is no violation of Federal law when, absent congressional intent, the object of the conspiracy is to possess and distribute controlled substances outside of the United States. This is true even though meetings and negotiations to further the crime occurred on U.S. soil.

Crime is usually a territorial issue, specific to the place where the crime occurs. However, drug trafficking is inherently global in nature now more than ever. In fact, two other provisions of the Controlled Substances Act are already explicitly extraterritorial as they relate to narcoterrorism, terrorism financed through drug trafficking and the foreign manufacture of drugs for importation into the United States. The primary anti-money laundering statute used in drug trafficking cases is also extraterritorial.

Three years ago, Congress enacted the Federal Maritime Drug Law Enforcement Act in response to the increase in use of vessels to traffic drugs around the world. Congress gave this law express extraterritorial effect.

Congress stated ''that trafficking in controlled substances aboard vessels is a serious international problem and is universally condemned. Moreover, such trafficking presents a specific threat to the security and societal well-being of the United States.''

The United States is a signatory to two major international drug-control treaties. Of the 194 countries in the world today, 184 are parties to the 1961 Convention on Narcotic Drugs, which acts as the foundation for most of the world's drug trafficking laws. Drug trafficking is a global problem, universally condemned by law-abiding nations.

Some argue that a person should not be subject to the new conspiracy offense created by this bill unless his conduct is expressly illegal in every country where the drug trafficking occurs. Such a requirement is rarely, if ever, imposed on extraterritorial statutes.

In fact, my colleagues on the other side of the aisle are proponents of a number of extraterritorial laws that contain no requirement that the conduct be illegal in the country where it occurs. Such crimes include genocide, the recruitment or use of child soldiers, or the use of semi-submersible submarines.

These laws are significantly broader than the bill before us today because they do not require any illegal conduct to occur inside the United States. H.R. 313, however, does require that the conspiracy to traffic drugs take place here in the U.S. This legislation is narrowly tailored to reach drug trafficking conspiracies that occur on U.S. soil, but which promote the global distribution of drugs. To require the government to prove that the crime violated foreign law would also render this law essentially ineffective.

Drugs are not simply manufactured in one country and sold in another. Drug shipments make several stops along the way to their final destinations. For instance, cocaine is manufactured and processed in Colombia. It will likely be shipped by ground to Venezuela. It may then be put in a shipping container, transit several Caribbean islands, and then be sent to Africa or Europe. It could be off-loaded in Spain, divided up into smaller, but substantial, shipments and wind up in a dozen European countries. The proceeds from this multi-million-dollar shipment will make their way through the banking systems of a dozen other countries before being delivered to Colombia.

The government should not be required to prove that each of these acts violated each country's laws to prove that the traffickers plotted their conspiracies inside the U.S.

This bill, as amended in the Judiciary Committee with unanimous bipartisan support, excludes conspiracies to possess drugs. This legislation aims to eliminate the safe harbor for drug traffickers and distributors whose primary motive is financial gain. If we do not pass this bill, we continue to invite drug traffickers to plan their schemes within our borders.

The United States should not provide a safe haven for the world's drug traffickers to plot their international drug trafficking operations. This commonsense bill prevents drug traffickers from benefiting from their legal exemption from prosecution, and it tells drug traffickers not to plot their illegal activities in the U.S. If they do, they will be brought to justice.

I do want to thank Mr. SCHIFF again for sponsoring this legislation with me, and I urge my colleagues to support this bill.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 26, 2011.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SMITH: I am writing concerning H.R. 313, the ''Drug Trafficking Safe Harbor Elimination Act of 2011,'' which was ordered to be reported out of your Committee on October 6, 2011. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 313 so that it may proceed expeditiously to the House floor for consideration.

This is being done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 313 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, October 26, 2011.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for your letter regarding H.R. 313, the ''Drug Trafficking Safe Harbor Elimination Act of 2011,'' which was reported favorably by the Committee on the Judiciary on October 6, 2011. This bill was also referred to the Committee on Energy and Commerce.

I am most appreciative of your decision to discharge the Committee on Energy and Commerce from consideration of H.R. 313 so that it may move expeditiously to the House floor. I agree that while you are waiving formal consideration of the bill, the Committee on Energy and Commerce is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this bill, I will support any request to have the Committee on Energy and Commerce represented.

Finally, I would be pleased to include our exchange of letters in the Congressional Record during floor consideration of this bill.

Sincerely,

LAMAR SMITH,
Chairman.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 313, a bill that does not make us any safer. In our zealousness to make drug laws as tough as possible, we are now considering an expansion of Federal criminal law to conspiracies to engage in drug activity that occur completely out of the United States.

The reason this bill has been introduced, as the gentleman from Texas has pointed out, is at least partly due to the Eleventh Circuit Court of Appeals decision in 2007 in the Lopez-Vanegas case. The court overturned the conviction of two people who formed an agreement in the United States to transport cocaine from Venezuela to France. The court ruled that current law only applies to conspiracies to distribute drugs in which some of the activity occurs in the United States. Under this bill, some of the conspiracies could be prosecuted even if the drug activity that is the subject of the conspiracy is not illegal where the transaction is going to take place.

For example, the use and the production and the distribution of marijuana for medicinal purposes are all legal in a number of countries, including Canada. Canadians and other citizens involved in legal medical marijuana programs in their countries could face

Federal prosecution if they visit the United States and engage in agreements here in the United States or advance or finance their businesses in Canada. They could be discussing legal transactions in Canada, but the activity is illegal in the United States.

So the agreement in the United States under this bill would constitute an illegal conspiracy, and it would be subject to all of the criminal penalties for drug transactions. In fact, someone would be better off just going to Canada and engaging in the legal drug activity rather than simply making arrangements for the activity by discussing it in the United States.

□ 1950

Unfortunately, the committee failed to adopt an amendment to exclude discussions of activity that may be illegal in the United States but would be legal everyplace that the transaction is to take place.

Now, if one believes that we do have an interest in covering some of these conspiracies under United States law, we should at least confine the law to cover large-scale trafficking. Unfortunately, the committee failed to adopt an amendment to do that, so even small transactions get caught up by this bill, transactions that are legal where they are occurring. And when they get caught up in discussing transactions that are legal where they take place, they're subject to draconian mandatory minimum sentences.

I would note that it is an unfortunate fact that, under our criminal law, we rely too much on mandatory minimums. This bill would subject even more people to them.

Mandatory minimum sentences have been extensively studied, and the conclusions on all of those studies show that the mandatory minimums are unjust; they cause prison overcrowding and are a waste of taxpayers' money. The Federal prison population is currently over 210,000 inmates, nearly a fivefold increase in just a few decades; and that explosion in population is due, to a large extent, to mandatory minimums.

Mandatory minimums do not account for the individual circumstances of the crime or the defendant. The judicial counsel has warned us that, if a mandatory minimum sentence is appropriate, it can be imposed without a mandatory minimum. But with the mandatory minimum, if it violates common sense, it has to be imposed anyway.

In the past few years, numerous high-profile conservative leaders have expressed opposition to mandatory minimum sentencing laws. Some of those conservative expressions came from the Americans for Tax Reform president, Grover Norquist; the American Civil Rights Institute president, Ward Connerly; National Rifle Association president, David Keene; and Justice Fellowship president, Pat Nolan, all of whom have called mandatory sentences into question.

This bill is seemingly an effort to leave no stone unturned in prohibiting any drug transaction from occurring anywhere, even if it doesn't impact the United States. There may be some parts of the bill that are worthwhile. It covers, of course, multimillion-dollar international drug conspiracies, but it also covers small transactions. And to the extent that people will be subject to long mandatory minimums for doing something that is legal, for talking about something that is legal where it is to take place, this bill makes no sense and should be defeated.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we are prepared to close; so I will reserve the balance of my time.

Mr. SCOTT of Virginia. I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Virginia for yielding. I am pleased to join with my friend, the distinguished chairman of the Judiciary Committee, in supporting this bipartisan bill. Chairman SMITH has been a leader on this issue, and we worked together on it in a prior Congress.

This bill targets a narrow loophole in the Controlled Substances Act which has been exploited by drug traffickers, and the case that particularly brings home this problem is the case that the chairman mentioned.

In 1998 two individuals conspired with Colombian drug cartels to traffic 2,000 kilos of cocaine from South America to Europe. They met in Miami to work out the details of this $100 million transaction. In 2005, following an extensive Federal investigation, they were convicted of drug trafficking and conspiracy and were sentenced to around 24 years in prison, each.

However, in 2007 the 11th Circuit Court of Appeals overturned these convictions. The court found that the way Congress had worded the conspiracy portion of the Controlled Substances Act meant that the conspiracy had to involve trafficking drugs to or from the United States, a condition that was not satisfied in that case. The result of the court's finding is that, in the United States, a drug trafficker can plan and coordinate the shipment of millions of dollars of drugs between our friends and allies yet be beyond the reach of our Nation's laws.

Mr. Speaker, I think this is clearly wrong and not the intent of Congress in passing the Controlled Substances Act. H.R. 313 would close that loophole. In doing so, it doesn't break new ground. Many criminal laws currently on our books have extra territorial reach, including some portions of the Controlled Substances Act itself.

Drug trafficking, by its very nature, is a global problem, and the laws and treaties that fight it must take that into consideration. When we look at the damage the drug cartels have inflicted in countries like Colombia and Mexico, not to mention the devastation their trade causes in the United States, the case for this bill becomes quite clear.

The bill is narrowly crafted to apply only to those who conspire to traffic or distribute narcotics. And with the adoption of the manager's amendment in the Judiciary Committee, it was narrowed further to address concerns that conspiracy charges could apply to only those who sought to possess narcotics overseas. The bill will not open anyone to prosecution for simply discussing the possession of narcotics overseas. It deals only with commerce, not simply speech—the trafficking and distribution of drugs.

Once again, I want to thank Chairman SMITH for his leadership on this important bill, and I urge that we pass the measure.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank the gentleman from Virginia (Mr. SCOTT) for the time. I also want to thank the gentleman from Texas, the chairman of the Judiciary Committee, for the way he runs his committee. He is an outstanding chairman and a gentleman.

And I appreciate the fact that in this bill, on which the gentleman from Virginia has given much of the argument that I, otherwise, would have made about its failings, that Mr. SMITH did accept an amendment to take the possession charges out of it. So possession of drugs is not in it, and that was an improvement.

But, nevertheless, one of the amendments that we did discuss in committee that still bothers me is that the activities could have been entirely legal in the country where they took place. Amsterdam or Holland—Holland is the country which I was thinking of—the Netherlands. And we discussed it in committee. Mr. SCOTT mentioned medical marijuana being legal in Canada as well as in Israel. But a lot of drugs are legal and transactions in Holland. And if two Americans talked on the phone about going to Holland and buying some marijuana and maybe trading it with somebody else in Holland where it would be legal, it would be a violation of the law in the United States based on this particular statute. And that's what's called an overly broad law, when it captures conduct that it really isn't intended to do.

I don't think—and I hope that the people who voted for this didn't intend for it to criminalize speech when the actions in the country where the act took place were legal. I hope they wouldn't have been thinking that. And on the Judiciary Committee, in particular, we should be very, very circumscribed in what we pass because we're taking people's liberty from them. And ''liberty'' is one of the words inscribed up here, I think, in front of the panel. It is one of the things America holds so dear.

This Thursday, we are going to be celebrating the 220th passage of the Bill of Rights. And the Bill of Rights gives people the freedom of speech and

quite a few freedoms from government oppression and government activities.

To suggest that this is a loophole, I think, is a mistake. I think it was not intended by this Congress to criminalize behavior, particularly behavior that was legal in the country where it took place.

In the situation that the gentleman from Texas describes, where some people got together in Miami to discuss drugs from Colombia that were flown from Venezuela to France and purchased in the Netherlands, Italy, and elsewhere, I don't think that they were in Miami because they thought that was a loophole. I think they were in Miami because they liked Miami. And why wouldn't you? Miami is a great place. They weren't there because it was a loophole. They just happened to be there. And I don't think anybody foresaw that as being illegal conduct. They could have discussed that in Paris or in Caracas or anywhere else. They didn't facilitate the crime, per se. What they did was illegal in all those different countries, and they could have been prosecuted there.

I would submit to you, also, that this Nation and this world almost came to its knees because of derivatives and financial instruments created here in the United States, created here—not just talked about on Wall Street. But it had a global effect because those derivatives affected banks in Europe and all around the world. And as we almost came to our knees because of the criminal activities of people making lots of money with greed, Gekko greed, other people around the world suffered as well economically. But we're not rushing here to criminalize talks between people in Washington and Wall Street and people in Paris about derivatives, about subprime loans, about ways to make money at the expense of poor people and possibly bring the world to its knees economically; that, we're not discussing. But we are discussing the possibility of putting people in jail for going to Amsterdam and talking about buying some marijuana.

Something smells foul, and that's why I oppose the bill.

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Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Just finally, we can cover the international drug conspiracies with a reasonably drawn bill. Unfortunately, this bill not only covers the international drug conspiracies, but also, as the gentleman from Tennessee has pointed out, those who are ensnared by doing things that are legal where they occur, but if you agree to do it in the United States, it is all of a sudden a drug conspiracy that'll subject you to all kinds of mandatory minimums.

I would hope that we would defeat this bill, start from scratch and draw a bill that covers what ought to be covered and leaves out what ought not be covered. Agreeing to go to Canada or go to Amsterdam to do something which is legal ought not be a criminal conspiracy in the United States.

With that, Mr. Speaker, I hope we will defeat the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, let me try again to address some of the concerns of two of my colleagues on the Judiciary Committee. I want to reemphasize that extraterritorial laws do not require that the conduct be illegal in foreign countries.

Congress has enacted numerous laws with extraterritorial effect. Our decision to do so rarely, if ever, hinges on whether the conduct is also criminalized in the foreign country.

Once again, terrorism, drug-related money laundering, genocide, child soldiers—these are all extraterritorial offenses that do not require that the conduct also be against the law in a foreign country.

Moreover, most extraterritorial statutes don't even require that the criminal engage in any illegal conduct inside the United States either. If they engage in terrorism or money laundering or genocide in a foreign country and simply come into the U.S., they can be prosecuted.

The issue of conduct being criminal in a foreign country is not addressed in extraterritorial laws but in extradition treaties.

Also, extradition treaties do not require that conduct be illegal in foreign countries. Before the U.S. can extradite anyone for violation of U.S. law, it must first establish ''dual criminality'' as required by most extradition treaties.

Dual criminality is the principle that a crime in one country has to be a crime in a country extraditing you.

If a drug trafficker engages in a conspiracy here in the U.S., but is later apprehended in a foreign country, the government will have to establish that dual criminality to extradite him back to the U.S.

The extradition laws and treaties among the countries of the world properly provide for this. This principle is rightly excluded from this legislation because it already exists in Federal law.

Finally, Mr. Speaker, I want to also emphasize that the Obama administration clearly supports this legislation. The Department of Justice supported similar legislation in the last Congress, and the Department of Justice stands by its position, as expressed in the 2010 views letters, and supports this legislation tonight.

I urge my colleagues to support this very strong bipartisan piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 313, 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.

IRAN THREAT REDUCTION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1905

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Iran Threat Reduction Act of 2011''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Successive administrations have clearly identified the unacceptability of the Iranian regime's pursuit of nuclear weapons capabilities and the danger that pursuit presents to the United States, to our friends and allies, and to global security.

(2) In May 1995, President Clinton stated that ''The specter of an Iran armed with weapons of mass destruction and the missiles to deliver them haunts not only Israel but the entire Middle East and ultimately all the rest of us as well. The United States and, I believe, all the Western nations have an overriding interest in containing the threat posed by Iran.''.

(3) In the 2006 State of the Union Address, President Bush stated that ''The Iranian government is defying the world with its nuclear ambitions, and the nations of the world must not permit the Iranian regime to gain nuclear weapons. America will continue to rally the world to confront these threats.''.

(4) In February 2009, President Obama committed the Administration to ''developing a strategy to use all elements of American power to prevent Iran from developing a nuclear weapon''.

(5) Iran is a major threat to United States national security interests, not only exemplified by Tehran's nuclear program but also by its material assistance to armed groups in Iraq and Afghanistan, to the Palestinian group Hamas, to Lebanese Hezbollah, the Government of Syria, and to other extremists that seek to undermine regional stability. These capabilities provide the regime with potential asymmetric delivery vehicles and mechanisms for nuclear or other unconventional weapons.

(6) Iran's growing inventory of ballistic missile and other destabilizing types of conventional weapons provides the regime the capabilities to enhance its power projection throughout the region and undermine the national security interests of the United States and its friends and allies.

(7) Were Iran to achieve a nuclear weapons capability, it would, inter alia—

(A) likely lead to the proliferation of such weapons throughout the region, where several states have already indicated interest in nuclear programs, and would dramatically undercut 60 years of United States efforts to stop the spread of nuclear weapons;

(B) greatly increase the threat of nuclear terrorism;

(C) significantly expand Iran's already-growing influence in the region;

(D) insulate the regime from international pressure, giving it wider scope further to oppress its citizens and pursue aggression regionally and globally;

(E) embolden all Iranian-supported terrorist groups, including Hamas and Hezbollah; and

(F) directly threaten several United States friends and allies, especially Israel, whose very right to exist has been denied successively by every leader of the Islamic Republic of Iran and which Iranian President Ahmadinejad says should be ''wiped off the map''.

(8) Successive Congresses have clearly recognized the threat that the Iranian regime and its policies present to the United States, to our friends and allies, and to global security, and responded with successive bipartisan legislative initiatives.

(9) The extent of the Iranian threat is greater today than when the Iran and Libya Sanctions Act of 1996 was signed into law, now known as the Iran Sanctions Act of 1996. That landmark legislation imposed sanctions on foreign companies investing in Iran's energy infrastructure in an effort to undermine the strategic threat from Iran, by cutting off investment in its petroleum sector and thereby denying the regime its economic lifeline and its ability to pursue a nuclear program.

(10) Laws such as the Iran and Libya Sanctions Act of 1996, which was retitled the Iran Sanctions Act of 1996, paved the way for the enactment of similar laws, such as the Iran, North Korea and Syria Nonproliferation Act, the Iran-Iraq Arms Non-Proliferation Act of 1992, the Iran Freedom Support Act, and the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

(11) United States sanctions on Iran have hindered Iran's ability to attract capital, material, and technical support for its petroleum sector, creating financial difficulties for the regime.

(12) In the Joint Explanatory Statement of the Committee of Conference to the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 50 U.S.C. 1701 note) issued on June 23, 2010, the Members of the Committee of Conference noted that ''Although [the Iran Sanctions Act] was enacted more than a decade ago, no Administration has sanctioned a foreign entity for investing $20 million or more in Iran's energy sector, despite a number of such investments. Indeed, on only one occasion, in 1998, did the Administration make a determination regarding a sanctions-triggering investment, but the Administration waived sanctions against the offending persons. Conferees believe that the lack of enforcement of relevant enacted sanctions may have served to encourage rather than deter Iran's efforts to pursue nuclear weapons.''.

(13) The Joint Explanatory Statement also noted that ''The effectiveness of this Act will depend on its forceful implementation. The Conferees urge the President to vigorously impose the sanctions provided for in this Act.''.

(14) The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 mandates among other provisions that the President initiate investigations of potentially sanctionable activity under the Iran Sanctions Act of 1996. Although more than 16 months have passed since enactment of this legislation, Congress has not received notice of the imposition of sanctions on any entities that do significant business in the United States, despite multiple reports of potentially sanctionable activity by such entities. Although, in accordance with the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, some potentially sanctionable entities have been persuaded to wind down and end their involvement in Iran, others have not.

(15) It is unlikely that Iran can be compelled to abandon its pursuit of nuclear weapons unless sanctions are fully and effectively implemented.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States to—

(1) prevent Iran from—

(A) acquiring or developing nuclear weapons and associated delivery capabilities;

(B) developing its unconventional weapons and ballistic missile capabilities; and

(C) continuing its support for foreign terrorist organizations and other activities aimed at undermining and destabilizing its neighbors and other nations; and

(2) fully implement all multilateral and bilateral sanctions against Iran in order to deprive the Government of Iran of necessary resources and to compel the Government of Iran to—

(A) abandon and verifiably dismantle its nuclear capabilities;

(B) abandon and verifiably dismantle its ballistic missile and unconventional weapons programs; and

(C) cease all support for foreign terrorist organizations and other activities aimed at undermining and destabilizing its neighbors and other nations.

TITLE I—IRAN ENERGY SANCTIONS

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The efforts of the Government of Iran to achieve nuclear weapons capability and to acquire other unconventional weapons and the means to deliver them, both through ballistic missile and asymmetric means, and its support for foreign terrorist organizations and other extremists endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives.

(2) The objectives of preventing the proliferation of nuclear and other unconventional weapons and countering the activities of foreign terrorist organizations and other extremists through existing multilateral and bilateral initiatives require further efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs and its active support for terrorism.

(3) The Government of Iran uses its diplomatic facilities and quasi-governmental institutions outside of Iran to support foreign terrorist organizations and other extremists, and assist its unconventional weapons and missile programs, including its nuclear program.

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that the goal of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities can be achieved most effectively through full implementation of all sanctions enacted into law, including those sanctions set out in this title.

SEC. 103. DECLARATION OF POLICY.

Congress declares that it is the policy of the United States to deny Iran the ability to

support acts of foreign terrorist organizations and extremists and develop unconventional weapons and ballistic missiles. A critical means of achieving that goal is sanctions that limit Iran's ability to develop its energy resources, including its ability to explore for, extract, refine, and transport by pipeline its hydrocarbon resources, in order to limit the funds Iran has available for pursuing its objectionable activities.

SEC. 104. MULTILATERAL REGIME.

(a) MULTILATERAL NEGOTIATIONS.—In order to further the objectives of section 103 of this Act, Congress urges the President immediately to initiate diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to expand the multilateral sanctions regime regarding Iran, including—

(1) qualitatively expanding the United Nations Security Council sanctions regime against Iran;

(2) qualitatively expanding the range of sanctions by the European Union, South Korea, Japan, Australia, and other key United States allies;

(3) further efforts to limit Iran's development of petroleum resources and import of refined petroleum; and

(4) initiatives aimed at increasing non-Iranian crude oil product output for current purchasers of Iranian petroleum and petroleum byproducts.

(b) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on the extent to which diplomatic efforts described in subsection (a) have been successful. Each report shall include—

(1) the countries that have agreed to undertake measures to further the objectives of section 103 of this Act with respect to Iran, and a description of those measures; and

(2) the countries that have not agreed to measures described in paragraph (1), and, with respect to those countries, other measures the President recommends that the United States take to further the objectives of section 103 of this Act with respect to Iran.

(c) INTERIM REPORT ON MULTILATERAL SANCTIONS; MONITORING.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(1) the countries that have established legislative or administrative standards providing for the imposition of trade sanctions on persons or their affiliates that conduct business or have investments in Iran;

(2) the extent and duration of each instance of the application of such sanctions; and

(3) the disposition of any decision with respect to such sanctions by the World Trade Organization or its predecessor organization.

(d) INVESTIGATIONS.—

(1) IN GENERAL.—The President shall initiate an investigation into the possible imposition of sanctions under section 105 of this Act against a person upon receipt by the United States of credible information indicating that such person is engaged in an activity described in such section.

(2) DETERMINATION AND NOTIFICATION.—Not later than 180 days after the date on which an investigation is initiated under paragraph (1), the President shall (unless paragraph (6) applies) determine, pursuant to section 105 of this Act, if a person has engaged in an activity described in such section and shall notify the appropriate congressional committees of the basis for any such determination.

(3) BRIEFING.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and at the end of every 3-month period thereafter, the President, acting through the Secretary of State, shall brief the appropriate congressional committees regarding investigations initiated under this subsection.

(B) FORM.—The briefings required under subparagraph (A) shall be provided in unclassified form, but may be provided in classified form.

(4) SUBMISSION OF INFORMATION.—

(A) IN GENERAL.—The Secretary of State shall, in accordance with section 15(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680(b)), provide to the appropriate congressional committees all requested information relating to investigations or reviews initiated under this title, including the number, scope, and dates of such investigations or reviews.

(B) FORM.—The information required under subparagraph (A) shall be provided in unclassified form, but may contain a classified annex.

(5) TERMINATION.—Subject to paragraph (6), the President may, on a case-by-case basis, terminate an investigation of a person initiated under this subsection.

(6) SPECIAL RULE.—

(A) IN GENERAL.—The President need not initiate an investigation, and may terminate an investigation, on a case-by-case basis under this subsection if the President certifies in writing to the appropriate congressional committees 15 days prior to the determination that—

(i) the person whose activity was the basis for the investigation is no longer engaging in the activity or is divesting all holdings and terminating the activity within one year from the date of the certification; and

(ii) the President has received reliable assurances that the person will not knowingly engage in an activity described in section 105(a) of this Act in the future.

(B) APPLICATION OF SANCTIONS.—The President shall apply the sanctions described in section 106(a) of this Act in accordance with section 105(a) of this Act to a person described in subparagraph (A) if—

(i) the person fails to verifiably divest all holdings and terminate the activity described in subparagraph (A) of this paragraph within one year from the date of certification of the President under subparagraph (A); or

(ii) the person has been previously designated pursuant to section 4(e)(3) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, and fails to verifiably divest all holdings and terminate the activity described in subparagraph (A) within 180 days from the date of enactment of this Act.

(C) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the actions taken by persons previously designated pursuant to section 4(e)(3) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, to verifiably divest all holdings and terminate the activity described in subparagraph (A).

SEC. 105. IMPOSITION OF SANCTIONS.

(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN, PRODUCTION OF REFINED PETROLEUM PRODUCTS IN IRAN, AND EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act—

(i) makes an investment described in subparagraph (B) of $20,000,000 or more; or

(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is of at least $5,000,000 and such investments equal or exceed $20,000,000 in the aggregate.

(B) INVESTMENT DESCRIBED.—An investment described in this subparagraph is an investment that directly and significantly contributes to the enhancement of Iran's ability to develop petroleum resources.

(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment this Act, sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

(i) any of which has a fair market value of $1,000,000 or more; or

(ii) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries or associated infrastructure, including construction of port facilities, railways, and roads, the primary use of which is to support the delivery of refined petroleum products.

(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act—

(i) sells or provides to Iran refined petroleum products—

(I) that have a fair market value of $1,000,000 or more; or

(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more; or

(ii) sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

(I) any of which has a fair market value of $1,000,000 or more; or

(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products, including—

(i) except as provided in subparagraph (C), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, service contracts, technology, information, or support;

(ii) financing or brokering such sale, lease, or provision;

(iii) bartering or contracting by which the parties exchange goods for goods, including the insurance or reinsurance of such exchanges;

(iv) purchasing, subscribing to, or facilitating the issuance of sovereign debt of the Government of Iran, including governmental bonds; or

(v) providing ships or shipping services to deliver refined petroleum products to Iran.

(C) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subparagraph (B).

(4) PURCHASE, SUBSCRIPTION TO, OR FACILITATION OF THE ISSUANCE OF IRANIAN SOVEREIGN DEBT.—Except as provided in subsection (f), the President shall impose a majority of the sanctions described in section 106(a) of this Act with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, purchases, subscribes to, or facilitates the issuance of—

(A) sovereign debt of the Government of Iran, including governmental bonds; or

(B) debt of any entity owned or controlled by the Government of Iran, including bonds.

(b) MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—

(1) IN GENERAL.—The President shall impose a majority of the sanctions described in section 106(a) of this Act if the President determines that a person, on or after the date of the enactment of this Act, has knowingly exported, transferred, permitted, hosted, or otherwise facilitated transshipment that may have enabled a person to export, transfer, or transship to Iran or otherwise provided to Iran any goods, services, technology, or other items that would contribute materially to the ability of Iran to—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

(B) acquire or develop destabilizing numbers and types of advanced conventional weapons.

(2) ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in any case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, no license may be issued for the export, and no approval may be given for the transfer or retransfer to the country the government of which has primary jurisdiction over the person, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

(B) EXCEPTION.—The sanctions described in subparagraph (A) shall not apply with respect to a country the government of which has primary jurisdiction over a person that engages in an activity described in that subparagraph if the President determines and notifies the appropriate congressional committees that the government of the country—

(i) does not know or have reason to know about the activity; or

(ii) has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and to penalize the person for the activity.

(C) INDIVIDUAL APPROVAL.—Notwithstanding subparagraph (A), the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country to which subparagraph (A) applies (other than a person that is subject to the sanctions under paragraph (1)) if the President—

(i) determines that such approval is vital to the national security interests of the United States; and

(ii) not later than 15 days before issuing such license or approving such transfer or retransfer, submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the justification for approving such license, transfer, or retransfer.

(D) CONSTRUCTION.—The restrictions in subparagraph (A) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other related laws.

(E) DEFINITION.—In this paragraph, the term ''agreement for cooperation'' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

(F) APPLICABILITY.—The sanctions described in subparagraph (A) shall apply only in a case in which a person is subject to sanctions under paragraph (1) because of an activity described in such paragraph in which such person engages on or after the date of the enactment of this Act.

(c) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsections (a) and (b)(1) shall be imposed on—

(1) any person the President determines has carried out the activities described in subsection (a) or (b), respectively; and

(2) any person that—

(A) is a successor entity to the person referred to in paragraph (1);

(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) engaged in the activities referred to in that paragraph; or

(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the activities referred to in that paragraph.

For purposes of this title, any person or entity described in this subsection shall be referred to as a ''sanctioned person''.

(d) PUBLICATION IN FEDERAL REGISTER.—The President shall cause to be published in the Federal Register a current list of persons and entities on whom sanctions have been imposed under this title. The removal of persons or entities from, and the addition of persons and entities to, the list, shall also be so published.

(e) PUBLICATION OF PROJECTS.—The President shall cause to be published in the Federal Register a list of all significant projects that have been publicly tendered in the oil and gas sector in Iran.

(f) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under subsection (a) or (b)—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(2) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b));

(3) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of the person on whom the sanctions are to be imposed;

(4) to—

(A) spare parts which are essential to United States products or production;

(B) component parts, but not finished products, essential to United States products or production; or

(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(5) to information and technology essential to United States products or production; or

(6) to medicines, medical supplies, or other humanitarian items.

SEC. 106. DESCRIPTION OF SANCTIONS.

(a) IN GENERAL.—The sanctions to be imposed on a sanctioned person under section 105 of this Act are as follows:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States to not give approval to for the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

(A) the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act);

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other law that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than $10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of section 105 of this Act, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of section 105 of this Act.

(5) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

(6) FOREIGN EXCHANGE.—The President may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

(7) BANKING TRANSACTIONS.—The President may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(8) PROPERTY TRANSACTIONS.—The President may prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which a sanctioned person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(9) GROUNDS FOR EXCLUSION.—The Secretary of State may deny a visa to, and the Secretary of Homeland Security may deny admission into the United States to, any alien whom the Secretary of State determines is an alien who, on or after the date of the enactment of this Act, is a—

(A) corporate officer, principal, or shareholder with a controlling interest of a person against whom sanctions have been imposed under subsection (a) or (b);

(B) corporate officer, principal, or shareholder with a controlling interest of a successor entity to or a parent or subsidiary of such a sanctioned person;

(C) corporate officer, principal, or shareholder with a controlling interest of an affiliate of such a sanctioned person, if such affiliate engaged in a sanctionable activity described in subsection (a) or (b) and if such affiliate is controlled in fact by such sanctioned person; or

(D) spouse, minor child, or agent of a person inadmissible under subparagraph (A), (B), or (C).

(10) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection. The President shall include on the list published under section 105(d) of this Act the name of any person against whom sanctions are imposed under this paragraph.

(11) ADDITIONAL SANCTIONS.—The President may impose additional sanctions, as appropriate, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.—

(1) MODIFICATION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation issued pursuant to section 1303 of title 41, United States Code, shall require a certification from each person that is a prospective contractor that such person and any person owned or controlled by the person does not engage in any activity for which sanctions may be imposed under section 105 or section 304 of this Act.

(2) REMEDIES.—

(A) IN GENERAL.—If the head of an executive agency determines that a person has submitted a false certification under paragraph (1) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, the head of that executive agency shall terminate a contract with such person or debar or suspend such person from eligibility for Federal contracts for a period of not less than 2 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

(B) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 1303 of title 41, United States Code, each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (A).

(3) CLARIFICATION REGARDING CERTAIN PRODUCTS.—The remedies specified in paragraph (2) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1974 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of such Act (19 U.S.C. 2511(b)).

(4) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

(5) WAIVER.—The President may, on a case-by-case basis, waive the requirement that a person make a certification under paragraph (1) if the President determines and certifies in writing to the appropriate congressional committees that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

(6) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given such term in section 133 of title 41, United States Code.

(7) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 107. ADVISORY OPINIONS.

The Secretary of State may, upon the request of any person, issue an advisory opinion to such person as to whether a proposed activity by such person would subject such person to sanctions under this title. Any person who relies in good faith on such an advisory opinion which states that such proposed activity would not subject such person to such sanctions, and any such person who thereafter engages in such activity, shall not be made subject to such sanctions on account of such activity.

SEC. 108. TERMINATION OF SANCTIONS.

(a) CERTIFICATION.—The requirement under section 105 of this Act to impose sanctions shall no longer have force or effect with respect to Iran if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology;

(2) no longer provides support for acts of international terrorism; and

(3) poses no threat to the national security, interests, or allies of the United States.

(b) NOTIFICATION.—The President shall notify the appropriate congressional committees not later than 15 days before making the certification described in subsection (a).

SEC. 109. DURATION OF SANCTIONS.

(a) DELAY OF SANCTIONS.—

(1) CONSULTATIONS.—If the President makes a determination described in section 105 of this Act with respect to a foreign person, Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over such foreign person with respect to the imposition of sanctions under such section.

(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue consultations under paragraph (1) with the government concerned, the President may delay for up to 90 days the imposition of sanctions under section 105 of this Act. Following such consultations, the President shall immediately impose on the foreign person referred to in paragraph (1) such sanctions unless the President determines and certifies to Congress that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties to terminate the involvement of the foreign person in the activities that resulted in the determination by the President under section 105 of this Act concerning such foreign person and the foreign person is no longer engaged in such activities.

(b) DURATION OF SANCTIONS.—A sanction imposed under section 105 of this Act shall remain in effect—

(1) for a period of not less than 2 years beginning on the date on which such sanction is imposed; or

(2) until such time as the President determines and certifies to Congress that the person whose activities were the basis for imposing such sanction is no longer engaging in such activities and that the President has received reliable assurances that such person will not knowingly engage in such activities in the future, except that such sanction shall remain in effect for a period of at least one year.

(c) WAIVER.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—The President may waive the requirements in section 105(a) or 105(b)(2) of this Act to impose a sanction or sanctions, and may waive, on a case-by-case

basis, the continued imposition of a sanction or sanctions under subsection (b) of this section, if the President determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

(B) CONTENTS OF REPORT.—Any report under subparagraph (A) shall provide a specific and detailed rationale for a determination made pursuant to such paragraph, including—

(i) a description of the conduct that resulted in the determination under section 105(a) or section 105(b)(2) of this Act, as the case may be;

(ii) in the case of a foreign person, an explanation of the efforts to secure the cooperation of the government with primary jurisdiction over such person to terminate or, as appropriate, penalize the activities that resulted in the determination under section 105(a) or 105(b)(2) of this Act, as the case may be;

(iii) an estimate of the significance of the conduct of the person concerned in contributing to the ability of Iran to develop petroleum resources, produce refined petroleum products, or import refined petroleum products; and

(iv) a statement as to the response of the United States in the event that the person concerned engages in other activities that would be subject to a sanction or sanctions under section 105(a) or 105(b)(2) of this Act, as the case may be.

(2) WAIVER WITH RESPECT TO PERSONS IN COUNTRIES THAT COOPERATE IN MULTILATERAL EFFORTS WITH RESPECT TO IRAN.—

(A) IN GENERAL.—The President may, on a case-by-case basis, waive for a period of not more than 12 months the application of section 105(a) of this Act with respect to a person if the President, at least 30 days before the waiver is to take effect—

(i) certifies to the appropriate congressional committees that—

(I) the government with primary jurisdiction over the person is closely cooperating with the United States in multilateral efforts to prevent Iran from—

(aa) acquiring or developing chemical, biological, or nuclear weapons or related technologies; or

(bb) acquiring or developing destabilizing numbers and types of advanced conventional weapons; and

(II) such a waiver is vital to the national security interests of the United States; and

(ii) submits to the appropriate congressional committees a report identifying—

(I) the person with respect to which the President waives the application of sanctions; and

(II) the actions taken by the government described in clause (i)(I) to cooperate in multilateral efforts described in that clause.

(B) SUBSEQUENT RENEWAL OF WAIVER.—At the conclusion of the period of a waiver under subparagraph (A), the President may renew the waiver—

(i) if the President determines, in accordance with subparagraph (A), that the waiver is appropriate; and

(ii) for subsequent periods of not more than 12 months each.

(3) PUBLICATION IN THE FEDERAL REGISTER.—Not later than 15 days after any waiver authority is exercised pursuant to paragraph (1) or (2) of this subsection, the name of the person or entity with respect to which sanctions are being waived shall be published in the Federal Register.

SEC. 110. REPORTS REQUIRED.

(a) REPORT ON CERTAIN INTERNATIONAL INITIATIVES.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the efforts of the President to mount a multilateral campaign to persuade all countries to pressure Iran to cease its nuclear, chemical, biological, and missile weapons programs and its support of acts of international terrorism;

(2) the efforts of the President to persuade other governments to ask Iran to reduce in the countries of such governments the presence of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, and to withdraw any such diplomats or representatives who participated in the takeover of the United States Embassy in Tehran, Iran, on November 4, 1979, or the subsequent holding of United States hostages for 444 days;

(3) the extent to which the International Atomic Energy Agency has established regular inspections of all nuclear facilities in Iran, including those facilities presently under construction; and

(4) Iran's use of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran to promote acts of international terrorism or to develop or sustain Iran's nuclear, chemical, biological, or missile weapons programs.

(b) REPORT ON EFFECTIVENESS OF ACTIONS UNDER THIS ACT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the President shall transmit to Congress a report that describes—

(1) the extent to which actions relating to trade taken pursuant to this title have—

(A) been effective in achieving the policy objective described in section 103 of this Act and any other foreign policy or national security objectives of the United States with respect to Iran; and

(B) affected humanitarian interests in Iran, the country in which a sanctioned person is located, or in other countries; and

(2) the impact of actions relating to trade taken pursuant to this title on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

The President may include in such reports the President's recommendation on whether or not this Act should be terminated or modified.

(c) OTHER REPORTS.—The President shall ensure the continued transmittal to Congress of reports describing—

(1) the nuclear and other military capabilities of Iran, as required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 and section 1607 of the National Defense Authorization Act for Fiscal Year 1993; and

(2) the support provided by Iran for acts of international terrorism, as part of the Department of State's annual reports on international terrorism.

(d) REPORTS ON GLOBAL TRADE RELATING TO IRAN.—Not later than 180 days after the date of the enactment of the this Act and annually thereafter, the President shall transmit to the appropriate congressional committees a report, with respect to the most recent 12-month period for which data are available, on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of 20 Finance Ministers and Central Bank Governors.

SEC. 111. DETERMINATIONS NOT REVIEWABLE.

A determination to impose sanctions under this title shall not be reviewable in any court.

SEC. 112. DEFINITIONS.

In this title:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' has the meaning given such term in section 2331 of title 18, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Ways and Means, the Committee on Banking and Financial Services, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate.

(3) COMPONENT PART.—The term ''component part'' has the meaning given such term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)).

(4) CREDIBLE INFORMATION.—The term ''credible information'' means, with respect to a person, such person's public announcement of an investment described in section 105 of this Act, Iranian governmental announcements of such an investment, reports to stockholders, annual reports, industry reports, Government Accountability Office products, State and local government reports, and trade publications.

(5) DEVELOP AND DEVELOPMENT.—The terms ''develop'' and ''development'' mean the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

(6) FINANCIAL INSTITUTION.—The term ''financial institution'' includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter; and

(E) any other company that provides financial services including joint ventures with Iranian entities both inside and outside of Iran and partnerships or investments with Iranian government-controlled entities or affiliated entities.

(7) FINISHED PRODUCT.—The term ''finished product'' has the meaning given such term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)).

(8) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, joint venture, cooperative venture, or other nongovernmental entity which is not a United States person.

(9) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(10) GOODS AND TECHNOLOGY.—The terms ''goods'' and ''technology'' have the meanings given such terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(11) INVESTMENT.—The term ''investment'' means any of the following activities if any of such activities is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Iran or a

nongovernmental entity in Iran, on or after the date of the enactment of this Act:

(A) The entry into a contract that includes responsibility for the development of petroleum resources located in Iran, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

(B) The purchase of a share of ownership, including an equity interest, in the development described in subparagraph (A).

(C) The entry into a contract providing for the participation in royalties, earnings, or profits in the development described in subparagraph (A), without regard to the form of such participation.

(D) The provision of goods, services, or technology related to petroleum resources.

(12) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(13) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran'' includes employees, representatives, or affiliates of Iran's—

(A) Foreign Ministry;

(B) Ministry of Intelligence and Security;

(C) Revolutionary Guard Corps and affiliated entities;

(D) Crusade for Reconstruction;

(E) Qods (Jerusalem) Forces;

(F) Interior Ministry;

(G) Foundation for the Oppressed and Disabled;

(H) Prophet's Foundation;

(I) June 5th Foundation;

(J) Martyr's Foundation;

(K) Islamic Propagation Organization; and

(L) Ministry of Islamic Guidance.

(14) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result of such conduct, circumstance, or result.

(15) NUCLEAR EXPLOSIVE DEVICE.—The term ''nuclear explosive device'' means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material (as defined in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa))) that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(16) PERSON.—

(A) IN GENERAL.—The term ''person'' means—

(i) a natural person;

(ii) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, or any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

(iii) any successor to any entity described in clause (ii).

(B) EXCLUSION.—The term ''person'' does not include a government or governmental entity that is not operating as a business enterprise.

(17) PETROLEUM RESOURCES.—The term ''petroleum resources'' includes petroleum and natural gas resources, refined petroleum products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas.

(18) REFINED PETROLEUM PRODUCTS.—The term ''refined petroleum products'' means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.

(19) UNITED STATES OR STATE.—The terms ''United States'' and ''State'' mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(20) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity that is organized under the laws of the United States or any State if a natural person described in subparagraph (A) owns more than 50 percent of the outstanding capital stock or other beneficial interest in such corporation or legal entity.

SEC. 113. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and shall apply with respect to an investment or activity described in subsection (a) or (b) of section 105 of this Act that is commenced on or after such date of enactment.

SEC. 114. REPEAL.

(a) IN GENERAL.—The Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is repealed.

(b) CONFORMING AMENDMENTS.—The Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8501 et seq.) is amended—

(1) in section 103(b)(3)(E), by striking ''section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)'' and inserting ''section 112 of the Iran Threat Reduction Act of 2011'';

(2) in section 111(a)(1), by striking ''section 5 of the Iran Sanctions Act of 1996, as amended by section 102 of this Act'' and inserting ''section 105 of the Iran Threat Reduction Act of 2011'';

(3) in section 112(3), by striking ''Iran Sanctions Act of 1996, as amended by section 102 of this Act,'' and inserting ''Iran Threat Reduction Act of 2011''; and

(4) in section 201(2), by striking ''section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)'' and inserting ''section 112 of the Iran Threat Reduction Act of 2011''.

(c) REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Iran Sanctions Act of 1996 shall be deemed to be a reference to this title.

(d) FEDERAL ACQUISITION REGULATION.—Notwithstanding the repeal made by subsection (a), the modification to the Federal Acquisition Regulation made pursuant to section 6(b)(1) of the Iran Sanctions Act of 1996 shall continue in effect until the modification to such Regulation that is made pursuant to section 106(b)(1) of this Act takes effect.

TITLE II—IRAN FREEDOM SUPPORT

SEC. 201. CODIFICATION OF SANCTIONS.

United States sanctions with respect to Iran imposed pursuant to—

(1) sections 1 and 3 of Executive Order 12957,

(2) sections 1(e), 1(g), and 3 of Executive Order 12959,

(3) sections 2, 3, and 5 of Executive Order 13059,

(4) sections 1, 5, 6, 7, and 8 of Executive Order 13553, or

(5) sections 1, 2, and 5 of Executive Order 13574,

as in effect on September 1, 2011, shall remain in effect until the President certifies to the appropriate congressional committees, at least 90 days before the removal of such sanctions, that the Government of Iran has verifiably dismantled its nuclear weapons program, its biological and chemical weapons programs, its ballistic missile development programs, and ceased its support for international terrorism.

SEC. 202. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ''own or control'' means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) SUBSIDIARY.—The term ''subsidiary'' means an entity that is owned or controlled by a United States person.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) IN GENERAL.—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if the President determines that a subsidiary of the United States person that is established or maintained outside the United States engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) EXCEPTION.—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after the date of the enactment of this Act.

SEC. 203. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.

It shall be the policy of the United States to support those individuals in Iran seeking a free, democratic government that respects the rule of law and protects the rights of all citizens.

SEC. 204. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.

(a) ASSISTANCE AUTHORIZED.—The President is authorized to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent prodemocracy broadcasting organizations and new media that broadcast into Iran.

(b) ELIGIBILITY FOR ASSISTANCE.—Financial and political assistance authorized under this section shall be provided only to an individual, organization, or entity that—

(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) at any time during the preceding 4 years;

(2) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of Government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for all people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) FUNDING.—Financial and political assistance authorized under this section may only be provided using funds available to the Middle East Partnership Initiative (MEPI), the Broader Middle East and North Africa Initiative, the Human Rights and Democracy Fund, and the Near East Regional Democracy Fund.

(d) NOTIFICATION.—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of such obligation of assistance. Such notification shall include, as practicable, a description of the types of programs supported by such assistance and an identification of the recipients of such assistance.

(e) SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.—It is the sense of Congress that—

(1) contacts should be expanded with opposition groups in Iran that meet the criteria for eligibility for assistance under subsection (b);

(2) support for those individuals seeking democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora; and

(3) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

SEC. 205. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF IRAN OR THEIR FAMILY MEMBERS AFTER THE JUNE 12, 2009, ELECTIONS IN IRAN.

(a) LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES; SANCTIONS ON SUCH PERSONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a list of all persons who are senior officials of the Government of Iran, including the Supreme Leader, the President, Members of the Cabinet, Members of the Assembly of Experts, Members of the Ministry of Intelligence Services, or any Member of the Iranian Revolutionary Guard Corps with the rank of brigadier general and above, including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin.

(2) CERTIFICATION.—The President shall impose on the persons specified in the list under paragraph (1) the sanctions described in subsection (b). The President shall exempt any such person from such imposition if the President determines and certifies to the appropriate congressional committees that such person, based on credible evidence, is not responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

(3) UPDATES OF LIST.—The President shall transmit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than every 60 days beginning after the date of the initial transmittal under such paragraph; and

(B) as new information becomes available.

(4) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required under paragraph (1) shall be made available to the public and posted on the Web sites of the Department of the Treasury and the Department of State.

(5) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required under paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Iran, that monitor the human rights abuses of the Government of Iran.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are ineligibility for a visa to enter the United States and sanctions described in section 106 of this Act, subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(c) TERMINATION OF SANCTIONS.—The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Iran—

(1) has unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran;

(2) has ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity;

(3) has conducted a transparent investigation into the killings, arrests, and abuse of peaceful political activists that occurred in the aftermath of the June 12, 2009, presidential election in Iran and prosecuted the individuals responsible for such killings, arrests, and abuse; and

(4) has—

(A) established an independent judiciary; and

(B) is respecting the human rights and basic freedoms recognized in the Universal Declaration of Human Rights.

SEC. 206. CLARIFICATION OF SENSITIVE TECHNOLOGIES FOR PURPOSES OF PROCUREMENT BAN.

The Secretary of State shall—

(1) not later than 90 days after the date of the enactment of this Act, issue guidelines to further describe the goods, services, and technologies that will be considered ''sensitive technologies'' for purposes of section 106 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8515), and publish those guidelines in the Federal Register;

(2) determine the types of goods, services, and technologies that enable any indigenous capabilities that Iran has to disrupt and monitor information and communications in that country, and consider adding descriptions of those items to the guidelines; and

(3) periodically review, but in no case less than once each year, the guidelines and, if necessary, amend the guidelines on the basis of technological developments and new information regarding transfers of goods, services, and technologies to Iran and the development of Iran's indigenous capabilities to disrupt and monitor information and communications in Iran.

SEC. 207. COMPREHENSIVE STRATEGY TO PROMOTE INTERNET FREEDOM AND ACCESS TO INFORMATION IN IRAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a comprehensive strategy to—

(1) help the people of Iran produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;

(2) support the development of countercensorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;

(3) increase the capabilities and availability of secure mobile communications among human rights and democracy activists in Iran;

(4) provide resources for digital safety training for media, unions, and academic and civil society organizations in Iran;

(5) increase the amount of accurate Internet content in local languages in Iran;

(6) increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;

(7) expand surrogate radio, television, live stream, and social network communications inside Iran, including by assisting United States telecommunications and software companies to comply with the United States export licensing process for such purposes;

(8) expand activities to safely assist and train human rights, civil society, and union activists in Iran to operate effectively and securely;

(9) defeat all attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals, including by identifying foreign providers of jamming technology;

(10) expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities;

(11) expand access to proxy servers for democracy activists in Iran; and

(12) discourage telecommunication and software companies from facilitating Internet censorship by the Government of Iran.

(b) ELIGIBILITY FOR ASSISTANCE.—Assistance authorized under the comprehensive stategy required under subsection (a) shall be provided only to an individual, organization, or entity that meets the eligibility criteria in section 204(b) of this Act for financial and political assistance authorized under section section 204(a) of this Act.

(c) FORM.—The comprehensive strategy required under subsection (a) shall be submitted in unclassified form and may include a classified annex.

TITLE III—IRAN REGIME AND IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS ACCOUNTABILITY

SEC. 301. IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.

(a) TRANSACTIONS WITH IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.—No United States person shall knowingly conduct any commercial transaction or financial transaction with, or make any investment in—

(1) any person or entity owned or controlled by Iran's Islamic Revolutionary Guard Corps;

(2) any instrumentality, subsidiary, affiliate, or agent of Iran's Islamic Revolutionary Guard Corps; or

(3) any project, activity, or business owned or controlled by Iran's Islamic Revolutionary Guard Corps.

(b) TRANSACTIONS WITH CERTAIN FOREIGN PERSONS.—No United States person shall knowingly conduct any commercial transaction or financial transaction with, or make any investment in, any foreign person or foreign entity that conducts any transaction with or makes any investment with Iran's Islamic Revolutionary Guard Corps, which, if conducted or made by a United States person, would constitute a violation of subsection (a).

(c) PENALTIES.—Any United States person who violates subsection (a) or (b) shall be subject to 1 or more of the criminal penalties under the authority of section 206(c) of the International Emergency Economic Powers Act (50 U.S.C. 1705).

(d) WAIVER.—

(1) IN GENERAL.—The President is authorized to waive the restrictions in subsection (a) or (b) on a case-by-case basis if the President determines and notfies the appropriate congressional committees that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the national security interests of the United States.

(2) PUBLICATION IN THE FEDERAL REGISTER.—Not later than 15 days after any waiver authority is exercised pursuant to paragraph (1) of this subsection, the name of the person with respect to which sanctions are being waived shall be published in the Federal Register.

(e) AMENDMENTS TO CODE OF FEDERAL REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the President shall amend part 544 of title 31, Code of Federal Regulations (''Weapons of Mass Destruction Proliferators Sanctions Regulations''), to incorporate the provisions of this section.

(f) DEFINITIONS.—In this section, the terms ''foreign person'', ''knowingly'', and ''United States person'' have the meanings given such terms in section 112 of this Act.

SEC. 302. ADDITIONAL EXPORT SANCTIONS AGAINST IRAN.

(a) IN GENERAL.—Notwithstanding section 103(b)(2)(B)(iv) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8512(b)(2)(B)(iv)) or section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484; 50 U.S.C. 1701 note) or any other provision of law, effective on the date of the enactment of this Act—

(1) licenses to export or reexport goods, services, or technology for the repair or maintenance of aircraft of United States origin to Iran may not be issued, and any such license issued before such date of enactment is no longer valid; and

(2) goods, services, or technology described in paragraph (1) may not be exported or reexported to Iran.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to repeal or otherwise supersede the requirements of section 740.15(d)(4) of title 15, Code of Federal Regulations (relating to reexports of vessels subject to the Export Adminstration Regulations).

SEC. 303. SANCTIONS AGAINST AFFILIATES OF IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and as appropriate thereafter, the President shall identify in, and, in the case of a foreign person or foreign entity not already so designated, shall designate for inclusion in the Annex to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking property of weapons of mass destruction proliferators and their supporters) and shall apply all applicable sanctions of the United States pursuant to Executive Order 13382 to each foreign person or foreign entity for which there is a reasonable basis for determining that the person or entity is as an agent, alias, front, instrumentality, official, or affiliate of Iran's Islamic Revolutionary Guard Corps or is an individual serving as a representative of Iran's Islamic Revolutionary Guard Corps.

(b) PRIORITY FOR INVESTIGATION.—In carrying out this section, the President shall give priority to investigating foreign persons and foreign entities identified under section 560.304 of title 31, Code of Federal Regulations (relating to the definition of the Government of Iran) and foreign persons and foreign entities for which there is a reasonable basis to suspect that the person or entity has conducted or attempted to conduct one or more sensitive transactions or activities described in subsection (c).

(c) SENSITIVE TRANSACTION OR ACTIVITY.—A sensitive transaction or activity referred to in subsection (b) is—

(1) a transaction to facilitate the manufacture, import, export, or transfer of items needed for the development of nuclear, chemical, biological, or advanced conventional weapons, including ballistic missiles;

(2) an attempt to interfere in the internal affairs of Iraq or Afghanistan, or equip or train, or encourage violence by, individuals or groups opposed to the governments of those countries;

(3) a transaction relating to the manufacture, procurement, or sale of goods, services, and technology relating to Iran's energy sector, including the development of the energy resources of Iran, export of petroleum products, and import of refined petroleum and refining capacity available to Iran;

(4) a transaction relating to the procurement of sensitive technologies (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8515(c)); or

(5) a financial transaction or series of transactions valued at more than $1,000,000 in the aggregate in any 12-month period involving a non-Iranian financial institution.

(d) INADMISSIBLITY TO UNITED STATES.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall deny admission into the United States to, any alien who, on or after the date of the enactment of this Act, is a foreign person designated for inclusion in the Annex to Executive Order 13382 pursuant to subsection (a).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to remove any sanction of the United States in force against Iran's Islamic Revolutionary Guard Corps as of the date of the enactment of this Act by reason of the fact that Iran's Islamic Revolutionary Guard Corps is an entity of the Government of Iran.

SEC. 304. MEASURES AGAINST FOREIGN PERSONS OR ENTITIES SUPPORTING IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.

(a) IDENTIFICATION AND NOTIFICATION.—The President shall notify the appropriate congressional committees in any case in which the President determines that there is credible information indicating that a foreign person or foreign entity, on or after the date of the enactment of this Act, knowingly—

(1) provides material support to Iran's Islamic Revolutionary Guard Corps or any foreign person or foreign entity that is identified pursuant to section 303(a) of this Act as an agent, alias, front, instrumentality, official, or affiliate of Iran's Islamic Revolutionary Guard Corps or an individual serving as a representative of Iran's Islamic Revolutionary Guard Corps; or

(2) conducts any commercial transaction or financial transaction with Iran's Islamic Revolutionary Guard Corps or any such person or entity.

(b) WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of this title and subject to paragraph (2), the President is not required to make any identification or designation of or determination with respect to a foreign person or foreign entity for purposes of this title if doing so would cause damage to the national security of the United States through the divulgence of sources and methods of intelligence or other critical classified information.

(2) NOTICE TO CONGRESS.—The President shall notify Congress of any exercise of the authority of paragraph (1) and shall include in the notification an identification of the foreign person or foreign entity, including a description of the activity or transaction that would have caused the identification, designation, or determination for purposes of this title.

(c) SANCTIONS.—

(1) IN GENERAL.—The President shall apply to each foreign person or foreign entity identified in a notice under subsection (a) for a period determined by the President a majority of the sanctions described in section 106(a) of this Act.

(2) TERMINATION.—The President may terminate the sanctions applied to a foreign person or foreign entity pursuant to paragraph (1) if the President determines that the person or entity no longer engages in the activity or activities for which the sanctions were imposed and has provided assurances to the United States Government that it will not engage in the activity or activities in the future.

(d) IEEPA SANCTIONS.—The President may exercise the authorities provided under subparagraphs (A) and (C) of section 203(a)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(1)) to impose additional sanctions on each foreign person or foreign entity identified pursuant to subsection (a), for such time as the President may determine, without regard to section 202 of that Act.

(e) WAIVER.—The President may waive the application of any measure described in subsection (c) with respect to a foreign person or foreign entity if the President—

(1)(A) determines that the person or entity has ceased the activity that resulted in the notification under subsection (a) with respect to the person or entity (as the case may be) and has taken measures to prevent its recurrence; or

(B) determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States; and

(2) submits to the appropriate congressional committees a report that contains the reasons for the determination.

(f) FOREIGN PERSON DEFINED.—In this section, the term ''foreign person'' has the meaning given the term in section 112 of this Act.

SEC. 305. SPECIAL MEASURES AGAINST FOREIGN COUNTRIES SUPPORTING IRAN'S ISLAMIC REVOLUTIONARY GUARD CORPS.

(a) SANCTIONS.—With respect to any foreign entity identified pursuant to section 304(a) of this Act that is an agency of the government of a foreign country, the President shall, in addition to applying to the entity the sanctions described in section 304(c) of this Act, apply to the agency of the government of the foreign country the following measures:

(1) No assistance shall be provided to the agency of the government of the foreign country under the Foreign Assistance Act of 1961, or any successor Act, or the Arms Export Control Act, or any successor Act, other than assistance that is intended to benefit the people of the foreign country directly and that is not provided through governmental agencies or entities of the foreign country.

(2) The United States shall oppose any loan or financial or technical assistance to the agency of the government of the foreign country by international financial institutions in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d).

(3) The United States shall deny to the agency of the government of the foreign country any credit or financial assistance by any department, agency, or instrumentality of the United States Government.

(4) The United States Government shall not approve the sale to the agency of the government of the foreign country any defense articles or defense services or issue any license for the export of items on the United States Munitions List.

(5) No exports to the agency of the government of the foreign country shall be permitted of any goods or technologies controlled for national security reasons under the Export Administration Regulations.

(6) At the earliest practicable date, the Secretary of State shall terminate, in a manner consistent with international law, the authority of any air carrier that is controlled in fact by the agency of the government of the foreign country to engage in air transportation (as defined in section 40102(5) of title 49, United States Code).

(7) Additional restrictions may be imposed in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) TERMINATION.—The President may terminate the sanctions applied to an entity or government of a foreign country pursuant to subsection (a) if the President determines that the entity or government, as the case may be, no longer engages in the activity or activities for which the sanctions were imposed and has provided assurances to the United States Government that it will not engage in the activity or activities in the future.

(c) WAIVER.—The President may waive the application of any measure described in subsection (a) with respect to an entity or government of a foreign country if the President—

(1)(A) determines that the entity or government, as the case may be, has ceased the activity that resulted in the notification under section 304(a) of this Act with respect to the entity or government and has taken measures to prevent its recurrence; or

(B) determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States; and

(2) submits to the appropriate congressional committees a report that contains the reasons for the determination.

SEC. 306. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO RESTRICT CONTRACTS OR LICENSES FOR CERTAIN SANCTIONABLE PERSONS.

Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to prohibit the State or local government, as the case may be, from entering into or renewing any contract with, or granting to or renewing any license for persons that conduct business operations in Iran described in section 309 of this Act.

SEC. 307. IRANIAN ACTIVITIES IN IRAQ AND AFGHANISTAN.

(a) FREEZING OF ASSETS.—In accordance with subsection (b), all property and interests in property of the foreign persons described in Executive Orders 13382 and 13224, or their affiliates, that are in the United States, that on or after the date of the enactment of this Act come within the United States, or that on or after the date of the enactment of this Act come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in with respect to any such person determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Secretary of Defense to—

(1) have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening United States efforts to promote security and stability in Iraq and Afghanistan;

(2) have knowingly and materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, such an act or acts of violence or any person or entity whose property and interests in property are blocked pursuant this subsection; or

(3) be owned or controlled by, or to have acted or purported to act for or on behalf of any person whose property and interests in property are blocked pursuant to this subsection.

(b) DESCRIPTION OF PROHIBITIONS.—The prohibitions described in subsection (a) include—

(1) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked; and

(2) the receipt of any contribution or provision of funds, goods, or services from any such person.

(c) FINDINGS.—Congress finds that—

(1) an increase in both the quantity and quality of Iranian arms shipments and technological expertise to the Iraqi insurgents, the Taliban, other terrorist organizations and criminal elements has the potential to significantly change the battlefield in both Iraq and Afghanistan, and lead to a large increase in United States, International Security Assistance Force, Coalition and Iraqi and Afghan casualties; and

(2) an increase in Iranian activity and influence in Iraq threatens the safety and welfare of the residents of Camp Ashraf.

(d) STATEMENT OF POLICY.—It shall be the policy of the United States to urge the Government of Iraq to—

(1) uphold its commitments to the United States to ensure the continued well-being of those individuals living in Camp Ashraf;

(2) prevent the involuntary return of such individuals to Iran in accordance with the United States Embassy Statement on Transfer of Security Responsibility for Camp Ashraf of December 28, 2008; and

(3) not close Camp Ashraf until the United Nations High Commission for Refugees can complete its process, recognize as political refugees the residents of Camp Ashraf who do not wish to go back to Iran, and resettle them in third countries.

(e) DEFINITIONS.—In this section, the terms ''foreign person'' and ''United States person'' have the meanings given such terms in section 112 of this Act.

SEC. 308. UNITED STATES POLICY TOWARD IRAN.

(a) NATIONAL STRATEGY REQUIRED.—The President shall develop a strategy, to be known as the ''National Strategy to Counter Iran'', that provides strategic guidance for activities that support the objective of addressing, countering, and containing the threats posed by Iran.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than January 30 of each year, the President shall transmit to the appropriate congressional committees a report on the current and future strategy of the United States toward Iran, and the implementation of the National Strategy to Counter Iran required under subsection (a).

(2) FORM.—If the President considers it appropriate, the report required under this subsection, or appropriate parts thereof, may be transmitted in classified form.

(c) MATTERS TO BE INCLUDED.—The report required under subsection (b) shall include a description of the security posture and objectives of Iran, including at least the following:

(1) A description and assessment of Iranian grand strategy and security strategy, including—

(A) the goals of Iran's grand strategy and security strategy, and strategic objectives; and

(B) Iranian strategy to achieve such objectives in the Middle East, Europe, Africa, Western Hemisphere, and Asia.

(2) An assessment of the capabilities of Iran's conventional forces and Iran's unconventional forces, including—

(A) the size and capabilities of Iran's conventional forces and Iran's unconventional forces;

(B) an analysis of the formal and informal national command authority for Iran's conventional forces and Iran's unconventional forces;

(C) the size and capability of Iranian foreign and domestic intelligence and special operations units, including the Iranian Revolutionary Guard Corps-Quds Force;

(D) a description and analysis of Iranian military doctrine;

(E) the types and amount of support, including funding, lethal and nonlethal supplies, and training, provided to groups designated by the United States as foreign terrorist organizations and regional militant groups; and

(F) an estimate of the levels of funding and funding and procurement sources by Iran to develop and support Iran's conventional forces and Iran's unconventional forces.

(3) An assessment of Iranian strategy and capabilities related to nuclear, unconventional, and missile forces development, including—

(A) a summary and analysis of nuclear weapons capabilities;

(B) an estimate of the amount and sources of funding expended by, and an analysis of procurement networks utilized by, Iran to develop its nuclear weapons capabilities;

(C) a summary of the capabilities of Iran's unconventional weapons and Iran's ballistic missile forces and Iran's cruise missile

forces, including developments in the preceding year, the size of Iran's ballistic missile forces and Iran's cruise missile forces, and the locations of missile launch sites;

(D) a detailed analysis of the effectiveness of Iran's unconventional weapons and Iran's ballistic missile forces and Iran's cruise missile forces; and

(E) an estimate of the amount and sources of funding expended by, and an analysis of procurement networks utilized by, Iran on programs to develop a capability to develop unconventional weapons and Iran's ballistic missile forces and Iran's cruise missile forces.

(4) The Government of Iran's economic strategy, including—

(A) sources of funding for the activities of the Government of Iran described in this section;

(B) the role of the Government of Iran in the formal and informal sector of the domestic Iranian economy;

(C) evasive and other efforts by the Government of Iran to circumvent international and bilateral sanctions regimes;

(D) the effect of bilateral and multilateral sanctions on the ability of Iran to implement its grand strategy and security strategy described in paragraph (1); and

(E) Iran's strategy and efforts to leverage economic and political influence, cooperation, and activities in the Middle East Europe, Africa, Western Hemisphere, and Asia.

(5) Key vulnerabilities identified in paragraph (1), and an implementation plan for the National Strategy to Counter Iran required under subsection (a).

(6) The United States strategy to—

(A) address and counter the capabilities of Iran's conventional forces and Iran's unconventional forces;

(B) disrupt and deny Iranian efforts to develop or augment capabilities related to nuclear, unconventional, and missile forces development;

(C) address the Government of Iran's economic strategy to enable the objectives described in this subsection; and

(D) exploit key vulnerabilities identified in this subsection.

(7) An implementation plan for United States strategy described in under paragraph (6).

(d) CLASSIFIED ANNEX.—The reports required under subsection (b) shall be in unclassified form to the greatest extent possible, and may include a classified annex where necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Appropriations, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Finance, and the Permanent Select Committee on Intelligence of the Senate.

SEC. 309. DEFINITIONS.

Except as otherwise provided, in this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Finance, and the Permanent Select Committee on Intelligence of the Senate.

(2) IRAN'S BALLISTIC MISSILE FORCES.—The term ''Iran's ballistic missile forces'' includes ballistic missiles, goods, and associated equipment and those elements of the Government of Iran that employ such ballistic missiles, goods, and associated equipment.

(3) IRAN'S BALLISTIC MISSILE AND UNCONVENTIONAL WEAPONS.—The term ''Iran's ballistic missile and unconventional weapons'' means Iran's ballistic missile forces and chemical, biological, and radiological weapons programs.

(4) IRAN'S CRUISE MISSILE FORCES.—The term ''Iran's cruise missile forces'' includes cruise missile forces, goods, and associated equipment and those elements of the Government of Iran that employ such cruise missiles capable of flights less than 500 kilometers, goods, and associated equipment.

(5) IRAN'S CONVENTIONAL FORCES.—The term ''Iran's conventional forces''—

(A) means military forces of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise missile forces; and

(B) includes Iran's Army, Air Force, Navy, domestic law enforcement, and elements of the Iran's Islamic Revolutionary Guard Corps, other than Iran's Islamic Revolutionary Guard Corps-Quds Force.

(6) IRAN'S UNCONVENTIONAL FORCES.—The term ''Iran's unconventional forces''—

(A) means forces of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iran's Islamic Revolutionary Guard Corps-Quds Force;

(ii) paramilitary organizations;

(iii) formal and informal intelligence agencies and entities; and

(iv) any organization that—

(I) has been designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(II) receives assistance from Iran; and

(III) is assessed—

(aa) as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) as likely to carry out attacks in response to an attack by another country on Iran or its interests.

(7) AFFILIATE.—The term ''affiliate'' means any individual or entity that controls, is controlled by, or is under common control with, the company, including without limitation direct and indirect subsidiaries of the company.

(8) BUSINESS OPERATIONS.—The term ''business operations'' means—

(A) carrying out any of the activities described in section 105(a) and (b) of this Act that are sanctionable under such section;

(B) providing sensitive technology (as defined in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8515(c))) to the Government of Iran; and

(C) carrying out any of the activities described in section 304(a) of this Act.

(9) COMPANY.—The term ''company'' means—

(A) a sole proprietorship, organization, association, corporation, partnership, limited liability company, venture, or other entity, its subsidiary or affiliate; and

(B) includes a company owned or controlled by the government of a foreign country, that is established or organized under the laws of, or has its principal place of business in, such foreign country and includes United States subsidiaries of the same.

(10) ENTITY.—The term ''entity'' means a sole proprietorship, a partnership, limited liability corporation, association, trust, joint venture, corporation, or other organization.

(11) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(12) GOVERNMENT OF IRAN.—The term ''Government of Iran'' includes the Government of Iran, any political subdivision, agency, or instrumentality thereof, and any person owned or controlled by, or acting for or on behalf of, the Government of Iran.

(13) PETROLEUM RESOURCES.—The term ''petroleum resources'' has the meaning given the term in section 112 of this Act.

(14) SENSITIVE TECHNOLOGY.—The term ''sensitive technology'' has the meaning given the term in section 106(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8515(c)).

SEC. 310. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit the authority of the President to otherwise designate foreign persons or foreign entities for inclusion in the Annex to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking property of weapons of mass destruction proliferators and their supporters).

TITLE IV—IRAN FINANCIAL SANCTIONS; DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN; AND PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

SEC. 401. IRAN FINANCIAL SANCTIONS.

(a) FINANCIAL INSTITUTION CERTIFICATION.—Section 104(e) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8513(e)) is amended by adding at the end the following new paragraph:

''(3) CERTIFICATION.—Not later than 90 days after the date of the enactment of this paragraph, the Secretary of the Treasury shall prescribe regulations to require any person wholly owned or controlled by a domestic financial institution to provide positive certification to the Secretary if such person is engaged in corresponding relations or business activity with a foreign person or financial institution that facilitates transactions from persons and domestic financial institutions described in subsection (d).''.

(b) CENTRAL BANK OF IRAN.—Section 104(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(a)) is amended by adding at the end the following:

''(4) CENTRAL BANK OF IRAN.—

''(A) DETERMINATION.—Not later than 30 days after the date of the enactment of this paragraph, the President shall determine whether the Central Bank of Iran has—

''(i) provided financial services in support of, or otherwise facilitated, the ability of Iran to—

''(I) acquire or develop chemical, biological or nuclear weapons, or related technologies;

''(II) construct, equip, operate, or maintain nuclear enrichment facilities; or

''(III) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

''(ii) facilitated a transaction or provided financial services for—

''(I) Iran's Islamic Revolutionary Guard Corps; or

''(II) a financial institution whose property or interests in property are subject to sanctions imposed pursuant to the International Emergency Economic Powers Act—

''(aa) in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

''(bb) Iran's support for acts of international terrorism.

''(B) SUBMISSION TO CONGRESS.—The President shall submit the determination made under subparagraph (A) in writing to the Congress, together with the reasons therefor.

''(C) IMPOSITION OF SANCTIONS.—

''(i) IN GENERAL.—If the President determines under subparagraph (A) that the Central Bank of Iran has engaged in any of the activities described in that paragraph, the President shall apply to the Central Bank of Iran sanctions pursuant to the International Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation of property.

''(ii) EFFECTIVE PERIOD OF DESIGNATION.—The President shall maintain the sanctions imposed under clause (i) until such time as the President determines and certifies in writing to the Congress that the Central Bank of Iran is no longer engaged in any of the activities described in subparagraph (A).''.

(c) CONTINUATION IN EFFECT.—Sections 104, 106, 107, 108, 109, 110, 111, and 115 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 shall remain in effect until the President makes the certification described in section 606(a) of this Act.

SEC. 402. DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

Title II of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 shall remain in effect until the President makes the certification described in section 606(a) of this Act.

SEC. 403. PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN.

Title III of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 shall remain in effect until the President makes the certification described in section 606(a) of this Act.

TITLE V—SECURITIES AND EXCHANGE COMMISSION

SEC. 501. DISCLOSURES TO THE SECURITIES AND EXCHANGE COMMISSION RELATING TO SANCTIONABLE ACTIVITIES.

(a) IN GENERAL.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

''(r) DISCLOSURE OF CERTAIN ACTIVITIES RELATING TO IRAN, TERRORISM, AND THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.—

''(1) IN GENERAL.—The Commission shall, by rule, require any issuer described in paragraph (2) to disclose on a quarterly basis a detailed description of each activity described in paragraph (2) engaged in by the issuer or its affiliates during the period covered by the report, including—

''(A) the nature and extent of the activity;

''(B) the revenues, if any, attributable to the activity; and

''(C) whether the issuer or the affiliate of the issuer (as the case may be) intends to continue the activity.

''(2) ISSUER DESCRIBED.—An issuer is described in this paragraph if the issuer is required to file reports with the Commission under subsection (a) and the issuer or any of its affiliates has, during the period covered by the report—

''(A) engaged in an activity described in section 105 of the Iran Threat Reduction Act of 2011 for which sanctions may be imposed;

''(B) knowingly engaged in an activity described in subsection (c)(2) of section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195; 22 U.S.C. 8513) or knowingly violated regulations prescribed under subsection (d)(1) or (e)(1) of such section 104; or

''(C) knowingly conducted any transaction or dealing with—

''(i) any person the property and interests in property of which are blocked pursuant to Executive Order 13224 (66 Fed. Reg. 49079; relating to blocking property and prohibiting transacting with persons who commit, threaten to commit, or support terrorism);

''(ii) any person the property and interests in property of which are blocked pursuant to Executive Order 13382 (70 Fed. Reg. 38567; relating to blocking of property of weapons of mass destruction proliferators and their supporters); or

''(iii) any person on the list contained in Appendix A to part 560 of title 31, Code of Federal Regulations (commonly known as the 'Iranian Transactions Regulations').

''(3) SUNSET.—The provisions of this subsection and the rules issued by the Commission under paragraph (1) shall terminate on the date that is 30 days after the date on which the President makes the certification described in section 401(a) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(a)).

''(4) INVESTIGATION OF DISCLOSURES.—When an issuer reports, pursuant to this subsection, that it or any of its affiliates has engaged in any activity described in paragraph (2), the President shall—

''(A) initiate an investigation into the possible imposition of sanctions under the Iran Threat Reduction Act of 2011, section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513), the Executive Orders or regulations specified in paragraph (2)(C), or any other provision of law; and

''(B) not later than 180 days after initiating such an investigation, make a determination with respect to whether sanctions should be imposed with respect to the issuer or the affiliate of the issuer (as the case may be).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to reports required to be filed with the Securities and Exchange Commission after the date that is 90 days after the date of the enactment of this Act.

TITLE VI—GENERAL PROVISIONS

SEC. 601. DENIAL OF VISAS FOR CERTAIN PERSONS OF THE GOVERNMENT OF IRAN.

(a) IN GENERAL.—Except as necessary to meet United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international treaty obligations, the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall deny admission into the United States to, a person of the Government of Iran pursuant to section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), including a person who is a senior official of the Government of Iran who is specified in the list under section 205(a)(1), if the Secretary determines that such person—

(1) is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and

(2) presents a threat to the United States or is affiliated with terrorist organizations.

(b) RESTRICTION ON MOVEMENT.—The Secretary of State shall restrict in Washington, D.C., and at the United Nations in New York City, the travel to only within a 25-mile radius of Washington, D.C., or the United Nations headquarters building, respectively, of any person identified in subsection (a).

(c) RESTRICTION ON CONTACT.—No person employed with the United States Government may contact in an official or unofficial capacity any person that—

(1) is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and

(2) presents a threat to the United States or is affiliated with terrorist organizations.

(d) WAIVER.—The President may waive the requirements of subsection (c) if the President determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

SEC. 602. INADMISSIBILITY OF CERTAIN ALIENS WHO ENGAGE IN CERTAIN ACTIVITIES WITH RESPECT TO IRAN.

(a) IN GENERAL.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(H) INDIVIDUALS WHO ENGAGE IN CERTAIN ACTIVITIES WITH RESPECT TO IRAN.—

''(i) IN GENERAL.—Subject to clause (iii), any alien described in clause (ii) is inadmissible.

''(ii) ALIENS DESCRIBED.—An alien described in this clause is an alien who the Secretary of State determines—

''(I) engages in—

''(aa) an activity for which sanctions may be imposed pursuant to section 105(a) of the Iran Threat Reduction Act of 2011;

''(bb) an activity—

''(AA) relating to the proliferation by Iran of weapons of mass destruction or the means of delivery of such weapons; and

''(BB) for which sanctions may be imposed pursuant to Executive Order 13382 (70 Fed. Reg. 38567) (or any successor thereto);

''(cc) an activity—

''(AA) relating to support for international terrorism by the Government of Iran; and

''(BB) for which sanctions may be imposed pursuant to Executive Order 13224 (66 Fed. Reg. 49079) (or any successor thereto); or

''(dd) any other activity with respect to Iran for which sanctions may be imposed pursuant to any other provision of law;

''(II) is the chief executive officer, president, or other individual in charge of overall management of, a member of the board of directors of, or a shareholder with a controlling interest in, an entity that engages in an activity described in subclause (I); or

''(III) is a spouse or minor child of—

''(aa) an alien who engages in an activity described in subclause (I); or

''(bb) the chief executive officer, president, or other individual in charge of overall management of, a member of the board of directors of, or a shareholder with a controlling interest in, an entity that engages in an activity described in subclause (I).

''(iii) NOTICE; WAIVER WITH RESPECT TO CERTAIN ENTITIES.—

''(I) NOTICE.—The Secretary of State may notify an alien the Secretary determines may be inadmissible under this subparagraph—

''(aa) that the alien may be inadmissible; and

''(bb) of the reason for the inadmissibility of the alien.

''(II) WAIVER.—The President may waive the application of this subparagraph and admit an alien to the United States if—

''(aa) the alien is described in subclause (II) or (III)(bb) of clause (ii);

''(bb) the entity that engaged in the activity that would otherwise result in the inadmissibility of the alien under this subparagraph is no longer engaging the activity or

has taken significant steps toward stopping the activity; and

''(cc) the President has received reliable assurances that the entity will not knowingly engage in an activity described in clause (ii)(I) again.''.

(b) REGULATIONS.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:

''(j) REGULATIONS WITH RESPECT TO INADMISSIBILITY OF ALIENS WHO ENGAGE IN CERTAIN TRANSACTIONS WITH IRAN.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations and guidelines for interpreting and enforcing the prohibition under subparagraph (H) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) on the admissibility of aliens who engage in certain sanctionable activities with respect to Iran.''.

SEC. 603. AMENDMENTS TO CIVIL AND CRIMINAL PENALTIES PROVISIONS UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) IN GENERAL.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(1) in subsection (a), by striking ''attempt to violate, conspire to violate'' and inserting ''attempt or conspire to violate'';

(2) in subsection (b), by striking ''not to exceed'' and all that follows and inserting ''that is not less than twice the value of the transaction that is the basis of the violation.''; and

(3) in subsection (c) to read as follows:

''(c) CRIMINAL PENALTIES.—A person who willfully commits, attempts or conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall be fined not less than $1,000,000, imprisoned for not more than 20 years, or both. A person other than a natural person shall be fined in an amount not less than the greater of half of the value of the transaction that is the basis of the violation or $10,000,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to any violation of section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)) that occurs on or after such date of enactment.

SEC. 604. EXCLUSION OF CERTAIN ACTIVITIES.

Nothing in this Act or any amendment made by this Act shall apply to—

(1) activities subject to the reporting requirements of title V of the National Security Act of 1947; or

(2) involving a natural gas development and pipeline project initiated prior to the date of enactment of this Act—

(A) to bring gas from Azerbaijan to Europe and Turkey;

(B) in furtherance of a production sharing agreement or license awarded by a sovereign government, other than the Iranian government, before the date of enactment of this Act; and

(C) for the purpose of providing energy security and independence from Russia and other governments engaged in activities subject to sanctions under this Act.

SEC. 605. REGULATORY AUTHORITY.

(a) IN GENERAL.—The President shall, not later than 90 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this Act and the amendments made by this Act.

(b) CONSULTATION WITH CONGRESS.—Not less than 10 days prior to the promulgation of regulations under subsection (a), the President shall notify the appropriate congressional committees of the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

SEC. 606. SUNSET.

(a) SUNSET.—The provisions of this Act and the amendments made by this Act shall terminate, and shall cease to be effective, on the date that is 30 days after the date on which the President certifies to Congress that Iran—

(1) has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology;

(2) no longer provides support for acts of international terrorism; and

(3) poses no threat to United States national security, interests, or allies.

(b) NOTIFICATION.—The President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 15 days before making a certification described in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

Mr. KUCINICH. Mr. Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Does the gentleman from California oppose the motion?

Mr. BERMAN. I do not oppose the motion.

The SPEAKER pro tempore. On that basis, the gentleman from Ohio will control 20 minutes in opposition.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. BERMAN) be allowed to control half of the time in the affirmative.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Iran Threat Reduction Act, which I introduced together with the distinguished ranking member of our committee, the gentleman from California (Mr. BERMAN). I would also like to thank the gentleman from California (Mr. SHERMAN), the ranking member of the Subcommittee on Terrorism, Nonproliferation and Trade, for his key contributions on this bill.

As is well known and articulated in the Declaration of National Emergency continued by successive U.S. Presidents, the Iranian regime poses an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The revelation in October of Iran's plot to assassinate the Saudi ambassador to the United States on our soil and in the process murder and maim countless Americans is a stark reminder of the regime's desire of a world without America. The exemplary work of U.S. officials foiled their plot, but the regime's threat remains. We would be naive to think that they will not try again.

Meanwhile, Tehran continues to call for the destruction of our ally, Israel, while denying the Holocaust and making every effort to isolate the Jewish state. Ahmadinejad is more than willing to put Iran's money where his mouth is, providing weapons, money, and support for several terrorist groups, including Hezbollah and Hamas, which are waging war against Israel and our allies in the Middle East.

And last month, the International Atomic Energy Agency released a report providing extensive evidence that Tehran has been working on nuclear weapons for years, despite repeated calls for the regime to abandon these efforts. Their hostility is evident, and their intentions are crystal clear. We clearly understand the urgency of the Iranian threat.

Many of our closest allies understand this sense of urgency—from the Israelis to the British and the Canadians. We tried the olive branch of engagement, negotiation, and diplomacy. And what did we get, Mr. Speaker? Diatribes against the United States and our allies and a plot to shed blood on our soil.

The resolution passed by the IAEA Board of Governors in November does not even begin to cover the ground that we need. The resolution had no deadline for compliance by the regime and no consequence, just rhetoric. We need overwhelming, crippling sanctions against Iranian officials and their nuclear program; and we need those sanctions to be fully implemented with serious penalties for their violation.

□ 2010

We must undermine the foundations of the Iranian regime in order to compel it to abandon its deadly path. The Iran Threat Reduction Act closes loopholes in existing sanctions against Iran's energy and financial sectors, sanctions senior Iranian regime officials and expands sanctions against those who help rogue regimes expand their dangerous weapons programs.

I hope that our Members join us in stopping this dangerous regime in its tracks.

Mr. Speaker, I would like to place in the RECORD my correspondence with the chairmen of other committees of referral on this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 4, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, House Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 1905, the ''Iran Threat Reduction Act of 2011,'' which the Committee on Foreign Affairs reported favorably. As a result of your having consulted with us on provisions in H.R. 1905 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our Committee from further consideration of this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1905 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 1905, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 4, 2011.

Hon. LAMAR SMITH,
Chairman, House Committee on the Judiciary Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter concerning H.R. 1905, the Iran Threat Reduction Act of 2011, and for your agreement to discharge the Committee on the Judiciary from further consideration of this bill so that it may proceed expeditiously to the House floor.

I am writing to confirm our mutual understanding that, by forgoing consideration of H.R. 1905 at this time, you are not waiving any jurisdiction over the subject matter in that bill or similar legislation. I look forward to continuing to consult with your Committee as such legislation moves ahead, and would be glad to support a request by your Committee for conferees to a House-Senate conference on this, or any similar, legislation.

I will seek to place a copy of our exchange of letters on this matter into the Congressional Record during floor consideration of H.R. 1905.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 16, 2011.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ISSA: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 1905, the Iran Threat Reduction Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Oversight and Government Reform Committee regarding the final text of those sections of H.R. 1905 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Oversight and Government Reform Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, November 18, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairwoman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR MADAM CHAIRWOMAN: Thank you for your letter concerning H.R. 1905, the Iran Threat Reduction Act of 2011. I concur in your judgment that provisions of the bill are within the jurisdiction of the Oversight and Government Reform Committee.

I am willing to waive this committee's right to consider the bill. In so doing, I do not waive its jurisdiction over the subject matter of the bill. I appreciate your commitment to insert this exchange of letters into the committee report and the Congressional Record, and your support for outside conferees from the Committee should a conference be convened.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 21, 2011.

Hon. SPENCER BACHUS,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BACHUS: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 1905, the Iran Threat Reduction Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Financial Services Committee regarding the final text of those sections of H.R. 1905 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Financial Services Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 23, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 1905, the Iran Threat Reduction Act of 2011. Based on the agreement made by the staff of our two committees regarding H.R. 1905 and in the interest of permitting your Committee to proceed expeditiously with the bill, I am willing to forego at this time the consideration of provisions in this bill that fall under the jurisdiction of the Committee on Financial Services under Rule X of the Rules of the House of Representatives.

The Committee on Financial Services takes this action with our mutual understanding that by foregoing consideration of H.R. 1905 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such requests.

Further, I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of this bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

SPENCER BACHUS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 5, 2011.

Hon. ILEANA ROS-LEGTINEN,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing regarding H.R. 1905, the ''Iran Threat Reduction Act of 2011,'' which was favorably reported out of your Committee on November 2, 2011. I commend you on your efforts to make sure that the United States is better able to address the critical threats that Iran poses.

There have been productive conversations between the staffs of our Committees, during which we have proposed changes to provisions within the jurisdiction of the Committee on Ways and Means in the bill to clarify the intent and scope of the bill with respect to compliance with U.S. international trade obligations, thereby reducing our exposure to trade sanctions and retaliation against our exporters. I believe that compliance with our trade obligations makes for a more credible U.S. response to Iran's behavior and helps us develop a stronger multilateral response to Iran. Accordingly, I appreciate your commitment to address the concerns raised by the Committee on Ways and Means in sections 106, 205, 304, 305, 309 and 401 in H.R. 1905.

Assuming these issues are resolved satisfactorily, in order to expedite floor consideration of the bill, the Committee on Ways and Means will forgo action on H.R. 1905. Further, the Committee will not oppose the bill's consideration on the suspension calendar, based on our understanding that you will work with the Committee as the legislative process moves forward in the House of Representatives and in the Senate, to ensure that the Committee's concerns continue to be addressed. This is also being done with

the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1905, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth HOB, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 1905, the Iran Threat Reduction Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Committee on Ways and Means regarding the final text of those sections of H.R. 1905 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Committee on Ways and Means is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. I would like to place in the RECORD an article from the Christian Science Monitor entitled, ''Used-car salesman as Iran proxy? Why assassination plot doesn't add up for experts,'' and also from Mother Jones, ''Four Things You Need to Know About the Iran Bomb Plot.''

[From The Christian Science Monitor—CSMonitor.com, Oct. 12, 2011]

USED-CAR SALESMAN AS IRAN PROXY? WHY ASSASSINATION PLOT DOESN'T ADD UP FOR EXPERTS

(By Scott Peterson)

The U.S. has blamed the specialist Qods Force in an Iran assassination plot. But those who track the group say the plot doesn't reflect the careful planning, efficiency, and strategy the Qods Force is known for.

How careful is Iran's Qods Force when it comes to covert operations abroad?

This wing of the Revolutionary Guard was accused by U.S. military commanders in Iraq in 2007 and 2008 of jeopardizing the efforts of more than 150,000 American troops on the ground, of backing militias of all stripes, and of exercising strong influence on Baghdad's rulers.

Yet how many Iranian Qods Force operatives did that take? One U.S. diplomat posted to Baghdad at the time had the consensus answer: There were just eight Qods Force men in all of Iraq.

IN PICTURES: IRAN'S MILITARY MIGHT

Indeed, the Qods Force has a reputation for careful, methodical work—as well as effective use of local proxies, and ultimately their pragmatic deployment by Tehran as covert tools to expand Iran's influence across a region in flux. That explains why Iran experts are raising questions about fresh U.S. charges of an Iran-backed bomb plot, this time to kill the Saudi ambassador to Washington and blow up the Saudi and Israeli embassies.

A criminal complaint filed by U.S. prosecutors on Tuesday charge Mansour Arbabsiar—a naturalized U.S. citizen with an Iranian passport from Corpus Christi, Texas—and Gholam Shakuri, ''an Iran-based member of Iran's Qods Force,'' with plotting to kill the Saudi diplomat on U.S. soil in an operation ''directed by factions of the Iranian government.''

DETAILS OF ALLEGED PLOT

Those who know Iran well are skeptical, but do not rule out any possibility. Mr. Arbabsiar may have arranged for $100,000 to be transferred from Iran as a downpayment of $1.5 million for the hit, as U.S. charges indicate.

Arbabsiar may also have boasted to one alleged accomplice in the plot—an associate of Mexico's Zeta drug cartel, who also happened to be an informant of the U.S. Drug Enforcement Administration—that his cousin was a ''big general'' in the Iranian military.

While also describing a series of potential attacks to the associate, he may even have stated—apparently in secretly taped conversations—that mass American casualties as a result were not a problem: ''They want that guy [the ambassador] done [killed], if the hundred go with him f* *k 'em,'' reads the legal complaint.

WHY THE PLOT DOESN'T ADD UP

But Iran specialists who have followed the Islamic Republic for years say that many details in the alleged plot just don't add up.

''It's a very strange case, it doesn't really fit Iran's mode of operation,'' says Alireza Nader, an Iran analyst at the Rand Corp. in Arlington. Va., and coauthor of studies about the Revolutionary Guard.

''When you look at Iranian use of terrorism, it has some very specific objectives, whether it's countering the United States in Iraq or Afghanistan, or retaliating against perceived Israeli actions,'' says Mr. Nader.

''This [plot] doesn't seem to serve Iran's interests in any conceivable way,'' says Nader. ''Assassinating the Saudi ambassador would increase international pressure against Iran, could be considered an act of war . . . by Saudi Arabia, it could really destabilize the government in Iran; and this is a political system that is interested in its own survival.''

NO APPARENT COST-BENEFIT ANALYSIS

Iran has been trying to evade sanctions, strengthen relations with non-Western partners, while continuing with its nuclear program, notes Nader.

He says it is ''difficult'' to believe that either Qassim Soleimani—the canny commander of the Qods Force—or Iran's deliberative supreme religious leader, Ayatollah Seyyed Ali Khamenei, would order such an attack that ''would put all of Iran's objectives and strategies at risk.''

That view has been echoed by many Iran watchers, who are raising doubts about the assassination plot allegations.

''This plot, if true, departs from all known Iranian policies and procedures,'' writes Gary Sick, an Iran expert at Columbia University and principal White House aide during the 1979 Iranian revolution and hostage crisis.

While Iran may have many reasons to be angry at the U.S. and Saudi Arabia, Mr. Sick notes in a posting on the Gulf2000/Columbia experts list that he moderates, ''it is difficult to believe that they would rely on a non-Islamic criminal gang to carry out this most sensitive of all possible missions.''

Relying on ''at least one amateur and a Mexican criminal drug gang that is known to be riddled with both Mexican and U.S. intelligence agents'' appears to be sloppy, adds Sick. ''Whatever else may be Iran's failings, they are not noted for utter disregard of the most basic intelligence tradecraft.''

The odd set of details means that the usual cost-benefit calculation that experts often attribute to Tehran's decisionmaking does not apply here, says Muhammad Sahimi, in an analysis for the Tehran Bureau website.

At a time when pressure is building on Iran over ''gross human rights violations,'' sanctions are showing signs of working, Iran is ''deeply worried about the fate of its strategic partner in Syria . . . tensions with Turkey are increasing . . . and a fierce power struggle is under way within Iran,'' says Mr. Sahimi, ''it is essentially impossible to believe that the IRI [Islamic Republic of Iran] would act in such a way as to open a major new front against itself.''

PREVIOUS ASSASSINATIONS ONLY TARGETED IRANIANS

Sahimi also notes that, even at the height of the regime's assassinations of opponents in the past, it did not target non-Iranians.

''It is keenly aware that it is under the American microscope,'' says Sahimi, making even less likely Iran embarking ''on such a useless assassination involving a low-level, non-player individual.''

Such reservations are not the same ones given by Iranian officials when they dismiss the charges of a murder plot. But analysts suggest more information will need to be revealed before judgment can be made.

''Iran does have a history of terrorism, but they also like to go through proxies—and true and tested proxies, not necessarily just anybody,'' says Nader of Rand, citing Hezbollah in Lebanon, for example, or Iraqi Shiite insurgents trained in Iranian camps.

The man arrested by U.S. law enforcement at JFK airport on Sept. 29 does not seem to fit that mold.

NOT YOUR AVERAGE PROXY

Arbabsiar, a former used car salesman, would appear to have been a surprise choice of the Qods Force. Yet he apparently traveled several times to Mexico to recruit drug-cartel hit men, had $100,000 from Iran paid into a U.S. account and promised much more, and discussed the plot on a normal telephone.

''The Iranian modus operandi is only to trust sensitive plots to their own employees, or to trusted proxies such as Hezbollah, Saudi Hezbollah, Hamas, the Sadr faction in Iraq, Iran-friendly extremist Muslims in Afghanistan and other pro-Iranian Muslim groups,'' wrote Kenneth Katzman of the Congressional Research Service on Gulf2000 on Wednesday.

''Are we to believe that this Texas car seller was a Qods sleeper agent for many years resident in the U.S.? Ridiculous,'' said Mr. Katzman, who authored a study of the Revolutionary Guard in the 1990s. ''They (the Iranian command system) never ever use such has-beens or loosely connected people for sensitive plots such as this.''

And what kind of man is he? The Associated Press spoke to Arbabsiar's friend and former Texas business partner David Tomscha, who said he was ''sort of a hustler.'' The Iranian-American, the AP reported, ''was likable, albeit a bit lazy.''

''He's no mastermind,'' Mr. Tomscha told the AP. ''I can't imagine him thinking up a plan like that. I mean, he didn't seem all that political. He was more of a businessman.''

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[From Mother Jones, Oct. 12, 2011]

4 THINGS YOU NEED TO KNOW ABOUT THE IRAN BOMB PLOT

(By Adam Serwer)

The assassination was never going to take place. On Tuesday, FBI Director Robert Mueller described Iranian American Mansour Arbabsiar's alleged plot to assassinate the Saudi Ambassador to the United States as straight out of a ''Hollywood script.'' In a sense he was right—because the plot was controlled from the beginning by the FBI. According to the criminal complaint, when Arbabsiar traveled to Mexico in May 2011, to allegedly find an assassin from the ranks of Mexican drug cartels, he ended up talking to a paid DEA informant who dodged drug charges in exchange for cooperating with authorities. In keeping with previous sting cases, the FBI was careful to record statements from Arbabsiar dismissing the possibility of numerous civilian casualties, something that makes an entrapment defense all but impossible to mount.

The US thinks Iran is responsible. The criminal complaint states that Arbabsiar believed his cousin, Ali Gholam Shakcuri, was a member of the al-Quds Force, an elite faction of Iran's Revolutionary Guards. Under interrogation, Arbabsiar allegedly identified two men who were ''known to the United States to be senior members of the Quds Force,'' one of whom allegedly met with Arbabsiar and Shakcuri in Iran to discuss the operation. Despite the al-Quds Force's reputation for lethal effectiveness however, Arbabsiar and his cousin don't come off as any more competent than the average target of an FBI sting. They discuss the plot in ham-handed ''code'' in telephone conversations, and Shakcuri allegedly wires $100,000 to an American bank controlled by the FBI. That's not exactly the kind of subtlety you expect from an ''elite unit'' made up of Iranian Revolutionary Guard's ''most skilled warriors,'' a group so effective that attacks in Iraq were attributed to them on the basis of their lethality and sophistication. (Iran's government has denied involvement.)

So much for Miranda rights halting interrogation. Arbabsiar was arrested in late September, but he wasn't brought before a judge until Tuesday. That's because when he was arrested at the airport upon returning from another trip to Mexico, he ''knowingly and voluntarily waived his Miranda rights and his right to speedy presentment.'' Not only did he cooperate with interrogators, he flipped and implicated his cousin Shakuri by calling him and discussing the plot while the FBI was listening in. And all without waterboarding.

So, about targeted killing . . . The New York Times' Charlie Savage recently reported on the contents of the legal memo authorizing the targeting of recently killed radical cleric Anwar al-Awlaki, which concluded that ''Mr. Awlaki could be legally killed, if it was not feasible to capture him, because intelligence agencies said he was taking part in the war between the United States and Al Qaeda and posed a significant threat to Americans, as well as because Yemeni authorities were unable or unwilling to stop him.'' Iran could make similar arguments about the Saudi ambassador if they felt so inclined, if they wanted to justify the plot, true or otherwise. All of which is to say that those rules may not be enough of a framework to prevent a future in which other countries that acquire drone technology decide to use them to eliminate their stated enemies as frequently as the U.S. does.

I would also like to place in the RECORD a quote from Mr. Greg Thielmann, the former State Department and Senate Intelligence Committee analyst who says that ''studies are still going on, but there's nothing that indicates Iran is really building a bomb.''

Mr. Speaker, U.S. policy towards Iran for the last three decades has primarily taken the form of economic sanctions, threats, and isolationism. While U.S. sanctions have been effective at hurting Iran's economy and ordinary Iranian people, it can be argued that U.S. policy over the last 30 years has not been effective at creating any meaningful change in the conduct of the Iranian Government.

I would like to place in the RECORD a reprint from Foreign Affairs magazine, November 2011, which cites the ineffectiveness of the United States sanctions policy.

[From Brookings, Dec. 13, 2011, Reprinted by permission of Foreign Affairs, November 2011, Vol 87, No 6. Copyright 2011 by the Council on Foreign Relations, Inc.]

THE SELF-LIMITING SUCCESS OF IRAN SANCTIONS

(By Suzanne Maloney, Senior Fellow, Foreign Policy, Saban Center for Middle East Policy; Ray Takeyh, Senior Fellow for Middle Eastern Studies, Council on Foreign Relations)

Since the 1979 revolution that ousted Iran's pro-American monarchy and replaced it with a theocratic regime hostile to the West, the United States has sought to temper Iran's geopolitical ambitions through a combination of tough rhetoric and economic sanctions. After more than 30 years, the cycle is as unsurprising as it is ineffective; the United States and its allies orchestrate stringent economic measures through the United Nations, and then await concessions that somehow never materialize. Indeed, as UN proscriptions have amassed and Iran's trade with its traditional partners withers, there is no indication that the theocratic state is prepared to adjust its aspirations with respect to either its nuclear programme or its claims to regional power.

A closer look reveals that the international community missed a critical turning point in Iran's international orientation, and squandered the single obvious opportunity to shift Iranian policies towards a more constructive direction. In the 1990s, Iran appeared to be on the verge of discarding its radical patrimony, at least with respect to its foreign policy, much as other revolutionary states such as China and Vietnam have done. The end of the long war with Iraq and the death of the Islamic Republic's charismatic founder facilitated a period of reconstruction, a respite from the state's existential insecurities, and a predictable reconsideration of the regime's ideological verities. By the end of the decade, a reformist cadre led by President Muhammad Khatami sought to rejoin the international community by conceding to its mandates and adhering to its conventions. At the dawn of the twenty-first century, Iran finally appeared ready to usher in its own Thermidorian Reaction.

Yet this prospect appeared to fade after the election of hardliner Mahmoud Ahmadinejad to succeed Khatami in 2005. In the succeeding years, the Islamic Republic has regressed towards policies that resemble the worst excesses of its zealous early years: at home, unambiguous repression of any dissent and an insistence on absolute fealty to an aging clerical tyrant; abroad, provocative policies towards its neighbours and belligerence towards Washington. Unexpectedly, it has been a younger generation of Iranian politicians—Ahmadinejad and his cohort—who have rejected the nascent pragmatism of their elders; these children of the revolution are seeking to revive its mandates rather than to restrain them.

At the same moment as Iran's formidable new right wing came to the fore, the region began an even more dramatic set of political transformations, first with the US interventions to Iran's east and west that removed the theocracy's most menacing adversaries, and later with the advent of a powerful, far-reaching movement for democratic accountability across the Arab world. As a result of these intersecting trends, Iran's paranoid, combative leadership has been emboldened to take advantage of the opportunities to be found in an uncertain regional environment with a shifting balance of power. For this reason, the threats posed by Iran's domestic and regional policies loom ever larger for Washington and the broader international community.

To date, however, the Obama administration has stuck to the essential framework of the carrot-and-stick diplomacy it adopted upon taking office in 2009—an approach that differs merely in style from that of the Bush administration during its second term. This self-described 'dual-track' strategy relies on economic pressure to persuade Tehran to enter negotiations and moderate its policies, consistent with the basic American formula for dealing with Iran since 1979. The achievements of such an approach have always been open to question.

Even as the Obama administration has imposed the broadest and most robust multilateral restrictions on Iran in history, all of Tehran's most disturbing policies, including its aggressive nuclear programme, proceed apace. Sanctions have imposed heavy financial and political costs on the Islamic Republic, but they have not convinced Iranian leaders that their interests would be better served by relinquishing their nuclear ambitions, abandoning their other reckless policies, or even opening a serious dialogue with Washington. This obduracy is a function of the complex political transformation within Iran over the course of the past decade, the regime's well-honed capabilities for evading and insulating itself against sanctions, and of course the momentous changes that have swept the broader region. As a result, in dealing with the Islamic Republic of 2011 economic sanctions can have little expectation of achieving meaningful changes in Tehran's policies. This article examines the history of sanctioning the Islamic Republic, and argues that despite their increasing severity, sanctions have failed to achieve their intended policy results thanks to the regime's capacity for resisting international pressure. Moreover, the rise of a new generation of hard-liners and the uncertain aftermath of the Arab Spring has exacerbated the regime's aversion to compromise.

U.S. policy towards Iran has failed to ensure a peaceful Iran that aids regional security. Yet today we are considering legislation that significantly restricts any efforts by the U.S. Government, including Members of Congress, to engage Iran diplomatically, and it further hurts ordinary Iranian

people by imposing indiscriminate sanctions. Proponents of the Iran Threat Reduction Act claim that it's a last ditch effort to prevent military confrontation with Iran. Yet, this bill takes away the most effective tool to prevent war—diplomacy. As the United States only now begins to extricate itself from the highly questionable military campaigns in Iraq and Afghanistan, we cannot allow the United States to be plunged into yet another disastrous war.

I oppose nuclear proliferation for military purposes for all countries and believe that sanctions have proven to be a failed policy. We must rely on diplomacy, not outlaw it, and avoid taking steps which push us closer to military confrontation.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 2 minutes.

This bill may represent our last chance to find a peaceful means to pressure the Iranian regime into stopping its nuclear weapons program. Within the next year, possibly in the next 6 months, this program may become irreversible unless we act now.

We know that sanctions are having an impact in Iran. President Ahmadinejad recently said that Iranian banks ''cannot make international transactions anymore.'' Just this weekend, Iran's Central Bank governor said ''the situation of sanctions is harder than a physical fight.'' With this bill before us today, we intend to make his fight much harder.

No sanctions can be deemed truly effective until Iran ends its nuclear weapons program. We know that Iran is steadily increasing its stockpile of low-enriched uranium, moving its centrifuges to a hardened underground facility and making progress in other ways towards a nuclear-weapons capability. We need to do more and faster.

H.R. 1905 builds on past efforts by imposing sanctions on foreign commercial enterprises that do business with Iran's Islamic Revolutionary Guards Corps, by widening the scope of sanctions on human-rights abusers, and by other means. But one of the most important elements of this bill is my measure to impose sanctions on Iran's Central Bank, which provides key financial support for Iran's nuclear-weapons and terrorism activities. This measure would cut Iran entirely off from the world's banking system, dealing an unprecedented blow to Iran's economy.

This may cause short-term difficulties for the world's oil market. And it may rankle some of our allies. But it is necessary because stopping Iran's nuclear program is of paramount strategic importance—and we are running out of time.

Mr. Speaker, our absolute goal must be to stop Iran's nuclear weapons program. That's the goal of this bill. We may have only a few more months to deal peacefully with this crisis. There is no time to lose.

I urge my colleagues to support this bill.

I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I would like to place in the RECORD an article from the Washington Post ombudsman entitled, ''Getting ahead of the facts on Iran,'' which states that the IAEA report does not say Iran has a bomb nor does it say it is building one.

[From The Washington Post, December 9, 2011]

GETTING AHEAD OF THE FACTS ON IRAN

(By Patrick B. Pexton)

Headlines are tricky and difficult. They're written quickly, with print and Web publishing deadlines always looming, and with space limitations, yet headline writers try to be creative, informative, and occasionally, humorous.

Few readers remember the hundreds of well-crafted headlines that entice yet describe a story accurately. But when a headline is bad, it sticks with you, like a burr you can't get out of your sock.

So it was with recent headlines that appeared on one of The Post's online photo galleries.

I was bombarded—about 1,500 e-mails—with complaints about this headline (it was an organized campaign, but more about that in a minute).

The photo slideshow depicted Iran's nuclear research facilities and originally had a headline and subhead that readers felt were misleading: ''Iran's quest to possess nuclear weapons, the main headline said, followed by this subhead: ''Intelligence shows that Iran received foreign assistance to overcome key hurdles in acquiring a nuclear weapon, according to the International Atomic Energy Agency.''

The gallery was linked to two stories by The Post's national intelligence reporter, Joby Warrick, one on Nov. 6 and one on Nov. 8 describing the latest IAEA report, in which the U.N. agency said that Iran's drive for nuclear technology has military aspects that could bring it to the threshold of a nuclear bomb.

''But the IAEA report does not say Iran has a bomb, nor does it say it is building one, only that its multiyear effort pursuing nuclear technology is sophisticated and broad enough that it could be consistent with building a bomb.

Iran steadfastly denies it is aiming for a nuclear bomb and says its program is aimed at civilian nuclear energy and research. Of course, Tehran could be lying. But no one knows for sure.

This is what the U.S. director of national intelligence, James R. Clapper, told the Senate Armed Services Committee in March: ''We continue to assess [that] Iran is keeping open the option to develop nuclear weapons in part by developing various nuclear capabilities that better position it to produce such weapons, should it choose to do so. We do not know, however, if Iran will evantually decide to build nuclear weapons.''

So are there 1,500 Post readers so attuned to headlines that they wrote me spontaneously to object? Well, no.

This was an effort organized by a left-leaning nonprofit goup called Just Foreign Policy. On the group's board, among others, are Julian Bond, longtime NAACP chairman, and Tom Hayden, former California legislator and 1960s activist. Founded in 2006, Just Foreign Policy is a shoestring operation, and it has no staff in Washington.

Robert Naiman, a recent master's degree graduate from the University of Illinois, runs the group's online campaigns from his home in Urbana.

''We're not a super-sophisticated operation,'' Neiman acknowledged with a chuckle. But it is savvy enough to use the Web effectively. ''We try to inform and agitate,'' he added. The group works mainly to end the wars in Iraq and Afghanistan and to prevent new ones, such as with Iran.

''Most of what I do is read the newspaper and try to tell people about what I read,'' Naiman said. ''I stumbled on the headline, and was astonished, even knowing The Post's editorial line on Iran. I'm old-fashioned. The editorial page is one thing and the news is the other. The gallery headlines belonged more in the former and not the latter.''

So he spotlighted the headline on the top of Just Foreign Policy's home page, with this message: ''U.S. media helped railroad the nation into war with Iraq by treating unproven claims about Iraq's alleged [weapons of mass destruction] program as facts. Now we're seeing the same behavior concerning Iran.''

Visitors to Naiman's site could click on a link that sent a pre-written e-mail urging yours truly to fact-check the headline. Daily Kos and other left-leaning Web sites picked it up, adding fuel to the fire. Pretty soon, the ombudsman's inbox was crammed.

I think Naiman and his Web army were right. The headline and subhead were misleading.

Photo galleries generally are built by photo editors and then passed to copy editors for captions and headlines. I couldn't identify exactly where in the process these headlines went wrong, but when I raised the issue it was quickly fixed.

In a Web-driven world, one bad headline can check the globe in minutes and undermine The Post's credibility. It can also play into the hands of those who are seeking further confrontaion with Iran.

I would like to place in the RECORD an article, ''Experts Cast Doubt on Iran Sanction Strategy'' which raises questions about the Iranian stockpile and how much enriched uranium they actually have.

EXPERTS CAST DOUBT ON IRAN SANCTIONS STRATEGY

Monday, November 28, 2011

(By Ardavon Naimi)

WASHINGTON, DC.—''We have succeeded in imposing the strongest sanctions to date on the Iranian regime,'' said Tom Donilon, National Security Advisor, last week at the Brookings Institution. Donilon, addressing the administration's concerns regarding Iran's nuclear program in light of the latest IAEA report, stated that sanctions have isolated Iran internationally, helped delay Iran's nuclear program, and facilitated divisions inside Iran's political establishment.

But according to some of the experts participating in a panel discussion preceding Donilon's keynote address, the sanctions have largely punished ordinary Iranians and have united, not divided, political factions in Iran.

According to Kevan Harris, U.S. Institute of Peace Jennings Randolph peace scholar and Ph.D. candidate at the Johns Hopkins University, the sanctions are ''not as smart as we think.''

Harris described the effects of sanctions inside of Iran. ''Sanctions are having an impact . . . in what I like to call 'trickle down' sanctions.'' Sanctions affect the ability of certain banks and large enterprises to obtain foreign exchange and goods, consequently affecting small and medium sized enterprises

inside Iran—such as the construction and automobile industry. This process has resulted in the rising cost of business. This trickling down helps to rise ''unemployed to a certain extent, and also decreases wages,'' affecting everyday Iranians.

Harris challenged the assumption that sanctions facilitate divisions inside Iran's political elite. ''If you threaten countries . . . all of a sudden they have a real big incentive to start working together,'' said Harris. ''At high peaks of perceived external threat, the discourse of unity raises and the discourse of factionalism dies down.''

We spend a lot of resources on sanctions . . . political and economic . . . we need to ask ourselves, what's the cost benefit of that versus spending resources on diplomatic options.''

Ray Takeyh, Senior Fellow for Middle Eastern studies at the Council on Foreign Relations believes that ''Iran's nuclear program is driven by domestic political factors.'' Yet, Takeyh takes the argument against sanctions a step further. He believes that Iran's nuclear program is actually the Islamic Republic's only perceived path to ''international legitimacy.'' By withstanding sanctions and obtaining a nuclear weapon, Iran would ''extract tributes from international concession.'' ''This program . . . may be beyond diplomatic mediation . . . underpinned by economic coercion,'' said Takeyh.

Harris challenged Takeyh's assertion, stating ''if the goal of the program is their perceived only path to international legitimacy, then it seems like an alternative policy would be to provide a different path to international legitimacy for Iran that they don't perceive as open.''

Charles Ferguson, President of the Federation of American Scientists, discussed the latest IAEA report on Iran's nuclear program. ''Is there anything really new in the annex of the IAEA report?'' asked Ferguson, ''you have to say, not really. There's not a whole lot of new stuff in there.'' Although there are reasons for concern regarding Iran's ongoing efforts, Ferguson says that ''most of the things that are documented, that we know well, happened prior to 2004.''

Iran continues to build up its stockpile of 19.75 percent enriched uranium, yet Ferguson acknowledges that ''even at 20 percent enrichment, it's still going to take a few hundred kilos of that amount of material to have enough for one bomb . . . and Iran so far according to the IAEA, has something like 80 kilograms enriched to that level.'' Even when factoring in Iran's 4900 kilograms of 3.5 percent low enriched uranium, Ferguson concludes that it is ''still not enough material to provide Iran with a true breakout capability.'' Ferguson suggested that the best response to Iran's defiance is not further isolation, but creating openings for dialogue to facilitate increased safeguards and limits on Iran's nuclear program.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on the bill. We will postulate that Iran has been a terrible actor and that having nuclear weapons is a threat to international stability and something that we should resist.

I am concerned about the legislation that is before us being potentially counterproductive in two areas. It's not something that we ought to be coming forward with here at 8:15 at night on the unanimous consent calendar. There are legitimate issues here, and there is controversy. My friend from California said, well, there may be disruptions in the oil markets. Well, I think of what has motivated people in terms of their concern about what has happened; according to an article in the Wall Street Journal, new sanctions could raise the price of gas in the United States by a dollar a gallon. An article in The New York Times estimated it could cost Americans $100 billion a year. This is not inconsequential. At a time when our economy is in tough shape, when we are concerned about being able to move forward, we ought to think carefully about doing something.

Now, if it would stop nuclear weapons for Iran, it might be worth it. There's no evidence that that is the case. We look only at the failed policy with Cuba where we have had massive efforts at sanctioning Cuba, a little, tiny island off the American coast, and what we have done, most independent experts agree, is that we have propped up Castro. We have given him a reason. If we had been freely trading and interacting with the Cuban people, I think Castro would have been a thing of the past.

Being careful about what we do with Iran matters. But I'm deeply concerned about language here that would prohibit any official or unofficial capacity—having no person employed by the United States contacting in an official or unofficial capacity.

My reading of this is that it is inappropriate to tie the hands of the administration to require 15 days' notice to exercise a waiver authority. Where we have been successful in the past, for example, in defusing a real nuclear problem with Cuba, there was actual engagement with the administration. President Kennedy and others were able to work dealing with the real problem, dealing with the Soviet Union, our adversaries, people who could actually destroy us.

I am deeply concerned that we not forestall opportunities to engage in diplomacy, which needs to be a part of any reasonable sanction policy going forward trying to deal with Iran.

□ 2020

From my vantage point, I think we need to be careful about how we move forward dealing with sanctions policies: sanctions first, ask questions later. My hope is that we'll have an opportunity to deal with this issue with the gravity that it requires, have interaction on the floor, be careful about what we're doing going forward with the economic impacts and the fact that it may very well likely further embolden this administration, the administration of Iran. I don't think that's something that is appropriate to us.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

A nuclear Iran is unacceptable. Our fundamental strategic objective must be to stop Iran before it obtains nuclear weapons capabilities and to compel it to permanently dismantle its pursuit of such weapons. That is the test we face. And if we fail, it will come as no consolation to the families of the victims of past and future Iranian attacks or to our allies.

We don't know how much time we have left. In its report on Iran's nuclear program last November, the International Atomic Energy Agency stated that not only has Iran continued to make significant progress regarding its nuclear program, but the IAEA said that it had uncovered solid evidence that Iran has been working on a nuclear explosive device as well.

Given the Iranian regime's history of concealing its clandestine nuclear activities, Tehran may very well be closer to a nuclear weapons capability than we even assume. Some estimates now place them a mere 6 months to a year away from having all the ingredients in place to build a nuclear weapon. Every day they move closer and closer to realizing their nuclear ambitions, and our nightmare scenario moves closer and closer to becoming a reality.

The Iranian regime is not interested in any outcome other than a nuclear Iran, though they are happy to use negotiations to buy time to make progress in their nuclear program. Yet we know that when sanctions have been applied, even limited sanctions, they have had an impact on the Iranian regime.

It is time to build on this lesson and apply crippling sanctions against the regime and its enablers. That is the purpose of the bill before us, the Iran Threat Reduction Act, which our Foreign Affairs Committee adopted unanimously last month. This legislation updates and strengthens previous Iran sanctions laws so that the United States can take effective action to address the multiple threats posed by the regime in Tehran.

The bill closes loopholes in the energy and financial sanctions that are in place now and counters the regime's efforts to evade them, including by targeting the Central Bank of Iran. The bill also focuses on the Iranian Revolutionary Guard Corps and the senior Iranian regime officials.

Over 350 Members of Congress have cosponsored this strongly bipartisan legislation. Let us meet our responsibilities to the American people and protect the security of our Nation from this growing threat.

With that, I reserve the balance of my time.

Mr. KUCINICH. I realize, Mr. Speaker, that there are a number of people who want to speak on this who are in favor of this resolution. In order to make sure that everyone is provided a chance, although I may disagree with what Mr. SHERMAN is about to say, I'll defend his right to speak, and so I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for his generous grant of time,

especially because he will probably disagree with almost everything I have to say.

I'd like to thank Chairman ILEANA ROS-LEHTINEN for bringing together the best ideas of so many Members—and, of course, of her own—to move toward another important step toward dissuading Iran from developing nuclear weapons and for her ability to build a coalition that has over 300 Members cosponsoring this bill.

We have to create circumstances where the regime in Tehran has to choose between its nuclear weapons program and regime survival. We owe a special debt of gratitude to the mullahs who are running Iran, because it is their incompetence and their corruption that creates a risk to regime survival even at a time of very high oil prices. And we owe a debt of gratitude to the Iranian people, who rose upon against this regime in the summer of 2009 and whose desire for freedom poses a real threat to regime survival.

Looking at the particulars of this bill, I want to thank the chairwoman for including in this bill, in title III, provisions dealing with the Iran Revolutionary Guard Corps. These are based on the Revolutionary Guard Corps Designation Implementation Act, which I introduced in 2009 along with the chairwoman, ED ROYCE, and DAN BURTON. This title III makes it clear to foreign companies that, if they do business with the Iran Revolutionary Guard Corps, they cannot do business in the United States.

I also want to thank the chairwoman for cosponsoring, both last year and this year, my bill, the Stop Iran's Nuclear Program Act, and for including many of those provisions in this legislation that's before us today, in particular, including a provision that would sanction those companies that loan money to Iran, whether in dollars or in euros or in any other currency, that tell the foreign incorporated subsidiaries of U.S. multinational corporations that they, too, cannot do business with Iran.

To build upon the provision that CHUCK SCHUMER and I were able to write and was included in CISADA, which was adopted last year, to indicate that those who give Iran the technologies to suppress the Internet and to apprehend dissidents through the Internet will be sanctioned. Companies should not be providing that kind of technology to Iran. Now, this bill would require the State Department to actually implement those provisions by designating the technologies that cannot be sold to Iran.

This bill also includes the provision of the Stop Iran's Nuclear Weapons Program Act that allows States to do even more to help this Federal policy, by providing that those insurance companies that are helping Iran may not be able to do business in their particular State.

Finally, I want to point out that this bill includes provisions aimed at the Central Bank of Iran, but that is not a reason for us not to also pass the Menendez-Kirk language that's in the Defense authorization bill.

The Menendez-Kirk language would, like this bill, sanction those U.S. banks that violate our law by doing business with Iran and would freeze those assets that the Central Bank of Iran has foolishly left in the United States or may have done so. But the key thing about the Kirk-Menendez language is that it tells European and Asian and other non-U.S. banks that they must stop their business with the Central Bank of Iran and virtually all the major banks of Iran as well. It imposes secondary sanctions. And I believe the Kirk-Menendez language will make it difficult for Iran to sell oil or to buy anything with its oil revenue.

I urge the passage of this bill, the Kirk-Menendez language, and other sanctions against Iran.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the Democratic whip for the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from California (Mr. BERMAN) for yielding. I also want to thank him and my dear friend ILEANA ROS-LEHTINEN for their leadership on this bill. I know that Mr. BERMAN, in particular, is very focused on the central bank and sanctioning of them, and so I thank him for his leadership.

Mr. Speaker, last month the IAEA released a report on Iran's covert nuclear program that was troubling, to say the least. Not only is Iran continuing to enrich uranium, but they're also believed to be pursuing the development of delivery technologies to create a warhead that could threaten Israel and our allies in Europe and the Persian Gulf, not to mention the over 200,000 Americans that are in the region.

□ 2030

On top of these dangerous risks, Iran's continued nuclear development runs the risk, of course, of launching a nuclear arms race in the Middle East. Indeed, just last week, a former Saudi Arabian Ambassador to the United States, Prince Turki Al-Faisal, confirmed our worst fears, suggesting that his country might begin to pursue a nuclear capability in response to Iranian nuclear development.

Iran has continued its sponsorship of terrorism against our ally, Israel, and carries out gross human rights abuses against its own people. Sanctions against Iran's energy, transportation, and financial sectors are intended to, and I believe, will make clear to Iran the steep costs of its choices. That is why I am in strong support of this resolution, the Iran Threat Reduction Act and the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act, and I urge my colleagues to vote ''yes'' on both.

We know from history that ignoring the threats of leaders, ignoring their building up of capabilities to threaten the rest of the world, is done so at great peril and at great cost.

I urge my colleagues to support this very important piece of legislation. I thank Mr. BERMAN and Ms. ILEANA ROS-LEHTINEN.

Mr. KUCINICH. Could I ask, Mr. Speaker, how much time all parties have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 9¾ minutes, the gentleman from California has 6 minutes, and the gentlewoman from Florida has 3½ minutes.

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

I would like to place in the RECORD an article from the Arms Control Association which states that the IAEA board resolution avoided direct censure of Iran, and did not declare Iran to be in noncompliance with its nonproliferation activities.

[From armscontrol.org, Nov. 8, 2011]

THE IAEA'S IRAN REPORT: ASSESSMENT AND IMPLICATIONS

The IAEA report and annex released today provides disturbing and ''credible'' additional details regarding Iranian nuclear warhead development efforts that have allowed Tehran to acquire some of the expertise needed to build nuclear weapons, should it decide to do so.

The broad outline in the IAEA' s latest report on the military dimensions of Iran's program is not new, but rather, provides greater detail regarding weapons-related activities outlined in previous public reports.

The IAEA report and annex reinforce what the nonproliferation community has recognized for some time: that Iran engaged in various nuclear weapons development activities until 2003, then stopped many of them, but continued other.

The activities documented in the IAEA report, including research related to nuclear warheads, underscore that Tehran's claims that it is only seeking the peaceful use of nuclear energy are false.

Iran's warhead work also contradicts its obligation not to pursue nuclear weapons under the nuclear Nonproliferation Treaty (NPT), under which states parties commit ''not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.''

The report suggests that Iran is working to shorten the timeframe to building the bomb once and if it makes that decision. But it remains apparent that a nuclear-armed Iran is still not imminent nor is it inevitable.

The report should prompt greater international pressure on Tehran to respond more fully to the IAEA's questions, allow for more extensive inspections of its nuclear facilities, engage more seriously in talks on its nuclear program, and to agree to confidence building steps to help resolve the crisis.

COMPARISON OF THE IAEA'S FINDINGS WITH PUBLIC U.S. INTELLIGENCE ASSESSMENTS

Because the IAEA report is based largely on intelligence the United States and other IAEA member states have been sharing with the agency for some time, in addition to the agency's own investigations, the information in the report likely provides greater insight into current U.S. assessments about Iran's nuclear program.

The U.S. intelligence community appears to stand by the judgment made in the 2007 NIE that Iran had a nuclear weapons program that was halted in the fall of 2003.

Moreover, in his testimony before a Senate committee in March 2011, U.S. Director of National Intelligence James Clapper confirmed that the intelligence community still had a high level of confidence that Iran has not yet made a decision to restart its nuclear weapons program.

Because the weapons program is believed to refer to the series of projects the IAEA report details, Clapper's statement is not inconsistent with the notion that some weapons-related R&D has resumed which is not part of a determined, integrated weapons-development program of the type that Iran maintained prior to 2003.

Consistent with the finding of the 2007 U.S. National Intelligence Estimate, the IAEA report says that a comprehensive weapons program (known as the AMAD Plan) ''was stopped rather abruptly pursuant to a 'halt order,'' in late 2003, but that some of the program's activities were resumed later. Key personnel are still involved in those renewed activities apparently tying up loose ends regarding their prior research and development work.

SUMMARY OF KEY IAEA FINDINGS ON WEAPONS-RELATED ACTIVITIES

The IAEA deserves credit for continuing to press the issue and to present this important information to the IAEA Board of Governors in spite of Tehran's unwillingness to cooperate with the investigation. This resolve helps to bolster the integrity of the agency and show that countries cannot simply get away with nonproliferation violations by denial and obfuscation.

According to the report, Iran was engaged in an effort prior to the end of 2003 which ran the full range of nuclear weapons development, from acquiring the raw nuclear material to working on a weapon they could eventually deliver via a missile. Just as important as the type of work being carried out is how that work was organized. The series of projects that made up Iran's nuclear program appears to have been overseen by ''senior Iranian figures'' and engaged in ''working level correspondence'' consistent with a coordinated program.

Key components of this program include:

Fissile Material Production: As documented in previous reports, Iran ran an undeclared effort to produce uraniumtetrafluoride (also known as Green Salt), a precursor for the uranium used in the enrichment process. The affiliation between this project and other projects directly related to warhead development suggests that Iran's nuclear weapons program included both fissile material production and warhead development Although the report does not detail a uranium enrichment effort as part of the AMAD Plan, the secret nature of the Natanz enrichment plant prior to 2002 suggests that it was originally intended to produce the highly enriched uranium (HEU) for weapons.

High Explosives Testing: Iran's experiments involving exploding bridgewire (EBW) detonators and the simultaneous firing of explosives around a hemispherical shape points to work on nuclear warhead design. The agency says that the type of high explosives testing matches an existing nuclear weapon design. Iran admits to carrying out such work, but claims it is for conventional military purposes and disputes some of the technical details.

Warhead Design Verification: Iran carried out experiments using high explosives to test the validity of its warhead design and engaged in preparatory work to carry out a full-scale underground nuclear test explosion.

Shahab–3 Re-entry Vehicle: Documentation reviewed by the IAEA has suggested that, as late as 2003, Iran sought to develop a nuclear warhead small enough to ft on the Shahab–3 missile. Confronted with some of the studies, Iran admitted to the IAEA that such work would constitute nuclear weapons development, but Tehran denies carrying out the research.

The IAEA admits that it has less information regarding warhead-related work Iran has continued to pursue since 2003, but the report has provided some insight into the type of activities that Iran subsequently resumed, which seems to be focused on warhead design verification. The act that the agency was able to detail some of the organizational changes that have taken place since 2003, including the current position of the person who formerly oversaw the AMAD Plan, suggests that intelligence agencies still have considerable insight into Iran's nuclear program. Tehran will likely be concerned about its inability to hide such important information and will likely engage in further restructuring following this report, which may delay its efforts once again.

Considering the IAEA's reliance on intelligence information from states, it went through considerable length to demonstrate why it thought this information was credible. It was not just a matter of acquiring consistent information from over 10 countries, but it seems some of the most incriminating evidence comes from the AQ Khan network, which Iran admits it relied upon. The information from the Khan network includes details about nuclear warhead designs the network gave Iran that match up to the research and experiments detailed in the intelligence information.

THE IAEA BOARD OF GOVERNORS NEEDS TO RESPOND

The report will be considered by the IAEA Board of Governors at its next meeting Nov. 17–18, along with a draft resolution censuring Iran for violating its nonproliferation commitments. The Board's 35 members cannot ignore Iran's warhead development activities or Tehran's refusal to cooperate with the IAEA's investigation into that work. It must also insist that Iran improve its cooperation with the agency prior to the next board meeting.

A consensus response is unlikely given existing divisions among the 35 countries, and in particular, Cuba's current membership on the board. Beijing and Moscow have also unfortunately played an unhelpful role prior to the release of the report by calling on Director-General Yukiya Amano to limit the information detailed it contains.

However, it is important that the board's response receives support from as many countries as possible to demonstrate to Tehran that it cannot engage in work directly related to nuclear weapons with impunity.

In particular, developing countries on the IAEA Board of Governors should no longer treat the Iran nuclear issue as a test case for preserving the right to the peaceful uses of nuclear energy. Rather, it is time that all states insist that Iran stop abusing that right for the development of a nuclear weapons capability and take meaningful steps to cooperate with the IAEA and suspend enrichment work, particularly enrichment of uranium at the 20% level.

RIGHTS AND RESPONSIBILITIES

Iran cannot complain that Western states are trying to deny the Islamic Republic its nuclear ''rights.'' The U.S. position, consistent with the 2006 offer by the P5+1, has been that Iran could resume enrichment some time in the future after it reestablishes confidence with the international community that it is not pursuing nuclear weapons.

As Secretary of State Hillary Rodham Clinton explained it to the House Committee on Foreign Affairs on March 1, 2011, it is the U.S. Government's position is that ''under very strict conditions'' and ''having responded to the international community's concerns,'' Iran would have a ''right'' to enrich uranium under IAEA inspections.

In response to the IAEA's report, the international community should redouble efforts to implement existing U.N. Security Council-mandated sanctions on Iran's nuclear and missile sectors and, if Iran remains unwilling to cooperate with the IAEA and ignore the Security Council, further isolate Iran diplomatically and economically.

MAINTAIN PRESSURE AND ENGAGE

In response to the report, the White House has appropriately underscored that the United States continues to focus on using diplomatic channels to pressure Iran to abandon its sensitive nuclear activities.

To keep open the option for an effective negotiated resolution to the crisis, President Barack Obama should also reiterate the willingness of the United States and its P5+1 partners to follow-through on the recent letter from the EU's Catherine Ashton to Iran's leaders offering to engage them in further talks to address the nuclear program.

Continuing pressure through targeted sanctions against Iran's nuclear and missile sectors, coupled with the pursuit of a negotiated agreement to resolve serious concerns over Iran's sensitive nuclear activities and to limit its uranium enrichment capacity provides the best chance of preventing a nuclear-armed Iran.

Talk of military strikes against Iranian nuclear and military targets is unhelpful and counterproductive. Military strikes by the United States and/or Israel would only achieve a temporary delay in Iran's nuclear activities, convince Iran's leadership to openly pursue nuclear weapons, rally domestic support behind a corrupt regime, and would result in costly long-term consequences for U.S. and regional security and the U.S. and global economy.

Ultimately, resolving the nuclear issue will require sufficient pressure and inducement to convince Iran that it stands more to gain from forgoing a nuclear-weapons option and much to lose from any decision to build them.

My friend from Oregon earlier mentioned the question of oil prices, and it's something that we ought to be concerned about.

I would like to place in the RECORD an article from Slate that says that this sanction could lead to an increase in the price of gasoline that could be as much as $1.25 a gallon.

[From Slate, Dec. 2, 2011]

WILL SANCTIONS AGAINST IRAN RAISE GAS PRICES?

(By Brian Palmer)

The Senate unanimous passed a bill Thursday that would impose economic sanctions on Iran, over the objection of the White House. One of the administration's complaints was that the move could increase oil prices. How much could sanctioning Iran cost us at the pump?

The nightmare scenario would be an additional $1.25 per gallon. Iran produces just over 5 percent of the world's crude, which doesn't seem like a lot. But oil demand is price-insensitive—people and businesses refuse to change their fuel-buying habits until the costs go way up. That means a reduction in supply will have a disproportionate affect on prices. In the past, price increases have been about 10 times greater than their precipitating drops in production. Based on the same historical data, and given

that oil is currently hovering at around $100 per barrel, a complete shutdown of Iranian exports could force prices as high as $150. (That's 5 percent, times the tenfold multiplier, times the current price of $100.) Since a one-dollar change in the cost of a barrel of oil usually translates to a two-and-a-half-cent surge in retail gas prices, cutting Iran off from world oil markets could increase the price of gasoline by a dollar and a quarter.

This theoretical scenario is extremely unlikely, however. The Senate bill permits the president to delay the sanctions if there isn't adequate supply on the market. In addition, the bill would make it harder for foreign banks to deal with the Iranian central bank, which acts as a middle man in oil transactions. But it wouldn't make buying Iranian crude impossible, and sanctioned countries have historically found ways to sell their oil. (Consider, for example, the oil for food program that undermined sanctions against Iraq. The Senate sanctions against Iran also have a humanitarian exemption.) There hasn't been a truly effective, worldwide boycott of a country's oil exports since 1951–53, when Iran nationalized its oil industry. As long as Iranian oil continues to flow to Asia and parts of Europe, the sanctions would have a relatively small impact on prices.

There's also the possibility that Saudi Arabia could make up for some of the banned Iranian oil, as it did during the first and second Persian Gulf wars. The Saudis wouldn't be able to plug the gap entirely, because they don't have as much excess capacity as they used to. They could soften the blow, though.

There is one long-shot scenario that should be mentioned, in which oil prices go even higher than $150 per barrel. When pressured in the past, Iran has threatened to block oil deliveries through the Strait of Hormuz. Around 17 percent of oil traded globally passes through that waterway.

While such an occurrence could theoretically lead to $8-per-gallon gasoline, based on the historic relationship between supply and price, it's a practical impossibility. Demand would drop significantly at those dizzying prices, causing the cost of a barrel of oil to increase more in proportion with changes to supply. More importantly, the economic shock of such a scenario would likely trigger a naval response from the U.S. and its allies.

Mr. Speaker, an article in the Wall Street Journal raises this question as well. It says that crude flirts with $100 a barrel on geopolitical unrest. And it also quotes a commodity strategist at the Standard Bank in London as saying the timing of an Iranian embargo could hardly be worse. Relatively small disruptions could cause spikes in oil prices.

A director of the Treasury Department's Office of Foreign Assets Control, Mr. Adam Szubin, stated that there are real scenarios in which an oil spike might hit. This is from an article: U.S. officials warn that new sanctions could be a boon to Iran. There's another article that cites that, and an article from The New York Times which states that U.S. officials have declared they'd hold Iran accountable for a purported plot, but they've now decided that a proposed move against Iran's central bank would disrupt international oil markets and further damage the reeling American and world economies. I think that's something that we ought to be concerned about; that if, in fact, we are moving forward with sanctions, sanctions which will have an effect on the price of oil, is this the timing to do that kind of thing, and are we prepared in this Congress to accept the responsibility for a sharp increase in the price of oil?

Here's a quote from a blog called San Francisco Gate quoting the Undersecretary of State, Wendy Sherman, telling the Senate Foreign Relations Committee, ''There's absolutely a risk the price of oil would go up, which would mean that Iran, would, in fact, have more money to fuel its nuclear ambitions, not less.''

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

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL), a senior member of the committee, a leader in these efforts for many years, the ranking member of the Western Hemisphere Subcommittee.

Mr. ENGEL. I rise in strong support of this legislation.

Under no circumstances should Iran be allowed to develop a nuclear weapon. This is a dangerous regime which supports terrorism and calls for the destruction of Israel. And every day they're getting closer to weaponizing a stockpile of enriched uranium.

No amount of naivete or wishful thinking will get the Iranian regime to back down. They are liars, and diplomacy hasn't worked and won't work. They'll only play for time.

We heard the same arguments about not putting the sanctions on the apartheid regime in South Africa. Now we hear that oil is going to go sky high.

Well, you know what? I think morality is more important than the price of oil. I think morality says that this terrible regime should not be allowed to have nuclear weapons, should not be allowed to wipe Israel off the face of the Earth, should not be allowed to do the horrible things that it does.

This important bill imposes tough sanctions on Iran's Islamic Revolutionary Guard Corps and against the Central Bank of Iran, and the Iranians have to know our sanctions will only be increased if they don't back off soon.

We have bipartisan support here. People say Congress doesn't work together. We worked together on this. This is important. We need to pass this bill.

Mr. KUCINICH. Mr. Speaker, I yield myself 1 minute.

I would respectfully respond to my friend from New York that the price of oil is, in fact, a moral question.

I want to raise the question of the constitutionality of this particular proposal. I believe that it's unconstitutional because it is an unconstitutional abridgement of freedom of speech and freedom of association. It is an unconstitutional abridgement of the right of free expression by Federal employees. It is a violation of whistleblower protections which have been granted a constitutional basis; that, in fact, it violates our own speech and debate clause of the Constitution of the United States because we have an obligation to inquire and to ask questions; that it violates the Constitution's separation of powers and challenges the President's power to engage in foreign diplomacy; that it is operationally impossible; that you can have even Admiral Mullen, former Chair of the Joint Chiefs, point out that with the miscommunications that can occur from a lack of diplomacy, we could be putting our own people at risk.

In fact, there was an article that was published that deals with a scenario that would happen in the Gulf where there are run-ins between American and Iranian vessels. The no contact provision, if enacted, could outlaw the U.S. Navy's bridge-to-bridge communications with Iranian vessels.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Florida (Mr. DEUTCH), someone who has provided a major contribution to this legislation that's now before the House.

Mr. DEUTCH. I thank the ranking member, my friend, Mr. BERMAN.

The legislation before us today will give the United States the tools to impose the most stringent, the most crippling sanctions aimed at cracking down on what is the greatest threat to international security, a nuclear armed Iran.

The Iran Threat Reduction Act builds on the already significant steps this Congress took, along with our partners in the EU and at the United Nations last year, to dramatically ratchet up pressure on the Iranian regime in order to thwart its illicit quest for nuclear weapons. The bill comes on the heels of the IAEA report that confirmed what we already knew—the Iranian regime is pursuing nuclear weapons. It comes on the heels of the foiled Iranian assassination plot and the dangerous attack coordinated by the regime on the British Embassy. And it comes even as the Iranian regime contributes to the brutal crackdown on the Syrian people that has left over 5,000 dead, so that the regime can continue to use Syria as a conduit for routing weapons to Hezbollah and Hamas to be used against Israel.

Mr. Speaker, I am proud to have authored two provisions contained in this bill. And I would like to thank the bill's sponsors, Chairman ROS-LEHTINEN and Ranking Member BERMAN, for working with me to include the Iran Transparency and Accountability Act and the Iran Human Rights Democracy Promotion Act.

□ 2040

The requirements of these provisions put the onus of determining the extent and nature of a company's involvement in Iran on that company by requiring the disclosure of all material business

with Iran on its SEC filings. This forced disclosure will accelerate the imposition of sanctions.

Mr. Speaker, this legislation also includes mandatory sanctions on those who perpetrate the most egregious human rights abuses. This regime's use of intimidation and brutality to suppress its opposition must be stopped, and the United States must stand with the people of Iran in their quest for democracy and freedom. Mr. Speaker, a nuclear armed Iran is unacceptable, and we cannot permit it to happen. We must make it clear that we are serious, determined, and aggressive in our approach to halt Iran's illegal, destabilizing, and dangerous pursuit of weapons of mass destruction.

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

I would like to place in the RECORD an article by Seymour Hersh which cites the IAE's report suggesting, according to the Arms Control Association, that Iran is working to shorten a time frame to build a bomb once and if it makes the decision. But it remains apparent that a nuclear-armed Iran is still not imminent, nor is it inevitable.

[The New Yorker Online Only Daily Comment, November 18, 2011]

IRAN AND THE I.A.E.A.

(Posted by Seymour M. Hersh)

The first question in last Saturday night's Republican debate on foreign policy dealt with Iran, and a newly published report by the International Atomic Energy Agency. The report, which raised renewed concern about the ''possible existence of undeclared nuclear facilities and material in Iran,'' struck a darker tone than previous assessments. But it was carefully hedged. On the debate platform, however, any ambiguity was lost. One of the moderators said that the I.A.E.A. report had provided ''additional credible evidence that Iran is pursuing a nuclear weapon'' and asked what various candidates, upon winning the Presidency, would do to stop Iran. Herman Cain said he would assist those who are trying to overthrow the government. Newt Gingrich said he would coordinate with the Israeli government and maximize covert operations to block the Iranian weapons program. Mitt Romney called the state of Iran's nuclear program Obama's ''greatest failing, from a foreign-policy standpoint'' and added, ''Look, one thing you can know . . . and that is if we reelect Barack Obama Iran will have a nuclear weapon.'' The Iranian bomb was a sure thing Saturday night.

I've been reporting on Iran and the bomb for The New Yorker for the past decade, with a focus on the repeatedly inability of the best and the brightest of the Joint Special Operations Command to find definitive evidence of a nuclear-weapons production program in Iran. The goal of the high-risk American covert operations was to find something physical—a ''smoking calutron,'' as a knowledgeable official once told me—to show the world that Iran was working on warheads at an undisclosed site, to make the evidence public, and then to attack and destroy the site.

The Times reported, in its lead story the day after the report came out, that I.A.E.A. investigators ''have amassed a trove of new evidence that, they say, makes a 'credible' case'' that Iran may be carrying out nuclear-weapons activities. The newspaper quoted a Western diplomat as declaring that ''the level of detail is unbelievable. . . . The report describes virtually all the steps to make a nuclear warhead and the progress Iran has achieved in each of those steps. It reads like a menu.'' The Times set the tone for much of the coverage. (A second Times story that day on the I.A.E.A. report noted, more cautiously, that ''it is true that the basic allegations in the report are not substantially new, and have been discussed by experts for years.'')

But how definitive, or transformative, were the findings? The I.A.E.A. said it had continued in recent years ''to receive, collect and evaluate information relevant to possible military dimensions of Iran's nuclear program'' and, as a result, it has been able ''to refine its analysis.'' The net effect has been to create ''more concern.'' But Robert Kelley, a retired I.A.E.A. director and nuclear engineer who previously spent more than thirty years with the Department of Energy's nuclear-weapons program, told me that he could find very little new information in the I.A.E.A. report. He noted that hundreds of pages of material appears to come from a single source: a laptop computer, allegedly supplied to the I.A.E.A. by a Western intelligence agency, whose provenance could not be established. Those materials, and others, ''were old news,'' Kelley said, and known to many journalists. ''I wonder why this same stuff is now considered 'new information' by the same reporters.''

A nuanced assessment of the I.A.E.A. report was published by the Arms Control Association (A.C.A.), a nonprofit whose mission is to encourage public support for effective arms control. The A.C.A. noted that the I.A.E.A. did ''reinforce what the nonproliferation community has recognized for some times: that Iran engaged in various nuclear weapons development activities until 2003, then stopped many of them, but continued others.'' (The American intelligence community reached the same conclusion in a still classified 2007 estimate.) The I.A.E.A.'s report ''suggests,'' the A.C.A. paper said, that Iran ''is working to shorten the timeframe to build the bomb once and if it makes that decision. But it remains apparent that a nuclear-armed Iran is still not imminent nor is it inevitable.'' Greg Thielmann, a former State Department and Senate Intelligence Committee analyst who was one of the authors of the A.C.A. assessment, told me, ''There is troubling evidence suggesting that studies are still going on, but there is nothing that indicates that Iran is really building a bomb.'' He added, ''Those who want to drum up support for a bombing attack on Iran sort of aggressively misrepresented the report.''

Joseph Cirincione, the president of the Ploughshare Fund, a disarmament group, who serves on Hillary Clinton's International Security Advisory Board, said, ''I was briefed on most of this stuff several years ago at the I.A.E.A. headquarters in Vienna. There's little new in the report. Most of this information is well known to experts who follow the issue.'' Cirincione noted that ''post-2003, the report only cites computer modelling and a few other experiments.'' (A senior I.A.E.A. official similarly told me, ''I was underwhelmed by the information.'')

The report did note that its on-site camera inspection process of Iran's civilian nuclear enrichment facilities—mandated under the Nuclear Non-Proliferation Treaty, to which Iran is a signatory—''continues to verify the non-diversion of declared nuclear material.'' In other words, all of the low enriched uranium now known to be produced inside Iran is accounted for; if highly enriched uranium is being used for the manufacture of a bomb, it would have to have another, unknown source.

The shift in tone at the I.A.E.A. seems linked to a change at the top. The I.A.E.A.'s report had extra weight because the Agency has had a reputation for years as a reliable arbiter on Iran. Mohammed ElBaradei, who retired as the I.A.E.A.'s Director General two years ago, was viewed internationally, although not always in Washington, as an honest broker—a view that lead to the awarding of a Nobel Peace Prize in 2005. ElBaradei's replacement is Yukiya Amano of Japan. Late last year, a classified U.S. Embassy cable from Vienna, the site of the I.A.E.A. headquarters, described Amano as being ''ready for prime time.'' According to the cable, which was obtained by WikiLeaks, in a meeting in September, 2009, with Glyn Davies, the American permanent representative to the I.A.E.A., said, ''Amano reminded Ambassador on several occasions that he would need to make concessions to the G-77 [the group of developing countries], which correctly required him to be fair-minded and independent, but that he was solidly in the U.S. court on every strategic decision, from high-level personnel appointments to the handling of Iran's alleged nuclear weapons program.'' The cable added that Amano's ''willingness to speak candidly with U.S. interlocutors on his strategy . . . bodes well for our future relationship.''

It is possible, of course, that Iran has simply circumvented the reconnaissance efforts of America and the I.A.E.A., perhaps even building Dick Cheney's nightmare: a hidden underground nuclear-weapons fabrication facility. Iran's track record with the I.A.E.A. has been far from good: its leadership began construction of its initial uranium facilities in the nineteen-eighties without informing the Agency, in violation of the nonproliferation treaty. Over the next decade and a half, under prodding from ElBaradei and the West, the Iranians began acknowledging their deceit and opened their enrichment facilities, and their records, to I.A.E.A. inspectors.

The new report, therefore, leaves us where we've been since 2002, when George Bush declared Iran to be a member of the Axis of Evil—with lots of belligerent talk but no definitive evidence of a nuclear-weapons program.

I would ask how much time is left on all sides.

The SPEAKER pro tempore (Mr. SCHWEIKERT). The gentleman from Ohio has 6 minutes. The gentlewoman from Florida has 3½ minutes. The gentleman from California has 3 minutes.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON), an esteemed member of the Committee on Energy and Commerce.

Mr. OLSON. I thank the chair of the Committee on Foreign Affairs and the ranking member for the opportunity to speak here tonight on H.R. 1905.

Mr. Speaker, I rise tonight in strong support of H.R. 1905, the Iran Threat Reduction Act. While Iranian leadership continues to give public assurances that their nuclear program is for peaceful purposes, their words don't match their actions.

A recent International Atomic Energy Agency report makes it clear that Iran is developing advanced delivery systems for nuclear weapons. Mr. Speaker, the only reason why Iran would develop advanced delivery systems is to have the means to deliver a

nuclear bomb on peaceful neighbors like Israel. This outcome is unacceptable, and the United States must continue to enact tougher sanctions to ensure that this never happens.

H.R. 1905 will add new sanctions targeting the Central Bank of Iran, making it difficult for foreign companies to do business with Iran. H.R. 1905 will also increase sanctions on members of the Iranian Revolutionary Guard Corps.

Mr. Speaker, the biggest threat to world peace is the religious fanatics in Iran having a nuclear bomb. Iran's acquisition of nuclear weapons simply cannot happen. Not on our watch. I implore my colleagues to support this bipartisan legislation which will force Iran to abandon its quest for nuclear weapons.

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

I would like to place in the RECORD a letter from 26 organizations that urge Congress to oppose the provision restricting contact with Iranian officials.

DECEMBER 8, 2011.

DEAR REPRESENTATIVE: We urge you to oppose the provision restricting contact with Iranian officials in the Iran sanctions bill H.R. 1905 and to work with your colleagues to remove it from the bill when it comes to the House floor. We are concerned that Section 601c of this legislation would undermine prospects for a diplomatic resolution of Iran's disputed nuclear program, increasing the threat of war.

This provision was inserted into the bill during committee markup, after most of the cosponsors had already signed onto H.R. 1905. Section 601c of H.R. 1905 would expressly prohibit contact between U.S. government officials and certain Iranian officials, as noted below:

(c) Restriction on contact.—No person employed with the United States Government may contact in an official or unofficial capacity any person that—(1) is an agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the Government of Iran; and (2) presents a threat to the United States or is affiliated with terrorist organizations. (d) Waiver.—The President may waive the requirements of subsection (c) if the President determines and so reports to the appropriate congressional committees 15 days prior to the exercise of waiver authority that failure to exercise such waiver authority would pose an unusual and extraordinary threat to the vital national security interests of the United States.

If this provision were to be enacted into law, it could have a chilling effect on any diplomatic engagement that this or any future administration might wish to pursue to address Iran's nuclear program, its role in exacerbating or de-escalating regional conflicts, and its failure to respect the human rights of its citizens. It would also place restrictions on members of Congress, likely precluding the potential for inter-parliamentary dialogue with Iranian parliamentarians.

As Ambassadors Thomas Pickering and William Luers have pointed out, this provision also raises ''serious constitutional issues over the separation of powers''. For the administration to exercise its waiver authority, the President would have to certify 15 days in advance that the failure to do so would ''pose an unusual and extraordinary threat to the vital national security interests of the United States''.

At a time of heightened tensions between the U.S. and Iran, sustained and flexible diplomacy is an essential tool to prevent war. Just before he retired from the position of Chairman of the Joint Chiefs of Staff, Admiral Mullen called for an established channel of communications with Iran, noting that: ''We haven't had a connection with Iran since 1979. Even in the darkest days of the Cold War we had links of the Soviet Union . . . If something happens it's virtually assured that we won't get it right, that there will be miscalculations which would be extremely dangerous in that part of world . . . I think any channel would be terrific.''

We urge every member of Congress to oppose Section 601c of H.R. 1905 speak out on the House floor against efforts designed to constrain diplomatic engagement with Iran.

Sincerely,

Friends Committee on National Legislation; Americans for Peace Now; Arms Control Association; Center for Interfaith Engagement, Eastern Mennonite University; Church of the Brethren; Council for a Livable World; Fellowship of Reconciliation; Just Foreign Policy; Lancaster Interchurch Peace Witness; Mainstream Media Project; Maryknoll Office for Global Concerns; Mennonite Central Committee; Minnesota Peace Project.

Middle East Peace Now; National Iranian American Council; New Internationalism Project, Institute for Policy Studies; Peace Action; Peace Action West; Peace Catalyst International; Progressive Democrats for America; Project on Middle East Democracy; Student Peace Alliance; United Church of Christ, Justice and Witness Ministries; United Methodist Church, General Board of Church and Society; Women's Action for New Directions; 3P Human Security: Partners for Peacebuilding Policy.

It's interesting that what we're actually suggesting here is taking diplomacy off the table. I was here for the debate in Iraq. I led the effort in this Congress in challenging the then-Bush administration's assertions that Iraq had weapons of mass destruction which they intended to use against the United States. I was here. I don't know how many of you were here. But I saw a case being made for war, and that case was based on exaggerations and unfortunately in some cases distortions and lies.

We have to be very careful that we're not setting the stage for still another war. We must be very careful that when we assert a certain level of preparedness on the part of Iran with respect to their nuclear capability that we aren't actually shutting the door that needs to be open in order to try to resolve any difficulty between our nations. We can say, well, we want to get them back to the table, but then don't talk to them.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to one of the cofounders of the Iran Working Group, someone who has brought the issue of Iran, its policies, and particularly it's nuclear weapons program, to the attention of this body and the public, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I'd like to thank the chairlady from Florida and the ranking member, Mr. BERMAN from California, for their very forceful and effective advocacy.

Iran made a choice to ignore international standards and comity and secretly develop a nuclear weapon. Iran made a choice to eschew sincere diplomatic efforts to come up with a deal, an agreement where they could have their civilian nuclear energy program but have the fuel manufactured outside of Iran. Now, Iran must, in my view, be confronted with a choice as to whether it will enjoy economic stability or give up its nuclear weapons ambitions.

I think the time is here to force that choice upon the Iranians. I think it's unfortunate it has to be done, but it has to be done. We cannot let the world's most horrific weapon fall into the hands of one of the world's most horrendous regimes. For that reason, I strongly support the legislation by Ms. ROS-LEHTINEN and Mr. BERMAN and urge a ''yes'' vote.

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

I want to say I have respect for all of my colleagues who are concerned about nuclear proliferation. We all ought to be concerned about nuclear proliferation. We can start with our own country. Right now we've set the stage for continuing to develop nuclear weapons. It's very difficult to be able to have a strong position of standing on this issue if we have one set of rules for ourselves and another set of rules for the rest of the world.

I don't want to see a nuclear proliferation in Iran, but I think that if we want to have a standing where people want to take what we say, we have to be consistent. We have to make sure that what we do is consistent with what we say.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I have no further requests for time, and I reserve the balance of my time to close.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague and good friend who's been very active on these issues, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Thank you, Mr. BERMAN.

I want to take issue with my colleague from Ohio. I don't think there is a comparison between the situation in Iraq and Iran because it has become abundantly clear that Iran is pursuing nuclear weapons; and a nuclear Iran would not only threaten the United States but democratic nations all across the globe.

The legislation before us builds on the comprehensive Iran Sanctions Act passed last Congress and imposes new and stronger sanctions, and this bill is the next logical step in U.S. policy to prevent Iran from acquiring nuclear weapons.

The Iranian President, a Holocaust denier, has stated that a nuclear Iran would use the weapons at its disposal and has even called for the destruction of the State of Israel. And I don't think we can let a nuclear Iran become a reality.

I would urge my colleagues to vote ''yes'' on H.R. 1905.

□ 2050

Mr. KUCINICH. I would ask how much time is remaining.

The SPEAKER pro tempore. The gentleman from Ohio has 6 minutes remaining.

Mr. KUCINICH. I would respectfully suggest to my friend from New Jersey that the certainty that Congress had in the debate in October of 2002 with respect to Iraq is very much paralleled with the certainty that some of my friends here have about not only Iran's intention to have a bomb but an intention to use it. That's why we need diplomacy. That's why the provisions of this bill in section 603(c), which say U.S. Government employees can't have any contact with Iranians, is really upside down.

Mr. BERMAN. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. I appreciate that very much.

Just on this one issue, there is nothing in this bill that prohibits Americans from having contact with Iranians. There is nothing in this bill that prohibits the President of the United States or his Secretary of State or such other emissaries or agencies he chooses from engaging diplomatically on the issue of ending Iran's nuclear weapons program. I would not support a bill that prohibited that.

Mr. KUCINICH. In reclaiming my time, section 603(c) was added in committee. I would inquire of the gentleman, was it stripped from the bill?

Mr. BERMAN. I appreciate the gentleman for yielding.

Section 603 was not stripped from the bill, and section 603 does not prohibit the administration from engaging diplomatically on this issue.

Mr. KUCINICH. I reclaim my time.

Perhaps the President is not restricted, which is good for the gentleman to say; but the very clear and plain reading of that is that it says no U.S. Government employee.

I reserve the balance of my time.

The SPEAKER pro tempore. At this time, the Chair needs to make a time correction.

The remaining time for the gentleman from Ohio is 2 minutes.

Mr. BERMAN. Mr. Speaker, I think I am the last speaker on my side of our side who intends to speak on this issue.

How much time remains?

The SPEAKER pro tempore. The gentleman from California has 1 minute remaining, and the gentleman from Ohio has 2 minutes remaining.

Mr. BERMAN. The chairman of the committee, the gentlelady from Florida, has the right to close. Am I correct in that assumption?

The SPEAKER pro tempore. Yes.

Mr. BERMAN. Is the gentleman from Ohio, if I may ask through the Chair, the last speaker on his side?

Mr. KUCINICH. Correct.

Mr. BERMAN. Mr. Speaker, in that case I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 minute.

Mr. BERMAN. Again, I would like to repeat that this crisis only ends one of three ways.

Iran gets a nuclear weapons capability, and don't listen to straw man arguments. No one is saying Iran today has a nuclear bomb, but the IAEA has made it perfectly clear they are pursuing a nuclear weapons capability. Once they have that capability, they throw out the inspectors; they shut off the cameras; and they get the bomb.

Either we stop them from getting the bomb; we have a military confrontation; or we have a diplomatic resolution where they end their nuclear weapons program through diplomacy.

The provision the gentleman cited does not prohibit diplomacy by the President or his emissaries. Time will not permit me to read the statute, itself, right now, but I would be happy to show any of my members why diplomacy is still allowed.

This is not a unilateral effort. This administration and this Congress, in working with them, have pursued a multilateral effort with the international community to stop Iran from getting a nuclear weapon, and we will continue to do that.

I yield back the balance of my time.

Mr. KUCINICH. I yield myself 1 minute.

I am quoting from an article in The Hill, which I cited earlier:

Section 601 would prohibit U.S. Government employees in any official or unofficial capacity from contacting anyone who is affiliated with the Iranian Government who presents a threat to the United States or is affiliated with a terrorist organization.

Look, if you want to stop war, you have to have communication with people. I mean, if you look back to the Cuban Missile Crisis, which is one of the gravest crises of the 20th century, it was the fact that the United States and Russia were able to engage in a communication.

So we have to be very careful that we don't pass any kind of a law that would restrict, not just First Amendment rights and not just freedom of association, but would restrict the basic kind of diplomacy that's used, because everyone here knows that diplomacy is not just leaders talking to leaders. All kinds of backdoor diplomacy goes on, and I think that that needs to be taken into consideration.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. As I said, Mr. Speaker, I am going to close; so the gentleman from Ohio must use his time.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining.

Mr. KUCINICH. I thank my colleagues very much, for whom I have the greatest respect, for the opportunity to discuss this; although I painfully must disagree with you here.

Broad sanctions against Iran can only further isolate Iran from the international community and cause the regime to be increasingly secretive. The sanctions actually play directly into the hands of the Iranian Government. They directly undermine the efforts of the Iranian people, who have courageously challenged their government often at the cost of their lives. The sanctions could be seen as a gift to the regime, not just a political gift for polarization within their country to cross opposition, but also an economic gift because the price of oil will go up, and Iran will cash in on that.

Section 302 of this bill revokes the President's authority to license the export of civilian aircraft parts and repairs for Iranian civil aircraft, authority which would ensure the safety of flight for humanitarian purposes. This provision recklessly places the lives of Iranian Americans in danger. We ought to defeat this bill and stand for diplomacy.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Iran remains the world's leading state sponsor of terrorism. According to our Treasury Department, Iran is a critical transit point for funding to support al Qaeda in Afghanistan and Pakistan. This network serves as the core pipeline through which al Qaeda moves money, facilitators, and operatives from across the Middle East to South Asia, including al Qaeda's operational commander. Also, Tehran is providing key support to the regime in Damascus, another state sponsor of terrorism that is of proliferation concern and which is currently engaged in the violent repression of the people of Syria.

Iran is also directly responsible for the deaths of many Americans. It continues to sponsor violent extremist groups in Iraq and Afghanistan that have killed our men and women in uniform. Just last week, a Federal judge found that the Iranian regime provided material aid and support for al Qaeda's 1998 attacks on the U.S. Embassies in Kenya and Tanzania.

Just imagine what an emboldened Iran would do if allowed to obtain nuclear weapons and the means by which to deliver them. Remember what the regime has already said that it wants to do. Ahmadinejad has openly proclaimed that Iran seeks a world without America and Zionism; and Iran's so-called supreme leader has stated

that Iran is prepared to transfer the experience, knowledge, and technology of its scientists.

We should take them at their word and impose crippling sanctions on this regime, and it starts tonight, Mr. Speaker, with this bill, H.R. 1905, the Iran Threat Reduction Act. Let's pass it tonight.

I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, last year, when we passed the Comprehensive Iran Sanctions and Divestment Act, I came to the floor stating that we must go further. Our stated goal then, as it is now, was to protect Americans, our allies, and the Iranians who suffer under a tyrannical regime. We have made it clear that it is unacceptable for Iran to develop nuclear weapons.

While a step in the right direction, last year's version of Iran Sanctions gave too much flexibility to the administration and included vast loopholes that weakened the law's effectiveness. As I speak now, the Obama administration has only applied sanctions to ten foreign companies and has given leeway to companies operating in Iran. Iran has continued development of nuclear weapons and poses an even greater threat to America and her allies.

Today's bill, H.R. 1905, the Iran Threat Reduction Act, takes the threat of Iran's nuclear program seriously. This legislation would mandate sanctions against the Central Bank of Iran. It would also impose sanctions on foreign banks that continue to do business with the Iranian Central Bank. Just last week the Senate unanimously supported sanctioning the Iranian Central Bank. As the House and Senate are deeply divided on other major issues, we all believe that Iran is a threat that must be dealt with swiftly and that the Central Bank must be sanctioned. H.R. 1905 also would reassert that it is U.S. policy to ensure Iran does not obtain the ability to produce nuclear weapons. Finally, the bill would close the loophole in current U.S. law that allows foreign subsidiaries of U.S. corporations to bypass U.S. sanctions.

Will this legislation single-handedly prevent a nuclear Iran from emerging? Likely it will not. We may have waited too long for our actions today to single-handedly dismantle Iran's nuclear ambitions. However, with this legislation, allies are already indicating they will follow our lead and potentially sanction the Iranian Central Bank as well. As we show the rest of the world we take this threat seriously, they will too. I urge my colleagues to support this measure.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Iran Threat Reduction Act, though I do have concerns about new language added to the bill in the Committee on Foreign Affairs. It is my hope that this language will be corrected before this bill advances.

The passage last year of the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) was a key step in the effort to prevent Iran from gaining the ability to develop a nuclear weapon and it is important that we continue to apply pressure to the Iranian regime.

It is clear that if President Ahmadinejad and his regime were allowed to access a nuclear weapon, Iran would pose a significant threat to global stability and security and a threat to the security of the State of Israel.

This bill is an appropriate next step as we work to increase pressure on Iran to end its nuclear program and end its open hostility toward Israel and the United States. By authorizing new sanctions against Iran and by imposing sanctions against additional activities, this bill successfully expands on the precedent set by CISADA and sends the right message to Iran and to the international community.

However, as I said, changes were made to this bill during the committee process that raise questions about whether or not the bill inappropriately limits the ability of any American President and his or her entire Administration to conduct diplomacy with Iran. This new language could end up jeopardizing American security by preventing our diplomats from resolving minor issues before they become more serious disputes.

The Obama Administration, for example, has done an excellent job to this point in addressing the threat of a nuclear Iran. Just last month, the Administration imposed additional sanctions on Iran, including labeling Iran as a ''primary money-laundering concern.'' The Administration should also be commended for ensuring the success of sanctions by securing the cooperation of the international community in imposing serious sanctions that had not even been considered by many of our allies until President Obama's pressure led them to toughen their stance against Iran. It makes no sense to tie the Administration's hands now, particularly given the successful efforts by President Obama to toughen the international community's stand against Iran.

The lead Democratic sponsor of this bill and the senior Democrat on the Foreign Affairs Committee, my good friend Mr. BERMAN, has made clear that he does not believe that this bill should limit the President's ability to conduct diplomacy as he sees fit, and I agree with that assessment. Like Mr. BERMAN, I believe that this issue must be clarified in conference to ensure that this bill does not inadvertently exacerbate problems that it is intended to fix.

I believe that it is imperative that we continue working constructively with our allies to strengthen sanctions against Iran and so I urge my colleagues to support this bill and to ensure going forward that it is implemented in a productive way.

Mr. WAXMAN. Mr. Speaker, I strongly support this legislation whose purpose is to deny Iran both the ability to support terrorist organizations and to develop nuclear weapons and ballistic missiles.

I want to express my strong admiration and support for Representative HOWARD BERMAN, the ranking member of the House Foreign Affairs Committee. Without Representative BERMAN's forceful and steadfast leadership, this legislation to impose the most stringent sanctions yet on Iran would not have come before us. We are standing firm against Iran because of Representative BERMAN's ceaseless efforts to forge a bipartisan consensus to act against the grave threat to Israel and other allies that is posed by Iran and its leadership.

Iran is a growing danger to peace and stability in the Middle East and beyond. Its nuclear program in and of itself is the most dangerous threat to peace in the world today. Together with its support for Hamas in Gaza, Hezbollah in Lebanon and the Syrian regime, Iran is an ongoing and growing danger to the region and the world.

Iran's unremitting hostility to the United States, to Israel and others requires the most forceful response.

It is clear that Iran's leaders are determined to acquire a nuclear weapon. All of the independent international assessments, including from the International Atomic Energy Agency, attest to a steady progression to weaponize its uranium assets. At the same time, Iran is perfecting its medium and long-range missile capabilities.

Together, these initiatives can only have one purpose: at the least, to enable Iran to exercise nuclear blackmail in pursuit of its extreme agenda. But this also means that Iran will have the Iranian people. capability to actually use a nuclear weapon, and bring a catastrophe upon us all—and upon the Iranian people.

This is unacceptable. Iran's nuclear program must be stopped. Iran simply must not be permitted to acquire a nuclear weapon.

President Obama has been exceptionally clear on Iran. Just last week, on December 8, President Obama again was emphatic in stating U.S. policy:

''. . . What I can say with respect to Iran, I think it's very important to remember, particularly given some of the political noise out there, that this administration has systematically imposed the toughest sanctions on Iraq—on Iran ever.

''When we came into office, the world was divided, Iran was unified and moving aggressively on its own agenda. Today, Iran is isolated, and the world is unified in applying the toughest sanctions that Iran has ever experienced. And it's having an impact inside of Iran. And that's as a consequence of the extraordinary work that's been done by our national security team.

''Now, Iran understands that they have a choice: They can break that isolation by acting responsibly and foreswearing the development of nuclear weapons, which would still allow them to pursue peaceful nuclear power, like every other country that's a member of the Non-Proliferation Treaty, or they can continue to operate in a fashion that isolates them from the entire world. And if they are pursuing nuclear weapons, then I have said very clearly, that is contrary to the national security interests of the United States; it's contrary to the national security interests of our allies, including Israel; and we are going to work with the world community to prevent that.''

With respect to what the United States is willing to do to prevent Iran from acquiring nuclear weapons, President Obama said, ''No options off the table means I'm considering all options.''

The best way to avoid getting to that point is to do everything we can to impose the harshest pressure on Iran in order to make its present nuclear course unsustainable to the regime.

The Iran Threat Reduction Act will put into force the strongest sanctions yet against Iran. It imposes sanctions on Iran's oil industry, including sanctions on the importation of gasoline, which Iran desperately needs. There are increased sanctions on defense products and technology.

Sanctions are also imposed on the Central Bank of Iran and across the financial and banking sectors. Because Iran is pursuing a nuclear weapon, it will become exceedingly impossible for Iran to engage in international commerce.

The best alternative to the present regime is to encourage Iranians opposed to its brutal repression to continue to work for democracy and freedom. To this end, this bill provides financial and political assistance to individuals and organizations that support democracy in Iran.

In addition, the legislation specifically targets for sanctions those who are part of, or associated with, the Islamic Revolutionary Guard Corps—the Iranian regime's arm of repression who wantonly violate the human rights of the Iranian people.

Taken together, these measures constitute the imposition of crippling sanctions against the Iranian government and those who do business with it.

This bill delivers one message to the Iran's leaders: stop now.

We cannot tolerate an Iran armed with nuclear weapons, and the means to deliver them against Israel and other countries, such as Saudi Arabia, in the Middle East.

The very best strategy to stop Iran's nuclear program is to make business and commerce in Iran untenable for as long as Iran is pursuing a nuclear capability, and to target the regime's repressive elements—the Revolutionary Guard—with massive penalties.

By every indication, time—and patience—with Iran is growing shorter. This legislation is the least we can do to bring relentless pressure on Iran to change course.

I support this bill and once again thank Representative HOWARD BERMAN for his courageous leadership in helping us face the most dangerous foreign policy crisis in the world today.

Mr. HOLT. Mr. Speaker, the recent IAEA report on Iran's nuclear program indicates that Iran continues to pursue a clandestine nuclear weapons program. Specifically, the IAEA's November 2011 report noted that Iran has carried out a number of activities that are relevant to the development of a nuclear explosive device. These include efforts, some successful, to procure nuclear related and dual-use equipment and materials by military related individuals; efforts to develop undeclared pathways for the production of nuclear material; the acquisition of nuclear weapons development information and documentation from a clandestine nuclear supply network; and work on the development of an indigenous design of a nuclear weapon including the testing of components.

These are ominous developments that the House simply cannot ignore.

I am glad that the House is considering this legislation. I recognize that sanctions like this are crude instruments, but the threatening actions of the government of Iran must be countered. This bill will help increase diplomatic pressure on Iran by further tightening sanctions, particularly on entities associated with Iran's Revolutionary Guard Corps (IRGC), which is a key player in Iran's nuclear weapons acquisition effort. The IRGC's activities are a key reason why this legislation is necessary.

I recognize that this legislation is not perfect. I am particularly troubled by a provision that was added during the committee mark up that would make it extremely difficult for American officials to meet directly or indirectly with some Iranian officials. I vote for this with the expectation that this particular provision will be modified before it goes to the President for his signature.

Today we are also considering H.R. 2105, which would strengthen our nonproliferation regime against Iran, North Korea, and Syria. It's worth remembering that Syria had an undeclared nuclear facility under construction at the time it was bombed a few years ago. This bill would impose a series of new constraints on countries that may be thinking about, or are known or suspected to be, supplying proliferation-related technology to any of these three states. One provision would prohibit U.S. nuclear cooperation with a country that is assisting the nuclear program of Iran, North Korea, or Syria, or is transferring advanced conventional weapons to such countries.

I regret that these bills are necessary. I wish that our past peaceful, diplomatic efforts had produced changes in their proliferation-related behavior. Unfortunately, they have not. These rogue regimes are willing to tolerate considerable international isolation as they continue to pursue prohibited weapons programs. But I believe there is a point at which the diplomatic and economic isolation will begin to threaten their hold on power, and it is when that point is reached that we will likely have our best chance of peacefully disarming these rogue states. That is why I still believe that diplomacy, backed by enforceable sanctions, can ultimately achieve the goal we all share, and why I will support these bills.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1905, 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.

Ms. ROS-LEHTINEN. 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, further proceedings on this question will be postponed.

□ 2100

IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2105) to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2105

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011''.

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

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to fully implement and enforce sanctions against Iran, North Korea, and Syria for their proliferation activities and policies.

SEC. 3. REPORTS ON PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act and every 120 days thereafter, the President shall transmit to the appropriate congressional committees a report identifying every foreign person with respect to whom there is credible information indicating that such person—

(1) on or after January 1, 1999, transferred to or acquired from Iran, on or after January 1, 2005, transferred to or acquired from Syria, or on or after January 1, 2006, transferred to or acquired from North Korea—

(A) goods, services, or technology listed on—

(i) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 2, and subsequent revisions);

(ii) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

(iii) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group;

(iv) the Schedule One or Schedule Two list of toxic chemicals and precursors the export of which is controlled pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; or

(v) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) goods, services, or technology not listed on any list specified in subparagraph (A) but which nevertheless would be, if such goods, services, or technology were United States goods, services, or technology, prohibited for export to Iran, North Korea, or Syria, as the case may be, because of the potential of such goods, services or technology to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems or destabilizing types and amounts of conventional weapons;

(2) except as provided in subsection (b), on or after the date of the enactment of this Act, acquired materials mined or otherwise extracted within the territory or control of Iran, North Korea, or Syria, as the case may be, for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be;

(3) on or after the date of the enactment of this Act, transferred to Iran, Syria, or North Korea goods, services, or technology that could assist efforts to extract or mill uranium ore within the territory or control of Iran, North Korea, or Syria, as the case may be;

(4) on or after the date of the enactment of this Act, provided to Iran, Syria, or North Korea destabilizing types and amounts of conventional weapons and technical assistance; or

(5) on or after the date of the enactment of this Act, provided a vessel, insurance or reinsurance, or any other shipping service for the transportation of goods to or from Iran, North Korea, or Syria for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be.

(b) EXCEPTIONS.—Any foreign person who—

(1) was identified in a report transmitted in accordance with subsection (a) on account of a particular transfer, or

(2) has engaged in a transfer on behalf of, or in concert with, the Government of the United States,

shall not be identified on account of that same transfer in any report submitted thereafter under this section, except to the degree that new information has emerged indicating that the particular transfer at issue may have continued, or been larger, more significant, or different in nature than previously reported under this section.

(c) TRANSMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, reports transmitted in accordance with subsection (a), or appropriate parts thereof, may be transmitted in classified form.

(d) CONTENT OF REPORTS.—Each report required under subsection (a) shall contain, with respect to each foreign person identified in each such report, a brief description of the type and quantity of the goods, services, or technology transferred by such person to Iran, North Korea, or Syria, the circumstances surrounding such transfer, the usefulness to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria of such transfer, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over such person.

(e) ADDITIONAL CONTENTS OF REPORTS.—Each report under subsection (a) shall contain a description, with respect the transfer or acquisition of the goods, services, or technology described in such subsection, of the actions taken by foreign governments to assist in interdicting such transfer or acquisition.

(f) EXPEDITING SANCTIONS FOR NUCLEAR, CHEMICAL, BIOLOGICAL AND MISSILE PROLIFERATION TRANSFERS TO IRAN.—

(1) IN GENERAL.—Notwithstanding the requirement to submit the report under subsection (a), the President shall establish a process to assess information in the possession of the President on an ongoing basis regarding possible transfers to Iran of goods, services, or technology relating to nuclear, chemical, or biological weapons or ballistic missiles in accordance with the requirements of subsection (a).

(2) APPLICATION OF SANCTIONS.—Upon a determination of the President that credible information exists that a transfer described in paragraph (1) has occurred, the President shall apply the sanctions to the foreign person that made the transfer in accordance with the requirements of section 4 of this Act.

(g) REQUIREMENT FOR PLAN TO EXPEDITE IMPLEMENTATION OF REPORTING AND SANCTIONS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan, to include any necessary legislation, to expedite the implementation of this Act with regard to the reports required under subsection (a) and the sanctions under section 4 of this Act.

SEC. 4. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) APPLICATION OF MEASURES.—

(1) IN GENERAL.—Subject to section 5, the President shall apply, for a period of not less than two years, the measures specified in subsection (b) with respect to each foreign person identified in a report transmitted under section 3(a).

(2) RELATED PERSONS.—Subject to section 5, the President may apply, for a period of not less than two years, the measures specified in subsection (b) with respect to one or more of the following:

(A) Each person that is a successor, subunit, or subsidiary of a foreign person referred to in paragraph (1).

(B) Each person that owns more than 50 percent of, or controls in fact—

(i) a foreign person referred to in paragraph (1); or

(ii) a person described in subparagraph (A).

(b) DESCRIPTION OF MEASURES.—The measures referred to in subsection (a) are the following:

(1) EXECUTIVE ORDER 12938 PROHIBITIONS.—The measures specified in the first sentence of subsection (b) and subsections (c) and (d) of section 4 of Executive Order 12938 (50 U.S.C. 1701 note; relating to proliferation of weapons of mass destruction) prohibiting any department or agency of the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from any foreign person described in subsection (a) of section 4 of Executive Order 12938.

(2) ARMS EXPORT PROHIBITION.—Prohibition on United States Government sales to a person described in subsection (a) of any item on the United States Munitions List and termination of sales to such person of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) DUAL USE EXPORT PROHIBITION.—Denial of licenses and suspension of existing licenses for the transfer to a person described in subsection (a) of items the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as in effect pursuant to the International Emergency Economic Powers Act, or the Export Administration Regulations.

(4) INVESTMENT PROHIBITION.—Prohibition on any investment by a United States person in property, including entities, owned or controlled by a person described in subsection (a).

(5) FINANCING PROHIBITION.—Prohibition on any approval, financing, or guarantee by a United States person, wherever located, of a transaction by a person described in subsection (a).

(6) FINANCIAL ASSISTANCE PROHIBITION.—Denial by the United States Government of any credit, credit guarantees, grants, or other financial assistance by any agency of the United States Government to a person described in subsection (a).

(c) EFFECTIVE DATE.—Measures applied pursuant to subsection (a) shall be effective with respect to a foreign person no later than—

(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 3(a);

(2) 90 days after the date required by section 3(a) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

(3) on the date that the report identifying the foreign person is submitted, if that report is submitted more than 60 days after the date required by section 3(a).

(d) PUBLICATION IN FEDERAL REGISTER.—

(1) IN GENERAL.—The Secretary of the Treasury shall publish in the Federal Register notice of the application against a person of measures pursuant to subsection (a).

(2) CONTENT.—Each notice published in accordance with paragraph (1) shall include the name and address (where known) of each person to which measures have been applied pursuant to subsection (a).

SEC. 5. DETERMINATION EXEMPTING A FOREIGN PERSON FROM THE APPLICATION OF CERTAIN MEASURES.

(a) IN GENERAL.—The application of any measure described in section 4(b) to a person described in section 4(a) shall cease to be effective beginning 15 days after the date on which the President determines and certifies to the appropriate congressional committees, on the basis of information provided by such person or otherwise obtained by the President, that—

(1) in the case of a transfer or acquisition of goods, services, or technology described in section 3(a)(1)—

(A) such person did not, on or after January 1, 1999, knowingly transfer to or acquire from Iran, North Korea, or Syria, as the case may be, such goods, services, or technology the apparent transfer of which caused such person to be identified in a report submitted pursuant to section 3(a);

(B) the goods, services, or technology the transfer of which caused such person to be identified in a report submitted pursuant to section 3(a) did not contribute to the efforts of Iran, North Korea, or Syria, as the case may be, to develop—

(i) nuclear, biological, or chemical weapons, or ballistic or cruise missile systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of such List; or

(ii) destabilizing types or amounts of conventional weapons or acquire technical assistance;

(C) such person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, such person was identified in a report submitted pursuant to section 3(a) with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A), and such transfer was made in accordance with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

(D) the government with primary jurisdiction over such person has imposed meaningful penalties on such person on account of

the transfer of such goods, services, or technology that caused such person to be identified in a report submitted pursuant to section 3(a);

(2) in the case of an acquisition of materials mined or otherwise extracted within the territory of Iran, North Korea, or Syria, as the case may be, described in section 3(a)(2) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not acquire such materials; or

(3) in the case of the provision of a vessel, insurance or reinsurance, or another shipping service for the transportation of goods to or from Iran, North Korea, or Syria, as the case may be, described in section 3(a)(3) for purposes relating to the nuclear, biological, or chemical weapons, or ballistic or cruise missile development programs of Iran, North Korea, or Syria, as the case may be, such person did not provide such a vessel or service.

(b) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each person described in section 3(a), or the government with primary jurisdiction over such person, in order to afford such person, or such government, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 3(a); and

(2) to exercise the authority described in subsection (a) in all cases in which information obtained from each person described in section 3(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

(c) FORM OF TRANSMISSION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the determination and report of the President under subsection (a) shall be transmitted in unclassified form.

(2) EXCEPTION.—The determination and report of the President under subsection (a) may be transmitted in classified form if the President certifies to the appropriate congressional committees that it is vital to the national security interests of the United States to do so.

SEC. 6. RESTRICTIONS ON NUCLEAR COOPERATION WITH COUNTRIES AIDING PROLIFERATION BY IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—

(1) RESTRICTIONS.—Notwithstanding any other provision of law, on or after the date of the enactment of this Act—

(A) no agreement for cooperation between the United States and the government of any country that is assisting the nuclear program of Iran, North Korea, or Syria, or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria may be submitted to the President or to Congress pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153),

(B) no such agreement may enter into force with respect to such country,

(C) no license may be issued for export directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and

(D) no approval may be given for the transfer or retransfer directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,

until the President makes the determination and report under paragraph (2).

(2) DETERMINATION AND REPORT.—The determination and report referred to in paragraph (1) are a determination and report by the President, submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(A) Iran, North Korea, or Syria, as the case may, has ceased its efforts to design, develop, or acquire a nuclear explosive device or related materials or technology; or

(B) the government of the country that is assisting the nuclear programs of Iran, North Korea, or Syria, as the case may be, or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria, as the case may be—

(i) has suspended all nuclear assistance to Iran, North Korea, or Syria, as the case may be, and all transfers of advanced conventional weapons and missiles to Iran, North Korea, or Syria, as the case may be; and

(ii) is committed to maintaining that suspension until Iran, North Korea, or Syria, as the case may be, has implemented measures that would permit the President to make the determination described in subparagraph (A).

(b) RULES OF CONSTRUCTION.—The restrictions described in subsection (a)(1)—

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions described in the Atomic Energy Act of 1954 and other applicable Acts;

(2) shall not be construed as affecting the validity of an agreement for cooperation between the United States and the government of a country that is in effect on the date of the enactment of this Act; and

(3) shall not be construed as applying to assistance for the Bushehr nuclear reactor, unless such assistance is determined by the President to be contributing to the efforts of Iran to develop nuclear weapons.

(c) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term ''agreement for cooperation'' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.).

(2) ASSISTING THE NUCLEAR PROGRAM OF IRAN, NORTH KOREA, OR SYRIA.—The term ''assisting the nuclear program of Iran, North Korea, or Syria'' means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions), or the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(3) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAMS OF IRAN, NORTH KOREA, OR SYRIA OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.—The term ''country that is assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria'' means any country determined by the President to be assisting the nuclear program of Iran, North Korea, or Syria or transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria.

(4) TRANSFER.—The term ''transfer'' means the conveyance of technological or intellectual property, or the conversion of intellectual or technological advances into marketable goods, services, or articles of value, developed and generated in one place, to another through illegal or illicit means to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), and section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), is a government that has repeatedly provided support for acts of international terrorism.

(5) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN, NORTH KOREA, OR SYRIA.—The term ''transferring advanced conventional weapons or missiles to Iran, North Korea, or Syria'' means the intentional transfer to Iran, North Korea, or Syria by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on—

(A) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.

SEC. 7. IDENTIFICATION OF COUNTRIES THAT ENABLE PROLIFERATION TO OR FROM IRAN, NORTH KOREA, OR SYRIA.

(a) ANNUAL REPORT.—The President shall transmit to the appropriate congressional committees and make available to the public on an annual basis a report that identifies each foreign country that allows one or more foreign persons under the jurisdiction of such country to engage in activities described in section 3 that are sanctionable under section 4 despite requests by the United States Government to the government of such country to prevent such activities.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

SEC. 8. PROHIBITION ON UNITED STATES ASSISTANCE TO COUNTRIES ASSISTING PROLIFERATION ACTIVITIES BY IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—The President shall prohibit assistance (other than humanitarian assistance) under the Foreign Assistance Act of 1961 and shall not issue export licenses for defense articles or defense services under the Arms Export Control Act to a foreign country the government of which the President has received credible information is assisting Iran, North Korea, or Syria in the acquisition, development, or proliferation of weapons of mass destruction or ballistic missiles.

(b) RESUMPTION OF ASSISTANCE.—The President is authorized to provide assistance described in subsection (a) to a foreign country subject to the prohibition in subsection (a) if the President determines and notifies the appropriate congressional committees that there is credible information that the government of the country is no longer assisting Iran, North Korea, or Syria in the acquisition, development, or proliferation of weapons of mass destruction or ballistic missiles.

(c) DEFINITION.—In this section, the term ''assisting'' means providing material or financial support of any kind, including purchasing of material, technology or equipment from Iran, North Korea, or Syria.

SEC. 9. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

(a) RESTRICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no agency of the United States Government may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any other organization, entity, or element of the Government of the Russian Federation, unless, during the fiscal year in which such extraordinary payments are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on Foreign Affairs and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(2) WAIVER.—If the President is unable to make the determination described in subsection (b) with respect to a fiscal year in which extraordinary payments in connection with the International Space Station are to be made, the President is authorized to waive the application of paragraph (1) on a case-by-case basis with respect to the fiscal year if not less than 15 days prior to the date on which the waiver is to take effect the President submits to the appropriate congressional committees a report that contains—

(A) the reasons why the determination described in subsection (b) cannot be made;

(B) the amount of the extraordinary payment to be made under the waiver;

(C) the steps being undertaken by the United States to ensure compliance by the Russian Federation with the conditions described in subsection (b); and

(D) a determination of the President that the waiver is vital to the national interests of the United States.

(b) DETERMINATION REGARDING RUSSIAN COOPERATION IN PREVENTING PROLIFERATION RELATING TO IRAN, NORTH KOREA, AND SYRIA.—The determination referred to in subsection (a) is a determination by the President that—

(1) it is the policy of the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such Government) to oppose the proliferation to or from Iran, North Korea, and Syria of weapons of mass destruction and missile systems capable of delivering such weapons;

(2) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such Government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to or from Iran, North Korea, and Syria of goods, services, and technology that could make a material contribution to the nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems development programs of Iran; and

(3) neither the Russian Aviation and Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, has, during the one-year period ending on the date of the determination under this subsection made transfers to or from Iran, North Korea, or Syria reportable under section 3(a) (other than transfers with respect to which a determination pursuant to section 5 has been or will be made).

(c) PRIOR NOTIFICATION.—Not less than five days before making a determination under this section, the President shall notify the Committee on Foreign Affairs and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of the President's intention to make such a determination.

(d) WRITTEN JUSTIFICATION.—A determination of the President under this section shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

(e) TRANSMISSION IN CLASSIFIED FORM.—If the President considers it appropriate, a determination of the President under this section, a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be transmitted in classified form.

(f) EXCEPTION FOR CREW SAFETY.—

(1) EXCEPTION.—The National Aeronautics and Space Administration may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency or any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof, that would otherwise be prohibited under this section if the President notifies Congress in writing that such payments are necessary to prevent the imminent loss of life of or grievous injury to individuals aboard the International Space Station.

(2) REPORT.—Not later than 30 days after notifying Congress that the National Aeronautics and Space Administration will make extraordinary payments under paragraph (1), the President shall transmit to Congress a report describing—

(A) the extent to which the provisions of subsection (b) had been met as of the date of notification; and

(B) the measures that the National Aeronautics and Space Administration is taking to ensure that—

(i) the conditions posing a threat of imminent loss of life of or grievous injury to individuals aboard the International Space Station necessitating the extraordinary payments are not repeated; and

(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life of or grievous injury to individuals aboard the International Space Station.

(g) SERVICE MODULE EXCEPTION.—

(1) IN GENERAL.—The National Aeronautics and Space Administration may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof, that would otherwise be prohibited under this section for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module, and for the purchase (at a total cost not to exceed $14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module, if—

(A) the President has notified Congress at least five days before making such payments;

(B) no report has been made under section 3(a) with respect to an activity of the entity to receive such payment, and the President has no credible information of any activity that would require such a report; and

(C) the United States will receive goods or services of value to the United States commensurate with the value of the extraordinary payments made.

(2) DEFINITION.—For purposes of this subsection, the term ''maintenance'' means activities that cannot be performed by the National Aeronautics and Space Administration and which must be performed in order for the Service Module to provide environmental control, life support, and orbital maintenance functions which cannot be performed by an alternative means at the time of payment.

(3) TERMINATION.—This subsection shall cease to be effective on the date that is 60 days after the date on which a United States propulsion module is in place at the International Space Station.

(h) EXCEPTION.—No agency of the United States Government may make extraordinary payments in connection with the International Space Station, or any other payments in connection with the International Space Station, to any foreign person subject to measures applied pursuant to section 4 of Executive Order 12938 (November 14, 1994), as amended by Executive Order 13094 (July 28, 1998).

(i) REPORT ON CERTAIN PAYMENTS RELATED TO INTERNATIONAL SPACE STATION.—

(1) IN GENERAL.—The President shall, together with each report submitted under section 3(a), transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since November 22, 2005, made a payment in cash or in kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(2) CONTENT.—Each report transmitted under paragraph (1) shall include—

(A) the specific purpose of each payment made to each entity or person identified in such report; and

(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

SEC. 10. EXCLUSION FROM THE UNITED STATES OF SENIOR OFFICIALS OF FOREIGN PERSONS WHO HAVE AIDED PROLIFERATION RELATING TO IRAN.

Except as provided in subsection (b), the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien whom the Secretary of State determines is an alien who, on or after the date of the enactment of this Act, is a—

(1) corporate officer, principal, or shareholder with a controlling interest of a foreign person identified in a report submitted pursuant to section 3(a);

(2) corporate officer, principal, or shareholder with a controlling interest of a successor entity to, or a parent or subsidiary of, a foreign person identified in such a report;

(3) corporate officer, principal, or shareholder with a controlling interest of an affiliate of a foreign person identified in such a report, if such affiliate engaged in the activities referred to in such report, and if such affiliate is controlled in fact by the foreign person identified in such report; or

(4) spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

SEC. 11. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 16. PROHIBITION ON CERTAIN VESSELS LANDING IN THE UNITED STATES; ENHANCED INSPECTIONS.

''(a) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—Beginning on the date of enactment of the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011, before a vessel arrives at a port in the United States, the owner, charterer, operator, or master of the vessel shall certify that the vessel did not enter a port in Iran, North Korea, or Syria during the 180-day period ending on the date of arrival of the vessel at the port in the United States.

''(2) FALSE CERTIFICATIONS.—The Secretary shall prohibit from landing at a port in the United States for a period of at least 2 years—

''(A) any vessel for which a false certification was made under section (a); and

''(B) any other vessel owned or operated by a parent corporation, partnership, association, or individual proprietorship of the vessel for which the false certification was made.

''(b) ENHANCED INSPECTIONS.—The Secretary shall—

''(1) identify foreign ports at which vessels have landed during the preceding 12-month period that have also landed at ports in Iran, North Korea, or Syria during that period; and

''(2) inspect vessels arriving in the United States from foreign ports identified under paragraph (1) to establish whether the vessel was involved, during the 12-month period ending on the date of arrival of the vessel at the port in the United States, in any activity that would be subject to sanctions under the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.''.

SEC. 12. SANCTIONS WITH RESPECT TO CRITICAL DEFENSE RESOURCES PROVIDED TO OR ACQUIRED FROM IRAN, NORTH KOREA, OR SYRIA.

(a) IN GENERAL.—The President shall apply the sanctions described in subsection (b) to any person the President determines is, on or after the date of the enactment of this Act, providing to, or acquiring from, Iran, North Korea, or Syria any good or technology that the President determines is used, or is likely to be used, for military applications.

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are, with respect to a person described in subsection (a), the following:

(1) FOREIGN EXCHANGE.—Prohibiting any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which that person has any interest.

(2) BANKING TRANSACTIONS.—Prohibiting any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of that person.

(3) PROPERTY TRANSACTIONS.—Prohibiting any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the person described in subsection (a) has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(4) LOAN GUARANTEES.—Prohibiting the head of any Federal agency from providing a loan guarantee to that person.

(5) ADDITIONAL SANCTIONS.—Additional sanctions, as appropriate, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(c) RESTRICTIONS ON EXPORT LICENSES FOR NUCLEAR COOPERATION AND CERTAIN LOAN GUARANTEES.—Before issuing a license for the exportation of any article pursuant to an agreement for cooperation under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or approving a loan guarantee or any other assistance provided by the United States Government with respect to a nuclear energy project, the Secretary of Energy, the Secretary of Commerce, and the Nuclear Regulatory Commission shall certify to Congress that issuing the license or approving the loan guarantee or other assistance (as the case may be) will not permit the transfer of any good or technology described in subsection (a) to Iran, North Korea, or Syria.

(d) EXCEPTION.—The sanctions described in subsection (b) shall not apply to the repayment or other satisfaction of a loan or other obligation incurred under a program of the Export-Import Bank of the United States, as in effect as of the date of the enactment of this Act.

SEC. 13. DEFINITIONS.

In this Act:

(1) ADHERENT TO RELEVANT NONPROLIFERATION REGIME.—A government is an ''adherent'' to a ''relevant nonproliferation regime'' if such government—

(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(i);

(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(ii), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;

(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iii);

(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(iv); or

(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 3(a)(1)(A)(v).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—The term ''extraordinary payments in connection with the International Space Station'' means payments in cash or in kind made or to be made by the United States Government—

(A) for work on the International Space Station which the Government of the Russian Federation pledged at any time to provide at its expense, or

(B) for work on the International Space Station, or for the purchase of goods or services relating to human space flight, that are not required to be made under the terms of a contract or other agreement that was in effect on January 1, 1999, as such terms were in effect on such date,

except that such term does not mean payments in cash or in kind made or to be made by the United States Government before December 31, 2020, for work to be performed or services to be rendered before such date necessary to meet United States obligations under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

(4) FOREIGN PERSON.—The term ''foreign person'' means—

(A) a natural person who is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, successor, subunit, or subsidiary organized under the laws of a foreign country or that has its principal place of business in a foreign country; and

(C)(i) any foreign government; or

(ii) any foreign government agency or entity.

(5) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result of such conduct, circumstance, or result.

(6) ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN AVIATION AND SPACE AGENCY.—

(A) DEFINITION.—The term ''organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency'' means an organization or entity that—

(i) was made part of the Russian Space Agency upon its establishment on February 25, 1992;

(ii) was transferred to the Russian Space Agency by decree of the Government of the Russian Federation on July 25, 1994, or May 12, 1998;

(iii) was or is transferred to the Russian Aviation and Space Agency or Russian Space Agency by decree of the Government of the Russian Federation at any other time before, on, or after March 14, 2000; or

(iv) is a joint stock company in which the Russian Aviation and Space Agency or Russian Space Agency has at any time held controlling interest.

(B) EXTENSION.—Any organization or entity described in subparagraph (A) shall be deemed to be under the jurisdiction or control of the Russian Aviation and Space Agency regardless of whether—

(i) such organization or entity, after being part of or transferred to the Russian Aviation and Space Agency or Russian Space Agency, is removed from or transferred out of the Russian Aviation and Space Agency or Russian Space Agency; or

(ii) the Russian Aviation and Space Agency or Russian Space Agency, after holding a controlling interest in such organization or entity, divests its controlling interest.

(7) SUBSIDIARY.—The term ''subsidiary'' means an entity (including a partnership, association, trust, joint venture, corporation, or other organization) of a parent company that controls, directly or indirectly, the other entity.

(8) TRANSFER OR TRANSFERRED.—The term ''transfer'' or ''transferred'', with respect to a good, service, or technology, includes—

(A) the conveyance of technological or intellectual property; and

(B) the conversion of technological or intellectual advances into marketable goods,

services, or technology of value that is developed and generated in one location and transferred to another location through illegal or illicit means.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen or resident of the United States; or

(B) an entity that is organized under the laws of the United States or any State or territory thereof.

(10) VESSEL.—The term ''vessel'' has the meaning given such term in section 1081 of title 18, United States Code. Such term also includes aircraft, regardless of whether or not the type of aircraft at issue is described in such section.

(11) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means providing of advice, assistance, and training pertaining to the installation, operation, and maintenance of equipment for destabilizing types and forms of conventional weapons.

SEC. 14. REPEAL OF IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.

(a) REPEAL.—The Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is repealed.

(b) REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Iran, North Korea, and Syria Nonproliferation Act shall be deemed to be a reference to this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

Mr. KUCINICH. Mr. Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Does the gentleman from California favor the motion?

Mr. BERMAN. I do support the motion, Mr. Speaker.

The SPEAKER pro tempore. On that basis the gentleman from Ohio will control the 20 minutes in opposition.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. BERMAN) be allowed to control one-half of the time in the affirmative.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida will control 10 minutes; the gentleman from California will control 10 minutes; and the gentleman from Ohio will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act which I introduced, together with the ranking member of the Foreign Affairs Committee's Subcommittee on Terrorism, Nonproliferation, and Trade, my good friend from California (Mr. SHERMAN). I would also like to thank the ranking member of the full committee, the gentleman from California, for his significant contributions to this legislation.

Mr. Speaker, Iran, North Korea, and Syria are key elements in an expanding global proliferation network. North Korea has long been a willing merchant of death for anyone with cash and has played a crucial role in the development of Iran's nuclear and ballistic missile program. But Iran is only one of many customers. In 2010, the U.N. Security Council released a report saying that North Korea continues to market and export its nuclear and ballistic technology. The most prominent example of North Korea's proliferation activities is its construction of the clandestine Syrian nuclear reactor that, thankfully, was destroyed by an Israeli air strike in the year 2007. Reports indicate that the reactor was based on a North Korean model capable of producing plutonium for nuclear weapons and that the project was financed by Iran.

But Syria's nuclear ambitions are apparently even greater than suspected. Just last month, the International Atomic Energy Agency reportedly identified a previously unknown nuclear facility in northeastern Syria, indicating that the regime in Damascus may have been pursuing two separate paths to a nuclear weapon, one based on uranium enrichment and the other on reprocessing plutonium. One thing is clear, as with the first nuclear facility, this second one could only have been built with outside help. So it is obvious that once one of these regimes gets its hands on weapons of mass destruction, they will all have access; and then this deadly capacity is certain to spread even further.

But the proliferation efforts of North Korea, Iran, and Syria are by no means limited to nuclear weapons. Theirs is an active trade between these countries and advanced conventional weapons as well, including ballistic missiles. In the year 2010, an aircraft loaded with North Korean conventional weapons was intercepted in Thailand, reportedly on its way to Iran in violation of multiple Security Council resolutions of the U.N. And there have been several interdictions of Iranian weapons reportedly destined for Syria. Clearly these represent just the tip of the iceberg.

These weapons are not intended to be placed in storage. They will be used against us and against our allies. North Korea has continued to violently assault our ally South Korea, repeatedly attacking its military forces out of the blue and murdering civilians almost at will. And it is throwing vast resources into developing weapons capable of striking U.S. targets, the latest being a mobile intercontinental ballistic missile which could eventually be added to its list of items for sale.

We are witnessing the Syrian regime shooting down its own people in the streets. Allowing President Assad and his thugs access to nuclear technology could exponentially multiply his regime's ability to spread destruction far beyond its borders.

We know that Iran has no problem striking down innocent people in that country who dare to stand up to the regime. And Tehran continues to be a leading state sponsor of terrorism, providing weapons, money, and support to terrorist groups like Hamas, Hezbollah, and even al Qaeda. This means that preventing any and every part of this proliferation network from gaining access to the weapons they need to threaten anyone is of utmost importance.

Iran, North Korea, and Syria are not just helping each other. Much of the progress they have achieved on the array of weapons programs is thanks to the assistance from other foreign sources. The most recent report of the IAEA on Iran revealed that Iran has been engaged in extensive efforts to develop nuclear weapons and that these efforts include acquiring equipment, materials, and information related to nuclear weapons development. It has stated that Iran has also actively been working on a design for a nuclear weapon, including testing components.

Finally, the IAEA report revealed that Iran has received crucial help on its nuclear weapons design from foreign experts. Just 2 weeks ago, on December 2, Russian officials were quoted in news reports admitting that Russia had supplied Syria's Assad with cruise missiles. According to the news reports: ''Israel fears the cruise missiles could fall into the hands of Hezbollah militants in neighboring Lebanon.'' Just think of all of the countries that have been named in these short remarks.

China is not far behind, as a recent report of the U.S.-China Economic and Security Review Commission indicates. The China Commission report emphasizes the enormous damage to U.S. interests being done by China's massive sale of weapons to Iran, including short-range cruise missiles.

H.R. 2105 seeks to cut off the supply networks to Iran, to Syria, and to North Korea. It updates and strengthens measures to prevent the proliferation of goods, services, or technology relating to nuclear, biological, chemical, and other advanced weapons, such as ballistic missiles. It expands sanctions on individuals, on businesses, on countries engaged in assisting proliferation, embracing financial transactions, properties, and visas, among many other penalties.

It also imposes restrictions on nuclear cooperation with countries that are assisting the nuclear programs of Iran, North Korea, or Syria because no country that is helping an enemy of

the United States should receive any help from us.

But it is not enough to put these laws on the books. They must be fully implemented and consistently enforced if they are to have the intended effect. I call upon the President to use the tools that Congress is giving to him to stop these countries from spreading their instruments of destruction even further. North Korea has already detonated two nuclear devices. Iran is getting closer to a nuclear weapon every day. Syria is following in its footsteps. Their stockpiles of weapons of mass destruction are growing, as their ballistic missile capabilities are growing. And their arsenals of other advanced weapons are being made available to enemies of the U.S. and its allies. We must act decisively to end this threat before it spreads even further.

Mr. Speaker, I would like to place in the RECORD my correspondence and joint statements with the chairmen of other committees of referral on this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 4, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, House Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 2105, the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011,'' which the Committee on Foreign Affairs reported favorably. As a result of your having consulted with us on provisions in H.R. 2105 that fall within the Rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our Committee from further consideration of this bill in order that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2105 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 4, 2011.

Hon. LAMAR SMITH,
Chairman, House Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter concerning H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011, and for your agreement to discharge the Committee on the Judiciary from further consideration of this bill so that it may proceed expeditiously to the House floor.

I am writing to confirm our mutual understanding that, by forgoing consideration of H.R. 2105 at this time, you are not waiving any jurisdiction over the subject matter in that bill or similar legislation. I look forward to continuing to consult with your Committee as such legislation moves ahead, and would be glad to support a request by your Committee for conferees to a House-Senate conference on this, or any similar, legislation.

I will seek to place a copy of our exchange of letters on this matter into the Congressional Record during floor consideration of H.R. 2105

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 9, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I write concerning H.R. 2105, the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.'' As you know, the Committee on Transportation and Infrastructure also received a referral on H.R. 2105 when the bill was introduced on June 3, 2011. As a result of your consultation with me on provisions in H.R. 2105 that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure, we will forgo Committee action on the bill.

The Committee on Transportation and Infrastructure takes this action with our mutual understanding that by for going consideration of H.R. 2105 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. The Committee on Transportation and Infrastructure also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 9, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Transportation and Infrastructure Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Transportation and Infrastructure Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, November 10, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing to you regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011. This legislation was initially referred to the Committee on Foreign Affairs, and in addition to the Committee on Science, Space, and Technology (among others). The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology.

H.R. 2105 has been marked up by the Committee on Foreign Affairs. Based on discussions that the staff of our two committees have had regarding this legislation and in the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive further consideration of this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Science, Space, and Technology does not waive any future jurisdictional claim of the subject matters contained in the bill which fall within its Rule X jurisdiction.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 2105, as well as any similar or related legislation.

Further, I ask that a copy of this letter and your response be included in the report on H.R. 2105 and in the Congressional Record during consideration of this bill.

I would also like to take this opportunity to thank you for the positive negotiations between our Committees, the result is an improved bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

RALPH M. HALL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 9, 2011.

Hon. RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN HALL: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Science, Space, and Technology Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Science, Space, and Technology Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

JOINT STATEMENT OF CHAIRMAN ROS-LEHTINEN OF THE COMMITTEE ON FOREIGN AFFAIRS AND CHAIRMAN HALL OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY ON H.R. 2105, THE ''IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011''

The Committee on Foreign Affairs and the Committee on Science, Space, and Technology affirm the national policy of fully utilizing the International Space Station and recognize the role of international partners in sustaining that enterprise. Consistent with Public Law 111–267, the ''National Aeronautics and Space Administration Authorization Act of 2010'', the Committees support the national policy of relying on, and fostering development of, United States' owned and operated cargo and crew services to the International Space Station, including those provided by commercial carriers, where such services exist and are certified for flight by the appropriate agencies.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 16, 2011.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN ISSA: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Oversight and Government Reform Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Oversight and Government Reform Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, November 18, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairwoman, Committee on Foreign Affairs, Washington, DC.

DEAR MADAM CHAIRWOMAN: Thank you for your letter concerning H.R. 2105, the Iran, North Korea and Syria Non-proliferation Reform and Modernization Act of 2011. I concur in your judgment that provisions of the bill are within the jurisdiction of the Oversight and Government Reform Committee.

I am willing to waive this committee's right to consider the bill. In so doing, I do not waive its jurisdiction over the subject matter of the bill. I appreciate your commitment to insert this exchange of letters into the committee report and the Congressional Record, and your support for outside conferees from the Committee should a conference be convened.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 23, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing concerning H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011. Based on the agreement made by the staff of our two committees regarding H.R. 2105 and in the interest of permitting your Committee to proceed expeditiously with the bill, I am willing to forego at this time the consideration of provisions in this bill that fall under the jurisdiction of the Committee on Financial Services under Rule X of the Rules of the House of Representatives.

The Committee on Financial Services takes this action with our mutual understanding that by foregoing consideration of H.R. 2105 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward. Our Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such requests.

Further, I ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of this bill. I look forward to working with you as this important measure moves through the legislative process.

Sincerely,

SPENCER BACHUS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 23, 2011.

Hon. SPENCER BACHUS,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN BACHUS: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and your Committee regarding the final text of those sections of H.R. 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that your Committee is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance on this matter.

Sincerely,

ILEANA ROS-LEHTINEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 5, 2011.

Hon. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: I am writing regarding H.R. 2105, the ''Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011,'' which was favorably reported out of your Committee on November 2, 2011. I commend you on your efforts to make sure that the United States is better able to address the critical threats that Iran, North Korea, and Syria pose.

There have been productive conversations between the staffs of our Committees, during which we have proposed changes to provisions within the jurisdiction of the Committee on Ways and Means in the bill to clarify the intent and scope of the bill with respect to compliance with U.S. international trade obligations, thereby reducing our exposure to trade sanctions and retaliation against our exporters. I believe that compliance with our trade obligations makes for a more credible U.S. response to Iran's behavior and helps us develop a stronger multilateral response to Iran. Accordingly, I appreciate your commitment to address the concerns raised by the Committee on Ways and Means in sections 4 and 10 in H.R. 2105.

Assuming these issues are resolved satisfactorily, in order to expedite floor consideration of the bill, the Committee on Ways and Means will forgo action on H.R. 2105. Further, the Committee will not oppose the bill's consideration on the suspension calendar, based on our understanding that you will work with the Committee as the legislative process moves forward in the House of Representatives and in the Senate, to ensure that the Committee's concerns continue to be addressed. This is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2105, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 5, 2011.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your cooperation with the Foreign Affairs Committee regarding H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

I am writing to confirm the agreement between the Foreign Affairs Committee and the Committee on Ways and Means regarding the final text of those sections of 2105 which the Parliamentarian has indicated involve the jurisdiction of your Committee. In agreeing to waive consideration of that bill, this Committee understands that the Committee on Ways and Means is not waiving jurisdiction over the relevant provisions in that bill or any other related matter. I will seek to place a copy of this letter and your response in the Congressional Record during floor consideration of the bill. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Thank you again for your consideration and assistance in this matter.

Sincerely,

ILENA ROS-LEHTINEN,
Chairman.

I strongly urge my colleagues to support this bill, and I reserve the balance of my time.

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

We're rapidly moving from Iran sanctions to sanctioning the world here.

I stand in support of nonproliferation. I think that this country should be leading the world towards nuclear abolition. Let us not forget that when the Soviet Union fell, there was one country that got rid of its nuclear weapons, Ukraine.

□ 2110

And Ukraine today, while there are political problems there, they still stand strong as a nation among nations for having taken that direction.

We need to be encouraging all of the nations of the world to get rid of their nuclear weapons. But if we don't do that and we instead say: We will keep our nuclear weapons, and half a dozen other nations and more can keep their nuclear weapons, but you, you, you and you, you cannot have nuclear weapons, actually what we're doing is we're setting the stage for more proliferation. It is the inconsistent U.S. policy on nuclear proliferation that has actually brought us to this moment.

So I have a great deal of sympathy for my colleagues who don't want to see more nuclear proliferation among certain nations, but I would ask them to join me in taking a stand for nuclear abolition among all nations.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 2 minutes.

INKSNA, enacted in the year 2000, has forced the United States Government to review all intelligence for credible evidence regarding sensitive transfers of goods and services related to WMD, missiles, or conventional weapons, and made such transfers sanctionable acts.

While the reports required by INKSNA are 2 years behind schedule—an ongoing problem that has plagued successive administrations—we have frequently seen new rounds of sanctions against companies and individuals who are more interested in making a buck than in protecting global security interests.

The specific details of sanctioned transfers are classified. Press reports, however, indicate that INKSNA sanctions have been imposed, for example, on Chinese entities for selling carbon fiber and pressure transducers which could assist Iran in building more advanced gas centrifuges. Multiple Russian, Chinese, and even European weapons exporters have been sanctioned, presumably for the transfer of arms to Iran and Syria, and Chinese chemical supply companies have been repeatedly sanctioned.

I'd like to thank the chairman for agreeing to include my amendment to further strengthen INKSNA. This amendment requires the administration to develop a special mechanism to speed up the process of imposing sanctions regarding transfers of sensitive technology related to weapons of mass destruction or ballistic missiles to Iran.

In addition, the amendment requires the President to publicly identify those countries that are allowing such transfers of sensitive technology to occur, despite repeated requests by the U.S. Government to prevent such activities. I would expect China would be listed on the first report as a government that directly, indirectly, or through inaction, enables its firms to engage in sensitive transfers to Iran, Syria, or North Korea.

Mr. Speaker, I support this bill and urge my colleagues to do the same, and I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I will once again yield time to a colleague who I may disagree with, but he is entitled to 3 minutes, and I will yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman from Ohio for his generosity, especially because he will probably disagree with most of what I have to say.

As to the consistency of America's nonproliferation policy, I believe we are consistent. We are consistent with the nonproliferation treaty, which I believe is the most important peace treaty of our lifetime. It identifies five states as nuclear states. Three major nations in this world did not sign and do not benefit from the treaty. But Iran, North Korea, and Syria all agreed, as non-nuclear states, agreed not to develop nuclear weapons, and all of them have violated that agreement.

I want to commend Chairman ROS-LEHTINEN for putting forward this outstanding bill, one of the toughest nonproliferation bills ever to come before Congress. I am the lead Democratic cosponsor of this bill, and I want to thank her for the opportunity to work with her on this important legislation.

Iran, Syria, and North Korea are proliferators of nuclear weapons technology, and work together to threaten U.S. interests and allies around the globe.

This bill includes an important provision that I put forward in a bill that I introduced in May of 2009. That is, it poses sanctions against those firms that provide North Korea, Iran, or Syria with equipment or technology relevant to mining or milling uranium. Iran in particular is facing a uranium shortage, and has been searching for foreign sources of uranium as well as trying to improve its own domestic capacity to mine uranium. Under this bill, anyone who assists that effort would be subject to penalties.

This bill includes other very important provisions. The U.S.-China Economic Security Review Commission identified a loophole in current law that arguably exempts from sanctions Chinese companies that are providing short-range, anti-naval cruise missiles to Iran. I think it is critically important that we protect our naval crews, especially when Iran has recently conducted exercises to game the possibility of shutting the Strait of Hormuz, which is so critical to world oil supplies. We need to do everything we can in this Congress to protect our naval crews from Iranian weapons acquired from China.

Also, following on the shipping sanctions that have been put into place against Iranian shipping firms, this bill would go further. It effectively bars from any U.S. port any ship that has visited North Korea, Iran, or Syria in the last 2 years.

The bill would also close a loophole in existing sanctions. It would require that sanctions be imposed on the parent entity when one of its subsidiaries engages in sanctionable activity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield the gentleman an additional minute.

Mr. SHERMAN. I thank the gentleman.

Again, this is one of the strongest, perhaps the strongest nonproliferation bill to come before Congress, and I urge its adoption.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time to close.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to my friend from New York, the ranking member of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, Mr. ENGEL.

Mr. ENGEL. I thank my friend for yielding time to me.

I rise in strong support of H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011.

Madam Chair, many years ago we sponsored legislation to slap sanctions on Syria. I'm sorry to say we were clairvoyant, but here it is nearly 10 years later, and some things never change. So here we are back again when Syria is murdering its own people, saying that we were right back in 2003 and 2004, and sanctions are what is necessary in order to prevent this regime from murdering its own people and threatening others with destruction. And so I'm happy to join with you and Mr. BERMAN in doing this.

When nuclear, chemical, or biological weapons get in the hand of regimes which lead these rogue states, it's not only a danger to the U.S., it is a danger to all our allies in the Middle East, Asia, and around the world.

What this important bill does is it strengthens existing U.S. sanctions against foreign entities that provide nuclear, chemical, or biological weapons components to Iran, North Korea, and Syria. When Israel destroyed a

Syrian facility, we found that that facility was planned and arranged and done by North Korea. So there is this collusion of these rogue regimes all throughout the world.

Importantly, for the first time, this bill imposes sanctions on foreign entities that provide to or acquire from these countries any goods or technology that could be used for military applications. So I, therefore, strongly support this bill in the hope that we can prevent Iran, Syria, and North Korea from getting their hands on more unconventional weapons.

And I say again, people say Republicans and Democrats can't agree on anything. This is something that we agree on because we understand that it is not only a threat to the United States, but it's a threat to the entire world when these rogue regimes have these kinds of weapons of mass destruction.

□ 2120

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

The Congressional Quarterly House Action Report on this legislation states the following: that the measure, however, exempts such restrictions for assistance for the Bashir nuclear reactor in Iran which is being developed with the aid of Russian entities unless the President determines such assistance is contributing to Iran's development of nuclear weapons.

Now, that is very interesting because what that means is that it is not axiomatic that the mere presence of nuclear power capability necessarily means that Iran is developing nuclear weapons. As a matter of fact, you wouldn't have that provision unless the President had the authority to be able to make a finding with respect to the development of nuclear weapons by Iran.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to a former member of the House Foreign Affairs Committee and member of the Appropriations Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I want to thank the chair and ranking member for all the leadership on this issue.

I rise in support of both the Iran Threat Reduction Act as well as the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act. Both of these bills have at their heart and core the same purpose, and that is to prevent some of the most dangerous, terrorism-sponsoring and proliferating nations—nations like Iran, North Korea, and Syria—from obtaining a nuclear weapons capability or proliferating that capability.

Now, why is that so important? Well, in the case of Iran, Iran's acquisition of the bomb would empower that dictatorial regime to carry out what it has threatened to do, that is, to potentially wipe Israel off the face of the map. It would also, I think, very likely result in a nuclear arms race in the Middle East.

And I believe that we will be judged as a country and as a Congress on whether we take every possible step, every diplomatic step, every step through sanctions to prevent Iran from acquiring the bomb and all the potentially disastrous consequences that could have. And this legislation, by particularly going after Iran's Central Bank, will be the most devastating of all economic sanctions on Iran.

We saw the concern manifest in Iran when Britain passed similar sanctions. Plainly, they are terrified of the impact this would have. This is the strongest leverage we could bring against Iran's nuclear program, and I strongly urge its passage.

We also have a deep national security interest in going after any potential proliferation of nuclear materials and technology. We have already seen in Syria a dictator's willingness to murder thousands of his own people. We have also seen a regime in Damascus willing to engage in a surreptitious nuclear program in violation of international law and agreement.

I urge passage of both bills.

Mr. KUCINICH. Could I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Ohio has 14¼ minutes; the gentleman from California has 4 minutes remaining; and the gentlewoman from Florida has 2½ minutes remaining.

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

Dr. Robert Pape from Harvard's Journal of International Security has been quoted as saying the following: Sanctions have failed to achieve their objectives in 95.7 percent of cases since World War I, and sanctions are more than three times more likely to end in military conflict than success.

So what we have here is that sanctions inevitably equal a failure of diplomacy, and war becomes a failure of sanctions. So we must ask ourselves, while we stand here for nonproliferation, something that I agree with, how do we stop the nonproliferation of war? Particularly, how do we forestall any possibility of a nuclear war?

Now, Lawrence Korb was the Assistant Secretary of Defense in the Reagan administration, and he serves now as a senior fellow at the Center for American Progress. Last month, he submitted an article to the Plain Dealer in Cleveland, and I want to quote from it because it's relevant not only to this debate, but it is relevant to the economic stress this country is feeling right now.

He says that since the second term of the Reagan administration, nuclear weapons have been of declining strategic relevance, but our budget barely reflects that. Our country is slated to spend $700 billion over the next 10 years on nuclear weapons programs. This is unsustainable, a directionless budget driven in large part by inertia and the pressure from Members of Congress to preserve programs in their own States at the expense of the country as a whole. Military leaders agree that spending on these programs is disconnected from a strategic vision and that we are at risk of wasting a vast amount of money.

General James Cartwright, former Vice Chairman of the Joint Chiefs of Staff, has argued we haven't really exercised the mental gymnastics, the intellectual capital on what is required for nuclear deterrence yet. I'm pleased that it's starting.

Other leaders from the Pentagon have also identified nuclear weapons programs as an area to make cuts. The commander of the U.S. Strategic Command, General Robert Kehler, has pointed to the unsustainability of this spending. We're not going to be able to go forward, he said, with weapons systems that cost what weapons systems cost today. A case in point is a long-range strike bomber; a case in point is the Trident submarine replacement. The list goes on.

The savings to the American taxpayer could be considerable. The long-range penetrating bomber will cost $50 billion over the next 10 years and fills no need that isn't already filled by our existing fleet of B–52 and B–2 bombers.

Rightsizing our fleet of nuclear-armed Trident subs to eight or fewer from 12 and building no more than eight new nuclear-armed subs would save approximately $26 billion over the next decade and help close the budget deficit and reduce Russia's incentive to maintain a large nuclear arsenal in the bargain, and we will still have a nuclear arsenal vastly superior to any other and remain a deterrent capacity second to none. Fiscal conservatives have also targeted the nuclear weapons budget as a clear area for cuts.

Senator TOM COBURN voted against the new START arms control treaty last December but now advocates spending cuts that would lower the number of nuclear weapons below new START numbers.

The point is that, far from saying we shouldn't have other nations proliferating, we should start with ourselves here. Let's start cutting back these nuclear programs. Let's take a stand that all nations should get rid of their nuclear weapons. Let's move forward to see what a world would like look like without nuclear weapons instead of just saying, well, there are some nations that shouldn't have nuclear weapons.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 9¾ minutes.

Mr. KUCINICH. I yield myself an additional 5 minutes.

One of the most troubling aspects of this legislation is, and it may be the area of the legislation that has not received much attention but it needs to have attention right now, and that is

that this legislation puts this country at odds with Russia in a way that I think is actually against the interests of world peace. It goes on to call out the Russian Federation specifically with respect to saying that they're assisting these nuclear programs. This really, in a sense, is a confession of how far away we've gone from the mark of START I and START II, about how far we've gone away from that time when President Reagan met with Premier Gorbachev to talk about what we can do to start to build down these nuclear weapons.

I remember when Vladimir Putin, who is now being reviled, when Vladimir Putin made the offer to President George W. Bush to start to get rid of nuclear weapons, and, unfortunately, his efforts were rebuffed.

□ 2130

We should be engaging Russia directly on getting rid of nuclear weapons. Instead, what we have here is a restriction on payments in connection with the International Space Station. That's in here. You know, remember, the International Space Station was the centerpiece of U.S.-Russia cooperation. We held that out as proving that we could work together on Earth as it is in heaven. We showed that that space station was a platform for cooperation and peace between Russia and the United States.

What we're doing here is we're saying in effect that all extraordinary payments in connection with the International Space Station to Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of Russian Aviation and Space Agency, would basically be restricted.

Mr. BERMAN. Will the gentleman yield just on this question?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. BERMAN. I appreciate that.

Two points just on this issue: one is the language the gentleman originally read with respect to Russia was amended out of the bill in committee.

Mr. KUCINICH. Well, I thank the gentleman for pointing that out.

Mr. BERMAN. Secondly, this language with respect to funding on the Russian flights to the space station is an extension of the authority, not an elimination of the authority, to engage and provide funding for that purpose. So I understand why the gentleman said what he did, but in reality——

Mr. KUCINICH. I'm asking you, when you say this was amended out, it was amended out with respect to the citation of the Russian Federation——

Mr. BERMAN. Yes.

Mr. KUCINICH. As well as the section which spoke directly to the restrictions on the payments.

Mr. BERMAN. The restrictions on payments is an extension of time, and it also has a waiver. The first reference to Russia was eliminated from the bill.

Mr. KUCINICH. Okay. Well, I appreciate your pointing that out. But I would yield to my friend for a question.

Does this legislation, or does it not, have a reference to the International Space Station and Russia? Is there a reference to it?

Mr. BERMAN. Yes.

Mr. KUCINICH. And is there any kind of restriction being placed on Russia with respect to payments in connection with the International Space Station?

I yield to the gentleman from California.

Mr. BERMAN. There is language in the bill with respect to restrictions. There is a waiver in the bill for those restrictions, and there is an extension of non-applicability of those provisions until 2020.

Mr. KUCINICH. I would reclaim my time and respectfully suggest to my friend from California that even if you're extending the non-applicability, our friends in Russia will read this as being an attempt to try to put Russia in a position where we are forcing them to put at risk the International Space Station if in fact they wish to have a different kind of diplomacy than we have.

I reserve the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. May I inquire of the Chair how much time I have.

The SPEAKER pro tempore. The gentleman from California has 4 minutes.

Mr. BERMAN. I am only going to use a moment of the time simply to address the issue that my friend from Ohio talked about with respect to sanctions.

The focus on unilateral sanctions without international support versus effective multilateral sanctions, that distinction was not made by my friend from Ohio. The fact is that this administration and this Congress, through legislation, working in coordination with the members of the Security Council, our friends in the European Union, our allies in Asia, have put together a multilateral level of sanctions that has never been seen before.

And old studies regarding the effectiveness of unilateral sanctions in terms of altering a country's behavior are not applicable in this situation because we are deeply committed to the understanding that we will estop this kind of proliferation in which we have the support of all of the countries of the world who are committed to and adhere to the nonproliferation treaty.

And I suggest with that that I should yield back the balance of my time.

Mr. KUCINICH. May I ask how much time I have left.

The SPEAKER pro tempore. The gentleman from Ohio has 4¾ minutes, and the gentlewoman from Florida has 2½ minutes.

Mr. KUCINICH. Does the gentlelady wish to close?

Ms. ROS-LEHTINEN. Yes. As I have stated before and will continue to state, I will reserve my time to close.

Mr. KUCINICH. It's time for the United States as a Nation to change its direction, to begin to see ourselves as a Nation among nations, not a Nation above nations, to begin to set aside war as an instrument of policy, to be sensitive to the power that we have so that we're not attempting to use our force in a way that would punish someone militarily who doesn't agree with us.

The underlying premise that my friends here have of nonproliferation is something I agree with, but where we depart from agreement is where we're focusing on nonproliferation among only a few countries.

I will say it again: we need a new direction in America. It's a direction where we stand for peace, not the kind of peace which is some airy-fairy notion, and not just looking at peace as the absence of war, but peace as an active presence and the capacity we have to pursue the science of human relations, and to be able to use diplomacy to get to a place where we all feel secure.

But we don't have that today. So what we do is we try to find our security through straitjacketing other nations with sanctions that inevitably are bound to fail and which inevitably turn the people of the countries who we're sanctioning against us and help to strengthen the hands of the regime that's being sanctioned.

We need to, as a Nation, take a stand for nuclear abolition once and for all. We need to, as a Nation, get rid of this idea that war is acceptable. We need to determine that we can get strength and be a strong Nation through peace. Strength through peace is the approach that we ought to be taking, have a national security strategy that involves strength through peace and let our diplomacy, let our pursuit of diplomacy guide us in taking our relations with other nations to a new level.

This isn't naive. I stood here challenging the war in Iraq, and I was right about that. And I can tell you that this Congress took a direction that wasted $5 trillion, the lives of almost 5,000 of our troops, tens of thousands of troops injured, millions of Iraqis dead. Why don't we try diplomacy rather than sanctions? It's something that we really haven't tried, and it's time that we did.

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

Ms. ROS-LEHTINEN. Mr. Speaker, to close on this bill, I am pleased to give our remaining time to the gentleman from California (Mr. ROYCE), who is the chairman of our Subcommittee on Foreign Affairs on Terrorism, Nonproliferation and Trade and has been a leader in this sanctions legislation for a mighty long time.

Mr. ROYCE. Mr. Speaker, last week we had a headline in the newspaper that I think underscores the importance of this legislation, and what that headline said was that North Korea is making a missile able to hit the United States.

□ 2140

Now, the reason we're concerned about Iran's activities here in proliferation is because Iran announces they want to kill us. That tends to get our attention. And as a consequence, we begin to think, what could we do to sanction their central bank in order to make it very, very difficult for them to proceed down this road?

Well, let's go back for a minute to this North Korea story, remembering already that we've seen North Korea, proliferate and attempt to give nuclear capability to Syria. We've seen North Korea proliferate to Iran and Pakistan with their missile capabilities. And the story reported that North Korea is moving ahead to build its first road mobile intercontinental ballistic missile. And of course, mobile missiles are very difficult to find. You can't locate them. They're made to be hidden.

And with these developments, the Secretary of Defense said North Korea is in the process of becoming a direct threat to the United States. That's former Secretary of Defense Gates.

No one who has closely watched North Korea is surprised by these developments. And because we haven't seriously sanctioned North Korea in the way of—I mean, we tried sanctioning the Bank of Delta Asia for a short period of time and, frankly, it worked, and then we lifted those sanctions.

I want you to think about this. Pyongyang builds a nuclear reactor in Syria, no real consequences. North Korea unveils an advanced uranium enrichment plant, no real consequences. Kim Jong-Il torpedoes a South Korean ship, no real consequences.

Fully implementing this legislation could impose costs on North Korea or on Iran. But just as with the previous legislation, the administration isn't aggressively confronting this North Korean threat.

Now, I'm going to share with you my concern over all of this. If history is a guide, we'll pass these bills, we'll take them up tomorrow. They'll pass out of the House by tremendous margins. Then we'll wait. We'll wait for the other body to act. Then the Obama administration will press for these sanctions to be scaled back, as it continues to do. And this is what happened last Congress, and my concern is that that is what happens here now. We've got to push this now.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 2105, 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.

Ms. ROS-LEHTINEN. 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, further proceedings on this question will be postponed.

CALLING FOR REPATRIATION OF POW/MIAS AND ABDUCTEES FROM KOREAN WAR

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) calling for the repatriation of POW/MIAs and abductees from the Korean War, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 376

Whereas 61 years have passed since communist North Korea invaded the Republic of Korea, thereby initiating the Korean War on June 25, 1950;

Whereas during the Korean War, nearly 1.8 million members of the United States Armed Forces served in theater along with the forces of the Republic of Korea and 20 other Allied nations under the United Nations Command to defend freedom and democracy in the Korean Peninsula;

Whereas 58 years have passed after the signing of the ceasefire agreement at Panmunjom on July 27, 1953, and the peninsula still technically remains in a state of war;

Whereas talks for a peace treaty began on July 10, 1951, but were prolonged for two years due to disagreement between the United Nations and North Korea regarding the repatriation of prisoners of war (POWs);

Whereas the repatriation of Korean War POWs did not begin until September 4, 1953, at Freedom Village, Panmunjom;

Whereas the majority of surviving United Nations POWs were repatriated or turned over to the Neutral Nations Repatriation Commission in accordance with Section 3 of the Armistice Agreement, but the United Nations Command noted a significant discrepancy between the Command's estimate of POWs and the number given by North Korea;

Whereas the Defense Prisoner of War/Missing Personnel Office of the Department of Defense (DPMO) lists more than 8,000 members of the United States Armed Forces as POWs or missing in action who are unaccounted for from the Korean War, including an estimated 5,500 in North Korea;

Whereas many South Korean POWs were never reported as POWs during the negotiations, and it is estimated as many as 73,000 South Korean POWs were not repatriated;

Whereas the Joint Field Activities conducted by the United States between 1996 and 2005 yielded over 220 sets of remains that are still being processed for identification at Joint Prisoners of War, Missing in Action Accounting Command in Hawaii;

Whereas the United States recovery operations in North Korea were suspended on May 25, 2005, because of disagreements over communications facilities;

Whereas North Korea has consistently refused to discuss the POW issue, and the exact number of South Korean POWs who were detained in North Korea after the war is unknown, as is the number of those still alive in North Korea;

Whereas approximately 100,000 South Korean civilians (political leaders, public employees, lawyers, journalists, scholars, farmers, etc.) were forcibly abducted by the North Korean Army during the Korean War, but North Korea has neither admitted the abductions occurred nor accounted for or repatriated the civilians;

Whereas many young South Korean men were forcibly conscripted into the North Korean Army during the Korean War;

Whereas North Korea's abduction of South Korean civilians was carried out under a well-planned scheme to make up the shortage of North Korea's own needed manpower, and to communize South Korea;

Whereas during the Korean War Armistice Commission Conference, the United Nations Command, led by the United States, negotiated strongly to seek that South Korean civilians abducted by North Korea be exchanged for Communist POWs held by the United Nations;

Whereas North Korea persistently delayed in POW/civilian internee negotiations, refusing to acknowledge that they had committed a war crime of civilian abduction, with a result that in the armistice talks Korean War abductees were re-classified ''displaced persons'' and, consequently, not a single person among them has been able to return home;

Whereas the South Korean families of the civilians abducted by North Korea six decades ago have endured extreme pain and suffering due to the prolonged separation and due to the knowledge that North Korea has neither admitted that the abductions occurred nor accounted for or repatriated these civilians;

Whereas former South Korean POWs and abductees who escaped from North Korea have provided valuable and credible information on sightings of American and South Korean POWs in concentration camps;

Whereas tens of thousands of friends and families of the POW/MIAs and abductees from the Korean War, including the National Alliance of POW/MIA Families, POW/MIA Freedom Fighters, the Coalition of Families of Korean & Cold War POW/MIAs, the International Korean War Memorial Foundation POW Affairs Committee, Rolling Thunder, Inc., the Korean War Abductees Family Union, the Korea National Red Cross, World Veterans Federation, and the National Assembly of Republic of Korea, have called for full accounting of the POW/MIAs and abductees by North Korea; and

Whereas July 27, 2011, is the National Korean War Veterans Armistice Day, which is a day of remembrance and recognition of Korean War veterans and those persons who never returned home from the Korean War: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;

(2) takes note of the U.S.-North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;

(3) recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;

(4) encourages North Korea to repatriate any American and South Korean POWs to their home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;

(5) calls upon North Korea to admit to the abduction of more than 100,000 South Korean civilians and reveal the status of the abductees; and

(6) calls upon North Korea to agree to the family reunions and immediate repatriation

of the abductees under the International Humanitarian Law set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I am so pleased to rise in strong support of House Resolution 376, calling for the repatriation of POWs, MIAs, and abductees from the Korean War. It is fitting that this resolution was introduced by one of the House's own Korean war vets, Congressman CHARLIE RANGEL. He hasn't had a bad day since.

Mr. RANGEL received a Purple Heart for the wounds he received in fighting his way out of an ambush by Chinese forces in subzero temperatures in the early months of the Korean War. Mr. RANGEL also received a Bronze Star for his valor.

Mr. RANGEL shares this with Members SAM JOHNSON, HOWARD COBLE, and JOHN CONYERS, Korean veterans all, a personal knowledge of how crucial this resolution is in addressing unresolved issues from that long ago conflict.

Another person who understands the critical importance of this resolution is the President of the Korean War Abductees Families Union, who flew almost halfway across the globe from Seoul, Korea to be here and witness the consideration of this resolution on the House floor. Ms. Lee was a mere 18-month-old baby when her father was taken away by the North Koreans, not to be seen again for the past 6 decades.

Mr. Speaker, General MacArthur, returning from the Korean front in 1951, famously told the U.S. Congress and the American people that ''old soldiers never die, they just fade away.'' How sadly ironic that some of the old soldiers of the Korean conflict in which General MacArthur served have indeed faded away into a North Korean gulag.

But through this resolution, we clearly demonstrate that these old soldiers will not be allowed to just fade away into the fog of war. This resolution reminds us that 8,000 Americans missing in action in Korea remain unaccounted for, and that an estimated 73,000 South Korean POWs were not repatriated and were held in North Korea against their will.

In addition, approximately 100,000 South Korean citizens were forcibly abducted by North Korea during the Korean conflict.

The recent U.S.-North Korea agreement to resume the search for the remains of an estimated 5,500 U.S. soldiers lost inside North Korea is welcomed by American families, those who have endured 60 years of unresolved grief over the loss of their loved ones.

It is our hope that the procedures for payment of the cost of the MIA recovery by our Department of Defense are more transparent than the delivery of suitcases full of dollars to North Korean generals, as was done in the past.

We have also the highest respect for the Joint Prisoners of War, Missing in Action Accounting Command in Hawaii, which processes our soldiers' remains once they make that final journey home from Korea. I am certain that those who seek to identify remains are aware of Ronald Reagan's famous adage, ''trust, but verify.''

And this applies doubly to North Korea. Let us not forget that only a few years ago, Pyongyang provided our Japanese allies with the purported remains of a 13-year old schoolgirl abducted to North Korea many years before, which turned out to be bogus.

We do not want to see any of our POW/MIA families so cruelly tricked by North Korea. Pyongyang must come clean on its past armistice violations and war crimes by returning any remaining POW and MIA remains and abductees to their waiting loved ones.

By adopting this important resolution, the House will not only recognize the valor of those who served during the Korean War, like Mr. RANGEL before us, but will honor those who serve today on the Cold War's last frontier along the DMZ.

I strongly urge all of my colleagues to support this important resolution, and I reserve the balance of my time, Mr. Speaker.

I am pleased to rise in strong support of House Resolution 376, ''Calling for the repatriation of POW/MIAs and abductees from the Korean War.''

It is fitting that this resolution was introduced by one of the House's own Korean War veterans, Congressman CHARLES RANGEL.

Mr. RANGEL received a purple heart for the wounds he received in fighting his way out of a ambush by Chinese forces in subzero temperatures in the early months of the Korean War.

Mr. RANGEL also received a bronze star for his valor.

Mr. RANGEL shares with Members SAM JOHNSON, HOWARD COBLE, and JOHN CONYERS, Korean War veterans all, a personal knowledge of how crucial this resolution is in addressing unresolved issues from that long-ago conflict. Another person who understands the critical importance of this resolution is Miss Lee Mi-il, President of the Korean War Abductee Families Union, who flew almost halfway across the globe from Seoul, Korea to be here and witness the consideration of this resolution on the House Floor.

Miss Lee has spent the last decade working on the abduction issue as chronicled in a recent New York Times article.

She was a mere eighteen month-old baby when her father was taken away by the North Koreans, not to be seen again for the past six decades.

Miss Lee's 89 year-old mother is still waiting at the family home for the return of her long-missing husband.

As the North Korean famine in the mid-nineties led to a breakdown of control both inside North Korea and along the Chinese border, the world was shocked by the sudden emergence of a number of old men who wandered into China.

These were old South Korean soldiers, allies of the United States, held secretly and against their wills for decades, in violation of the Armistice, as virtual slaves in North Korean coal mines.

General MacArthur, returning from the Korean front in 1951 famously told the U.S. Congress and the American people that ''old soldiers never die, they just fade away.''

How sadly ironic that some of the old soldiers of that Korean conflict in which General MacArthur served have indeed faded away—into a North Korean gulag.

And so they became the forgotten old soldiers of that conflict long labeled ''the forgotten war.''

We must be completely assured by the continued efforts of our government and our allies that there is not one old American soldier among these South Korean POWs still captive bound in the North Korean gulag!

By this resolution we clearly demonstrate that these old soldiers will not be allowed to just fade away into the fog of war.

This resolution reminds us that 8,000 American MIAs from Korea remain unaccounted for and that an estimated 73,000 South Korean POWs were not repatriated and were held in North Korea against their wills.

In addition, approximately one hundred thousand South Korean citizens were forcibly abducted by North Korea during the Korean conflict.

This forced wartime abduction of civilians by North Korea represents a crime for which Pyongyang must both accept responsibility and make restitution, including providing for the safe return of all surviving victims to their homes.

The recent U.S.-North Korea agreement to resume the search for the remains of an estimated 5,500 U.S. soldiers lost inside North Korea is welcomed by the American families who have endured sixty years of unresolved grief over the loss of their loved ones.

It is our hope that the procedures for payment of the costs of MIA recovery by our Department of Defense are more transparent than the delivery of suitcases full of dollars to North Korean generals as was done in the past.

We also have the highest respect for the Joint Prisoners of War, Missing in Action Accounting Command in Hawaii which processes our soldiers' remains once they make the final journey home from Korea.

I am certain that those who seek to identify remains are aware of Ronald Reagan's famous adage ''trust but verify.''

This applies doubly to North Korea.

Let us not forget that only a few years ago Pyongyang provided our Japanese allies with the purported remains of a thirteen year-old school girl abducted to North Korea many years before.

This girl's family faced the additional pain of being victimized by North Korea a second time when Japanese forensic experts concluded that those remains were bogus.

We do not want to see any of our POW/MIA families so cruelly tricked by North Korea!

Pyongyang must come clean on its past Armistice violations and war crimes by returning any remaining POWs, MIA remains and abductees to their waiting loved ones!

By adopting this resolution, the House will not only recognize the valor of those who served during the Korean War but will honor those who serve today on the Cold War's last frontier along the DMZ.

I strongly urge all my colleagues to support this resolution.

Mr. BERMAN. Mr. Speaker, I rise in strong support of House Resolution 376, calling for the repatriation of POWs, MIAs, and abductees from the Korean War.

I am going to yield 5 minutes to the sponsor of this legislation, the gentleman from New York (Mr. RANGEL), himself a Korean War veteran, as our chairman has mentioned, to open the debate on this issue.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

□ 2150

Mr. RANGEL. Let me thank so much for the sensitivity and support that the gentlelady from Florida and chairman of this committee, for the strong support and the friendship that you've extended not only to me but to the people that you have felt their pain even though the hostilities are over, and the courtesy that Ranking Member BERMAN has given in allowing me to open the discussion on this important debate.

As most of you know, in 1950 the Communist North Koreans invaded South Korea, crossing a line that Russia and the United States had settled in what they called the 38th Parallel. Well, you can separate a geographic area, but you cannot separate a people that have the same background, the same language, and the same culture.

Nor can you engage in a war and insist that you are not going to abide by the international obligations that even in those types of hostilities most nations abide by. We have had close to 2 million American soldiers, men and women, in Korea with allies and friends in the United Nations to stop this hostile communist unwarranted takeover of South Korea. In that war over 50,000 Americans were killed; double that number were wounded; and we had thousands of people that were just taken as prisoners of war, or they were missing in action.

There was a time that the regime in North Korea was helping the State Department and the United States in finding where these bodies are located and with some success. When you lose a loved one, at some point in time it has to come to closure, and when you know that the people could have these bodies and for evil intent not respond to the basic human needs of those who suffered so much, it seems to me that this Congress and the executive branch should insist that a part of our priorities in dealing with North Korea is that they allow and cooperate with us in finding the remains of those people who fought for this great country and because their families and their friends have suffered so much pain.

As it relates to the South Koreans, they even sacrificed more lives. They were not hostile. They were not bothering anybody when this hostility came to such an extent that the whole world, almost, condemned it. And of course the Second Infantry Division that I served in in 1950 was the first to lead the United States and face the enemy and joining with our allies we were able to drive them to the North Korean border with China.

As most of you know, the Chinese entered with hundreds of thousands of people, tens of thousands of volunteers, and we found that many lives were lost.

In the course of this, South Koreans that were not in North Korea, they were in the northern part of their country. South Koreans that were captured, South Koreans that fought, South Koreans that were professors, workmen and what-not, were captured, held hostage and the worst of all, separated from their families and friends.

As I said, you can politically separate a country. You can draw an imaginary line on the map, but the truth of the matter is that the South Koreans have suffered long enough. They have really become our friends. They have become the sentinel of democracy in this part of the world. They have become one of our strongest trading partners, and we never have to ask them for help. They're always there.

When Korea is in trouble, we will be there for them; when America is in trouble, we don't have to call on South Korea.

So I want to thank the committee members and this Congress and this Nation not to forget our friends, and especially not to forgot those who still mourn those who gave up their lives for their great countries, both for South Korea and for the United States of America. And we hope that through this effort, the State Department will resume looking for the Americans who put themselves in harm's way and their families have no knowledge where they are.

We would like to thank Ms. LEE and all of the people who have come here to convince us that these families have to be reunited, and America will see that it is done. I thank you for the courtesy.

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

I rise in strong support of House Resolution 376, calling for the repatriation of POWs, MIAs, and abductees from the Korean War, and I yield myself as much time as I may consume.

I'd like to thank the sponsor of this legislation, the gentleman from New York, Mr. RANGEL—himself a Korean War veteran—and the Chairman of the Foreign Affairs Committee, Ms. ROS-LEHTINEN, for their leadership on this issue.

This resolution calls attention to one of the most tragic issues still lingering from the Korean War: the fate of soldiers taken prisoner during the war and missing in action, and civilian South Korean citizens abducted by North Korea.

The Defense Department lists almost 8,000 American service members from the Korean War who remain unaccounted for to this day. In my home state of California, there are 614 individuals whose final status is unknown.

For the families of those American POWs or MIAs, they must carry on their lives without the benefit of having final closure or peace.

Between 1996 and 2005, the Defense Department conducted joint field activities in both South and North Korea that resulted in the recovery of over 220 sets of remains. Recovery operations in North Korea were suspended in 2005, but recently this past October, the United States and North Korea agreed to resume operations next year to search for and recover the remains of American POWs and MIAs.

This resolution shows our solidarity with our troops who were captured or went missing during the Korean War, and affirms that we will never forget our duty to bring them home.

A second element of this resolution takes note of South Korean POWs and civilian abductees from the Korean War.

The exact number of South Korean POWs held in North Korea after the war is unknown, but it is estimated that as many as 73,000 South Korean prisoners were not repatriated to the South following the war. Some of them may still be alive in North Korea.

North Korea also abducted tens of thousands of South Korean civilians, mainly civil servants, teachers, writers, judges, and business people during the war. North Korea has continued to deny that it abducted these civilians and that any of them may still exist, despite testimony proving otherwise.

With this resolution, the House of Representatives formally recognizes the existence of South Korean POWs and civilian abductees from the Korean War who may still be alive in North Korea and want to return to their families in the South.

We call on North Korea to admit to abducting the thousands of South Korean civilians and reveal their status. The North also should allow family reunions and immediate repatriation of the abductees under the Geneva Convention.

The United States stands with the people of South Korea in remembering these abductees from the Korean War. We must not forget their plight, and we will continue working for their reunification with their families, still scarred by the lingering pain and tragedy of war.

I urge my colleagues to support this resolution.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, for our closing speaker, I am pleased to recognize for such time as he may consume my good friend from California (Mr. ROYCE), the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade and a cosponsor of this important resolution.

Mr. ROYCE. I rise in support of this resolution.

Several of our colleagues—SAM JOHNSON, HOWARD COBLE, JOHN CONYERS, and its author CHARLIE RANGEL—bravely fought in this war and deserve our recognition tonight. Even if he hasn't had a bad day since, they deserve our recognition.

Mr. Speaker, the Korean War as we often know is called the Forgotten War, but those who fought it and our South Korean allies haven't forgotten this war. And by moving this legislation forward tonight, we're signaling that the House has not forgotten this war. And as much as anything, I believe this resolution demonstrates the shared commitment, the shared sacrifice that serves as the foundation of that U.S.-South Korea alliance.

We've all seen lots change in those six decades since our colleagues fought in that war; but with U.S. support, South Korea has transformed into a modern leading economy in the world today, but you still go north of that 38th Parallel—I've been north of that 38th Parallel—and they still live literally in darkness.

It's been more than 60 years since the start of the Korean war; and after all of that time, our Department of Defense lists more than 8,000 American servicemen as POWs who are missing in action. The number of South Koreans is estimated to be many times that because as many as 100,000 South Koreans were forcibly conscripted into the North Korean Army.

For our veterans and for their families, it is well past time for a full accounting which is what this resolution calls for.

Indeed, as this resolution states, there are still South Korean prisoners of war and civilian abductees from the Korean war who are still alive in North Korea and want to be repatriated back to the South.

For the sake of those impacted, I urge passage of this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 376. H. Res. 376 was authored, introduced and sponsored by a true American hero—my good friend, the Honorable CHARLES RANGEL—and I am proud to be an original cosponsor.

H. Res. 376 calls for the repatriation of POW/MIAS and abductees from the Korean War, and I know this legislation is near and dear to Congressman RANGEL's heart, as was the Resolution he introduced last year to recognize the 60th anniversary of the Korean War. Last year's Resolution, which was passed by Congress and signed by the President, should have born CHARLIE RANGEL's name, but due to back and forth between the House and Senate he did not receive the credit he deserved. I stand to credit him now.

In a black unit led mostly by white officers, acting Sergeant CHARLES RANGEL was awarded a Purple Heart and a Bronze Star for his heroic service in the Korean War, having led his comrades from behind enemy lines in circumstances few of us have ever known. I commend the Honorable CHARLES RANGEL for his valor, sacrifice and courage.

I also thank the Korean American community in Los Angeles and New York, and especially Mr. Dongsuk Kim, founder and former President of the Korean American Voters' Council; Mr. Mi-il Lee, President of the Korean War Abductees' Family Union (KWAFU); and Dr. Hong-Sik Shin for their tireless efforts in support of this Resolution. Their leadership in pushing this forward is the reason why I believe this historic Resolution will pass the House today.

On behalf of all those who served and sacrificed, I urge my colleagues to vote in favor of H. Res. 376.

Mr. HOLT. Mr. Speaker, I rise in support of this bill, and I thank the gentleman from New York, Representative RANGEL, for offering it.

Every year for decades, the Congress has appropriated millions of dollars for the Pentagon to go around the world and recover the remains of our fallen. Those involved in the effort know that theirs is a solemn and vital mission, one that everyone who serves in this House strongly supports. It makes one proud to be an American knowing that we will go to great lengths to leave no soldier behind.

Unfortunately, this laudable effort to recover the remains of those long deceased has not been matched by the same level of care and concern at the Dover Port Mortuary in recent years. I know the truth of this through a courageous constituent of mine, Lynn Smith of Frenchtown, New Jersey. Lynn's late husband, Sergeant First Class Scott Smith, was killed by an improvised explosive device in Iraq in 2006.

More than a year after Scott's body was returned home to her and his parents, Lynn discovered that additional remains were subsequently recovered—then incinerated, mixed with medical waste, and dumped in a landfill in King George County, Virginia. As Lynn suspected, and as we now know, that practice was performed on the unclaimed additional remains of at least 273 other servicemembers. There were a number of other incidents of desecration or mishandling of remains that took place at Dover that were subsequently exposed by three Dover employees, who took the dangerous step of becoming whistleblowers and reporting their allegations to the Office of Special Counsel. Make no mistake—those whistleblowers are true public servants, and I thank them.

I have made it clear to Air Force officials that they must never allow this kind of outrage to happen again, and that those who retaliated against the whistleblowers should be dismissed from government service. If we can get our MIA recovery and identification process right, the same high standards must apply at Dover.

Mr. Speaker, I thank the gentleman from New York for offering this bill and I urge its swift passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 376, as amended.

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

A motion to reconsider was laid on the table.

□ 2200

URGING TURKEY TO SAFEGUARD ITS CHRISTIAN HERITAGE

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 306

Resolved, That it is the sense of the House of Representatives that the Secretary of State, in all official contacts with Turkish leaders and other Turkish officials, should emphasize that Turkey should—

(1) end all forms of religious discrimination;

(2) allow the rightful church and lay owners of Christian church properties, without hindrance or restriction, to organize and administer prayer services, religious education, clerical training, appointments, and succession, religious community gatherings, social services, including ministry to the needs of the poor and infirm, and other religious activities;

(3) return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including movable properties, such as artwork, manuscripts, vestments, vessels, and other artifacts; and

(4) allow the rightful Christian church and lay owners of Christian church properties, without hindrance or restriction, to preserve, reconstruct, and repair, as they see fit, all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

Mr. WHITFIELD. Mr. Speaker, I rise to oppose the resolution and to claim time in opposition to the resolution.

The SPEAKER pro tempore. Does the gentleman from California (Mr. BERMAN) favor the motion?

Mr. BERMAN. I do.

The SPEAKER pro tempore. On that basis the gentleman from Kentucky will control 20 minutes in opposition.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I yield half of my time to the gentleman from California (Mr. BERMAN) and ask unanimous consent that he may be able to control that time.

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

There was no objection.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on this resolution.

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

There was no objection.

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

Let me begin by quoting Thomas Jefferson. He said, ''In our early struggles for liberty, religious freedom could not fail to become a primary object.''

Jefferson was a very smart man, and he understood that the core foundation of democracy relied on individual differences and opinions without fear of intimidation. This concept is one that we, as Americans, have benefited from since our founding. Religious freedom has played an integral part of our continued success as a country. Very sadly, this is a freedom that so many countries like Turkey still struggle to realize.

Today we are considering House Resolution 306, which I authored with Ranking Member HOWARD BERMAN, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties to their rightful owners.

Unfortunately, the U.S. Commission on International Religious Freedom has had to put Turkey on its watch list for 3 straight years now. The commission reports that the Turkish Government's formal, longstanding efforts to control religion by imposing suffocating regulations and by denying full legal status to religious institutions results in serious religious freedom violations. The government has failed to take decisive action to correct the climate of impunity against religious minorities and to make the necessary institutional reforms to reverse these conditions. Now, those are the words of the commission, itself, on this subject.

Religious tolerance has long been a problem for Turkey. Turkey has yet to remedy the desecration of the religious properties of over 2 million Armenians and Greeks and Assyrians and Syriacs over the last 100 years. Until these obligations are fulfilled, religious freedom will remain illusive and, frankly, relations with the United States will suffer. Prime Minister Erdogan recently issued a decree to return confiscated church properties that were taken after 1936, but the majority of confiscated religious properties, of course, were taken prior to 1936.

We are sending a signal today that Turkey should reassess the cutoff date, and I would suggest that outside pressure and actions like we are taking here today and reports like that of the religious commission have helped with what progress we have seen to date.

The United States has a vested interest to advance religious freedom. Turkey's claims of being a secular country are not enough in dealing with the day-to-day discriminatory harassment that religious minorities face there, for actions speak louder than words. There are very few religious minorities in Turkey. These are men and women struggling to practice their faiths, and they need added protection.

So this resolution urges Turkey to end all forms of religious discrimination, to allow rightful churches to organize and train and teach and practice religious activities without hindrance or restriction, and to return church properties and relics to their rightful owners—whether they be places of worship or monasteries or schools or hospitals or holy sites or other artifacts. Lastly, this resolution allows religious minority groups to own religious properties so that they can preserve and reconstruct and repair religious properties as they see fit.

Religious freedom is a fundamental human right, so I urge the passage of House Resolution 306, which urges the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

I reserve the balance of my time.

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

I have read H. Res. 306. Certainly, there is nothing in the language of this resolution that very many people would oppose. It basically says that it is the sense of the House of Representatives that the Secretary of State, in all official contacts with Turkish leaders and other Turkish officials, should emphasize that Turkey should end all forms of religious discrimination. It then goes on from there.

Now, this resolution, in a way, reminds me of asking one, Do you still beat your children? Because whatever one answers, one is going to be condemned. So the mere fact that the resolution is being introduced would leave an objective observer with the opinion that religious freedom is being systematically denied in Turkey.

Let's just look at a few of the facts. On September 13, 2011, during a briefing on the release of the U.S. Department of State's International Religious Freedom report, Secretary Clinton praised Turkey's recent steps in enhancing religious freedom. We've also seen Turkey take serious steps in improving the climate for religious tolerance. The Turkish Government issued a decree in August that invited non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago.

This was the language of Secretary Clinton: I applaud Prime Minister Erdogan's very important commitment to doing so.

In its 13th annual Report on International Religious Freedom, the U.S. Department of State also underscored Turkey's recent efforts. During the reporting period, the government took steps to improve religious freedom. Notably, the government permitted religious services to be held annually at historic Christian sites that had been turned into State museums after decades of disuse.

These positive statements have shown that Turkey has good intentions in pursuing religious freedom; and I might say that, last year, the Turkish Prime Minister issued a circular that emphasized the rights of all Turkish people, Muslim and non-Muslim, to enjoy their religious cultures and identities. Prime Minister Erdogan has urged all government institutions to act in accordance with this message.

So I think it's quite clear that, while this resolution has no binding legal effect and while it has no authority over Turkey whatsoever, we can see that Turkey is taking specific steps to ensure religious freedom in its country and that it's doing so without any prodding from the U.S.

With that, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Res. 306, and I yield 3 minutes to one who has been a leader in this effort for a very long time, my colleague and neighbor from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman from California for yielding and for his leadership on this important issue.

From the spring of 1915 and continuing for the next 8 years, the forces of the Ottoman Empire—police and military—engaged in a genocide of the Armenian people living within the borders of their dying empire.

When it was over, more than 1.5 million men, women, and children had been killed in the first genocide of the 20th century. They were beaten, shot, marched to their deaths through scorching deserts or across frigid mountains and were left where they fell. Families and entire communities were destroyed as the Ottomans did everything in their power to make a people disappear.

□ 2210

But the physical near-annihilation of the Armenian people was not enough to satisfy the Turks' desire to wreak vengeance on Armenia, which was the first nation in the world to adopt Christianity as its official religion in AD 301. Their campaign against the Armenians was broader and was aimed at destroying not only the Armenian people but also their history, their culture, and their faith.

When Ottoman forces began to massacre their Armenian neighbors 95 years ago, there were nearly 2,000 Armenian churches in what is now Turkey. Fewer than 100 remain standing and fully functioning today. One of the world's oldest Christian communities has, in significant part, disappeared from its ancestral homeland.

While the Armenian genocide stands as a singular event, the persecution of the Armenians has continued and much of it centers on the Armenians' status as a Christian minority in an overwhelmingly Muslim country, where discriminatory laws are used to confiscate church property and prevent free worship. And other Christian communities, especially the Greek Orthodox, have also been the victims of Turkish intolerance.

In northern Cyprus, which was invaded by the Turkish army in 1974, churches have been left to rot, cemeteries have been desecrated or fallen

into disrepair, and priests are forbidden from accessing the churches they prayed in as children.

Earlier this year, the U.S. Commission on International Religious Freedom noted in its 2011 report, ''The Turkish Government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey.''

Ours is a Nation that has prized freedom of religion. For more than two centuries, we have stood for tolerance of other faiths. And American diplomats, Members of Congress, and Presidents have consistently pressed other governments to respect and protect their minorities. This resolution is in the finest tradition of advocacy for those whose voices have been silenced. And I am proud to be an original cosponsor and to join my colleagues, especially the gentlemen from California, Mr. ROYCE and Mr. BERMAN, the ranking member of the Foreign Affairs Committee, a friend who has been a leader on these issues throughout his years of service in the House. I urge a ''yes'' vote.

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

Mr. BERMAN. Mr. Speaker, I yield myself 2½ minutes.

The Christian communities of Turkey, once populous and prosperous, have now for many decades been victims of discrimination. The result has been a drastic decline in the Christian population. Whereas well over 2 million Christians lived in Anatolia a century ago, today there are only a few thousand, less than 1 percent of Turkey's population.

Although Christians clearly constitute no threat to the majority, the various Christian communities remain the victims of unceasing discrimination. Their churches have been desecrated, their properties confiscated, and they are denied the right to practice their religion as they see fit or to train their clergy. Through this resolution, we are asking that Turkey rectify this terrible situation.

Much of the worst damage to—and confiscation of—Christian properties was done in the earlier decades of the Turkish Republic, but it continues to some extent today. Some 3 months after the introduction of this resolution in June, Turkish Prime Minister Erdogan responded with a decree that would return a small percentage of the property confiscated from religious minorities as well as provide compensation for property that was seized and later sold. This is too little and too late. It doesn't even begin to make up for the years of loss and the damaging impact on the minority communities, but it does appear to be a step in the right direction. We will watch its implementation closely.

Meanwhile, the Turkish Government must also address the many other forms of discrimination that Christians in Turkey endure. Every church in Turkey suffers petty harassment, at a minimum, and is forced to apply to central authorities for authorization to do any type of repairs or construction, requests that often linger for months and years without government action. Moreover, Turkey recognizes certain Christian groups as legitimate but not others. If you belong to one of the unauthorized groups, such as Evangelicals, you can't even build a church.

This resolution calls on Turkey to make good on all past transgressions and allow true freedom of religion—to achieve the standards of democratic behavior to which it says, and to which I believe, it aspires. We want Turkey to allow its Christian citizens to worship exactly as they want and to allow them to train their clergy exactly as they want.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself 4 minutes.

I might say that Turkey certainly has been a valuable ally of the United States for many years. As we all know, it is the only Muslim nation in NATO. It has been a vital partner to the United States in the war on terror in both Iraq and in Afghanistan. And just recently, Turkey agreed to host a NATO radar defense system directed toward Iran. Turkey also is becoming an increasingly important commercial partner.

But I wanted to also point out, about 3 years ago, without any input from the U.S. Congress, the Secretary of State, or anyone else in the Federal Government, the director of religious affairs in Turkey on his own initiation had one of his religious scholars of the Muslim faith spend a semester at Wesley Theological Seminary here in Washington, D.C. During that semester, there was a dialogue between members of the Christian faith and members of the Muslim faith. And during that time, there was not any finger-pointing. There was no accusing the other side of being mean-spirited or anything else, but it was simply an exchange of ideas. That was at the initiative of the directorate of religious affairs in Turkey.

I might also point out that in October, the archbishop of the Armenian Orthodox Church re-consecrated St. Giragos, an Armenian church near Lake Van in Turkey. That church has recently been renovated.

I would also say that on November 11, 2010, Turkish authorities returned a former orphanage on Princess Island to the Greek Orthodox Patriarchate following a decision by the European Court on Human Rights. On this occasion, the attorney representing the Patriarchate declared, ''This marks a first in Europe. Turkey became the first country to implement a decision of the ECHR by returning the property. This should be an example for other countries.''

So I think it's very clear that Turkey is moving in the right direction. They do not need to be condemned, in my view. They are a vital ally of the U.S.

With that, I reserve the balance of my time.

Mr. ROYCE. I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. BERMAN. Mr. Speaker, I would like to add an additional 30 seconds to the gentleman from California from my allotted time.

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. SHERMAN. Thank you.

The adoption of H. Res. 306 would add the powerful voice of the United States Congress to the defense of religious freedom for Christians in present-day Turkey and reinforce the traditional leadership of Congress in defending freedom of faith around the world.

I want to identify myself with the comments of the gentleman from California (Mr. SCHIFF) on putting this resolution in context by noting the Armenian genocide and how that sets the stage for everything we're talking about here.

□ 2220

H. Res. 306 is urgently needed to address the destruction of Christian religious heritage as a result of the Turkish Government's theft, desecration and disregard of ancient Christian sites and churches, many of them holding great significance to Christian heritage.

The United States Commission on International Religious Freedom raises the following alarm in its 2001 report: ''The Turkish Government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey.''

Churches in Turkey have been desecrated. The adoption of H. Res. 306 would support the Christian communities within Turkey that remain vulnerable and are forced to endure restrictions on their right to practice their faith in freedom. For example, and this is just one example, of the over 2,000 Armenian churches that existed in the early 1900s, less than 100 remain standing and fully functioning today.

This resolution is supported by the co-chairs of the Armenian, Hellenic, and Human Rights Caucuses. The U.S. Commission on International Religious Freedom has for 3 years straight placed Turkey on its watch list.

In 2009, Bartholomew I, the Ecumenical Christian Orthodox Patriarch of Constantinople, appeared on CBS's ''60 Minutes'' and reported that Turkey's Christians were second-class citizens and that he personally felt ''crucified'' by a state that wanted his church to die out.

Church property is routinely confiscated through discriminatory laws. The United States Commission on Religious Freedom reported that over the

previous 5 decades, the Turkish state has, using convoluted regulations and undemocratic laws, confiscated hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, as well as the Armenian Orthodox, Catholics, and Jews.

It is time to add the voice of the American Congress in an effort to make sure that Turkey meets its international responsibilities.

Mr. ROYCE. Mr. Speaker, I reserve the balance of my time to close.

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

I may make one other comment about Turkey. We all know that with the Arab Spring and the movement toward more free governments in the Middle East, that Prime Minister Erdogan has been one of the real leaders. He has spoken up against Syria. He has spoken up against Egypt. He has spoken against Tunisia and other countries and has been a real leader in trying to bring about a measure of freedom in that area.

I might also say that the time period that has been discussed earlier, about the early 1900s, of course during World War I when a lot of these things took place, the Ottoman Empire was fighting for its existence at that time. There were a lot of atrocities that took place on both sides.

But as I said, this resolution, there is certainly not anything in this resolution for anyone to oppose; but I think we should recognize that Turkey is making great strides, that they are returning properties, that they are taking a step, as has been pointed out by Secretary of State Clinton and by the religious watch organizations and others.

Mr. BERMAN had requested that I yield some time, and I would be happy to yield time.

Mr. BERMAN. I would be very grateful if the gentleman would yield 2 minutes to my friend from New York, a distinguished member of the Foreign Affairs Committee, Mr. ENGEL.

Mr. WHITFIELD. I would be happy to yield.

The SPEAKER pro tempore. The gentleman from New York is recognized for 2 minutes

Mr. ENGEL. I thank the gentleman from California and also the gentleman from Kentucky for yielding to me.

I rise in support of the resolution.

Mr. Speaker, I have become increasingly concerned with the direction of Turkey in the past few years. It has elected an Islamist government which has pushed the country toward Iran and into conflict with Israel. While I am relieved that Ankara is now taking a strong stand against the repression in Syria, finally, much needs to change in Turkey. In particular, Turkey, which has such a profound connection with the birth and growth of Christianity, has today expropriated church properties, harassed worshipers, and refused to grant full legal status to some Christian groups.

In fact, the U.S. Commission on International Religious Freedom placed Turkey on its watch list for the third straight year, and concluded that ''the Turkish Government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of religious communities in Turkey.''

I, therefore, rise in strong support of H. Res. 306, which urges Turkey to return stolen Christian churches to the Armenian, Greek, Assyrian and Syriac communities and to end discrimination against surviving Christians.

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

Mr. BERMAN. I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. PALLONE), the cochair of the Armenian Caucus.

Mr. PALLONE. Thank you, Mr. BERMAN.

Mr. Speaker, I am proud to rise in support of H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties. As an original cosponsor of this resolution, I believe that its adoption is critically important to showing that the U.S. Congress will not remain silent while countries such as Turkey violate basic religious freedoms.

This resolution is needed because the sad reality is that minority religious communities in Turkey daily face oppressive policies propagated by the Turkish Government. The U.S. Commission on International Religious Freedom has found that the ''Turkish Government's formal, long-standing efforts to control religion by imposing suffocating regulations and by denying full legal status to religious institutions results in serious religious freedom violations.'' The commission has recommended that the U.S. urge Turkey to comply with its international commitments regarding freedom of religion or belief, and that is exactly what this resolution does.

Now, many within Turkey today and many more have fled religious persecution over the past century, knowing the frightening consequences that religious persecution has had on Christians and their churches. Each year the Armenian Issues Caucus, which I cochair, gathers to commemorate the Armenian genocide. Over a million Armenians were killed in the genocide over 90 years ago, but Armenians in Turkey and their churches and landmarks and cemeteries continue to be targets for Turkish persecution.

I wanted to mention to my colleague, and I respect my colleague from Kentucky a great deal, but the fact of the matter is that Turkey has never admitted that the genocide has occurred. You mentioned that during World War I there were problems on both sides. But the fact of the matter is that over 1 million Armenians were massacred and their churches and everything continue to be targets today.

The resolution further calls on Turkey to stop its oppressive policies towards the education of Greek priests and its overt attempts to pressure the Ecumenical Patriarchate to leave his home country. Can you imagine, they're asking the Patriarch of the Greek Orthodox Church to leave Turkey where he and the Patriarchate have been for, I don't know, 2,000 years.

So I really believe if you believe we should have freedom to practice your religion without interference of oppressive governments, then you should vote ''yes'' on this resolution. The fact of the matter is that Turkey continues to do all of these things. The suggestion I know my colleague from Kentucky has made that somehow they're doing a better job, I mean, it is just very token and there are just as many instances where they continue the oppression compared to those few where maybe they've tried.

Mr. BERMAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. BERMAN. We want Turkey to follow through on its commitment to return confiscated property of Christian communities and to provide compensation for properties that can't be recovered. We want Christian communities in Turkey to enjoy the same rights and privileges that religious minorities enjoy in this country.

□ 2230

We want Turkey to acknowledge the Armenian genocide. This is not too much to ask. In fact, that is the minimum we must ask if Turkey is ever to join the ranks of the world's fully free nations.

I commend my good friend and colleague, Mr. ROYCE, for introducing this resolution and working with me closely on this critical issue, and I urge all my colleagues to join me in supporting this resolution.

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

I might also say that in order to ensure the future viability of the Orthodox Church, the appointment of non-Turkish citizen metropolitans to the Patriarchate's Holy Synod have been explicitly permitted in Turkey since 2004. Furthermore, in 2010, Turkey offered citizenship to metropolitans of foreign nationality who chose to apply. Additionally, issues regarding the residence permits of foreign clergy have been resolved.

I might also point out that I had mentioned earlier that the directorate of religious affairs in Turkey had made available one of the religious scholars in Turkey to conduct a seminar at Wesley Theological Seminary. I would also mention to the body that the South Korean Methodist Church has been evangelizing in parts of Turkey, and they have a church in Antakya,

which is one of the early Christian church sites that is located in Turkey, one of many, and they have been practicing their religion in Antakya.

And so I would say that I don't want people to leave here with the impression that Turkey is deliberately out there trying to deny religious freedom, because that simply is not the case. Now, maybe they have a way to go; but as I've said, there is certainly nothing in this resolution that refers to anything about a genocide. This is simply talking about religious freedom. And I wanted to simply point out the steps that Turkey has been taking and continues to take.

With that, I reserve the balance of my time.

Mr. ROYCE. In closing, Mr. Speaker, religious freedom is a foundation necessary, I believe, for any democracy. It's a freedom we here in America can enjoy, and, frankly, it is embedded so deeply in our culture that many of us tend to take these freedoms for granted. But, unfortunately, this same scenario does not exist around this globe, and I just have to tell you, Turkey has been identified on the religious freedom watch list for 3 straight years. I wish that weren't the case, but it is.

Frankly, I believe that what progress has come comes at least in part—in part—due to this type of pressure from religious freedom reports or from resolutions. The U.S. Commission on International Religious Freedom allows us to gather nonpartisan information on countries that violate these fundamental human rights. And it's my understanding that in 2008 the Government of Turkey claimed they would return confiscated properties, but out of 1,400 claims, less than 100 were approved.

Now, we have close relations with Turkey. We have common interests. And this is a friendly urging that it do more on this important issue and, frankly, one that Turkey itself has committed to improving on. But, that said, with some of the statements made here today, I have to comment on an issue of which I have some personal knowledge, or memory.

When I was a young boy, I remember very well an Armenian in our community, a very elderly Armenian, who was the sole Armenian in his village to survive the Armenian genocide. And the reason he survived was because one of his neighbors hid him. And he told me the story of the atrocities that occurred there.

Now, for our Ambassador, Henry Morgenthau, who detailed what was going on while he was Ambassador to the Ottoman Empire, this was not something that happened in theory. It was a genocide that cost a million and a half human lives. And the fact that even today Turkey does not acknowledge the existence of that Armenian genocide in the Ottoman Empire, I think, should still give us pause. When we're dealing with the remnants of the population of what was once a sizeable percentage of the population of that area, when we're dealing with a question of what remains, 1 percent Greek and Armenian heritage and ethnicity that remains in Turkey today, I think it is only proper that when we have this kind of report that comes back to us from the U.S. Commission on International Religious Freedom, and it details the fact that for 3 years running, rather than make progress, we have seen backsliding, I think it is time for this body to take the position and send the message: Return that confiscated property to its rightful owners; allow that small minority that remains, that wants to practice their faith, allow them to practice their faith and allow them to continue in their schools so that the next generation that wishes to follow in that tradition can do so. That's the request here.

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

Mr. WHITFIELD. In conclusion, I would just say and reiterate once again that, in the 13th Annual Report on International Religious Freedom, the U.S. Department of State also underscored Turkey's recent efforts during the reporting period, the government took steps, important steps, to improve religious freedom. These positive statements have replaced the status of no change in the situation regarding the religious freedom in Turkey.

With that, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, as a co-chair of the Congressional Caucus on Turkey and Turkish Americans, I rise to question the necessity for consideration of H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties, especially in light of recent developments undertaken by the Turkish government. The current government of Turkey has taken steps to deal with the issue of religious properties.

By amending its Law on Foundations in August 2011, Turkey's statute has been improved and expanded, providing that the ''immovable properties, cemeteries and fountains'' of non-Muslim religious entities—referred to as community foundations in Turkey—recorded in Turkey's 1936 Declaration, and ''registered in the name of Turkish public institutions,'' will be returned to the entities upon request. Additionally, provisions are made for the Turkish Treasury or the Directorate General of Foundations to compensate non-Muslim entities for properties that are currently registered in the name of third parties. Accordingly, those communities for whom the law is applicable will be able to have their properties registered in their own names, or be compensated.

In addition to this great step forward, Turkey has eased its citizenship requirements for Orthodox senior clergy, and in compliance with the judgment of the European Court of Human Rights, returned to the Ecumenical Patriarchate its orphanage on the Princes' Islands.

Praising the Turkish government on September 13, 2011, Secretary of State Hillary Rodham Clinton said, ''We have also seen Turkey take serious steps to improve the climate for religious tolerance. The Turkish government issued a decree in August that invited non-Muslims to reclaim churches and synagogues that were confiscated 75 years ago. I applaud Prime Minister Erdogan's very important commitment in doing so.''

H. Res 306 was first introduced on June 15, 2011, and does not recognize the developments on the ground since that time, nor does it take a regional approach to these questions. If Turkey is singled out, it should be for praise regarding progress that has been made.

Mr. GRIMM. Mr. Speaker, I applaud Congressman ROYCE for introducing H. Res. 306, Urging the Republic of Turkey to Safeguard its Christian Heritage and to Return Confiscated Church Properties, and thank him for his leadership in ensuring this important legislation is considered by the full House of Representatives. As a cosponsor of this resolution I strongly support its passage and encourage my fellow members to join me in voting in favor of this bill.

While Turkey considers itself a secular democracy, in reality this is simply not the case. The United States Commission on International Religious Freedom has classified Turkey one of the world's top violators of religious freedom. Out of a population of roughly 76.8 million people, the country's religious make-up is 99 percent Muslim (mainly Sunni) and 1 percent Christian, Bahai, and Jewish.

Regulations imposed upon minority religious groups, specifically Christians who make up less than 1 percent of the nation's population, serve to deny religious equality within Turkey. For example, national identification cards have a line item that displays one's religion, and while people are allowed to omit their religion on their I.D. card, it clearly marks individuals as non-Muslim.

Despite Turkey's obligations under the Universal Declaration of Human Rights and the 1923 Treaty of Lausanne, the government has not recognized minority religious communities, such as the Ecumenical Patriarchate of the Greek Orthodox Church, as independent entities with full legal status. The Turkish government's policies go so far as to deny non-Muslim communities the rights to train religious clergy, offer religious education, and own and maintain places of worship, leading to the decline, and in some cases the virtual disappearance, of these important religious and historical communities.

Through its expropriation of church properties, continued harassment of worshippers, and refusal to grant full legal status under Turkish law to some Christian groups, the Republic of Turkey has failed to fulfill its obligation as a signatory to the Universal Declaration of Human Rights, which requires ''freedom of thought, conscience, and religion.''

This resolution ''Urging the Republic of Turkey to Safeguard its Christian Heritage and to Return Confiscated Church Properties'' calls upon the government of Turkey to end religious discrimination, cease all restrictions on gatherings for religious prayer and education, and return stolen church property. On behalf of my Greek, Cypriot and Armenian American constituents in New York's 13th Congressional district, I strongly support the passage of this important resolution and encourage my colleagues to stand against religious persecution throughout the world.

Ms. BERKLEY. Mr. Speaker, I rise today in support of H. Res. 306, urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

Sadly, this resolution is necessary in order to address the tragic destruction of Christian

religious heritage in Turkey. The U.S. Commission on International Religious Freedom (USCIRF), which has put Turkey on its ''watch list'' for three straight years, said earlier this year that ''the Turkish government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey.''

Churches in Turkey have been desecrated and destroyed. Just a century ago, there were over 2,000 Armenian churches in Turkey, but less than 100 remain standing and fully functioning today.

Discriminatory laws in Turkey have led to confiscation of church property. The USCIRF has reported, ''Over the previous five decades, the [Turkish] state has, using convoluted regulations and undemocratic laws to confiscate hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, as well as Armenian Orthodox, Catholics, and Jews. . . . The state also has closed seminaries, denying these communities the right to train clergy.''

In particular, the Turkish government has closed the Halki Theological School for over three decades, despite repeated protests from the United States and Christians from around the world. The school had been a primary training center for educating future Greek priests and Church leaders, and, as a result, its closure is having terrible effects on those of the Greek Orthodox faith.

As a Nation founded on the principles of religious liberty, we must stand up against desecration of churches in Turkey, the closing of seminaries, the intimidation of religious minorities and the confiscation of the Ecumenical Patriarch's property. I urge support for this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 306, as amended.

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

A motion to reconsider was laid on the table.

MERRY CHRISTMAS FROM WELLS FARGO

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, the extraneous material is a letter I'm sending to Wells Fargo Bank about Mrs. Darlene Bowland, a 68-year-old mother fighting cancer and Wells Fargo Bank.

Darlene lived in a modest home in San Jose for 41 years until she was evicted a week before Thanksgiving. At the time, Darlene was too weak from chemotherapy to pack up her own boxes. We appealed to the bank. They knew about her cancer and her chemotherapy, but they didn't care. She owned her home free and clear at one time but was a victim of a pay loan, a way to confuse her and basically steal her home.

Mr. Speaker, Wells Fargo earned record profits last quarter, and in 2010 the CEO, John Stumpf, earned more than $17 million in compensation. This Christmas, Mrs. Bowland will be couch surfing with chemotherapy, while Mr. Stumpf will be enjoying his $17 million salary and her home in San Jose stays vacant.

Merry Christmas from Wells Fargo.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2011.

Re Ms. Darlene Bowland

Mr. JOHN G. STUMPF,
Chief Executive Officer, Wells Fargo, Montgomery St, San Francisco, CA.

DEAR MR. STUMPF: Darlene Bowland is a 68-year-old woman fighting cancer and Wells Fargo Bank. She lived alone in a modest home in San Jose, California until she was evicted by Wells Fargo Bank a week before Thanksgiving, even though she had no place else to go. Wells Fargo Bank knew all about Darlene's tragic circumstances, but apparently did not care.

Darlene lived in her home for 41 years and at one time owned it free and clear. She and her former husband raised their children there. Although Darlene lost her small cleaning business to the recession a few years ago and now struggles to make ends meet, she was proud of her house. She spent what little energy she had after her cancer treatments tending to her garden. That's where she found some measure of peace.

Not anymore.

Darlene is just one of many victims of a World Savings loan product called a ''pick-a-pay'' that she was tricked into and could not afford. Make no mistake. Darlene is a victim. Pick-a-pay loans were designed to trap unwary homeowners into owing more than they borrowed, assuring the banks that sold them a captive audience that would need to continually refinance or face foreclosure. These unscrupulous banks and loan brokers used the voluminous, complex and impossible to understand loan documents that make up a pick-a-pay loan to steal Darlene's house in broad daylight.

Wells Fargo was able to file an unlawful detainer and get a summary judgment that allowed them to evict Darlene, even though Darlene had sued Wells Fargo claiming she was defrauded. She was too weak from chemotherapy to pack up her own boxes.

Wells Fargo earned record profits last quarter. Your 2010 compensation was more than $17 million. Do you know this woman with cancer is now couch-surfing because you've evicted her through foreclosure on her home just before the holidays? Instead of waking up in her house Christmas morning, Darlene's house will instead sit vacant.

Sincerely,

ZOE LOFGREN,
Member of Congress.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 14, 2011, at 10 a.m. for morning-hour debate.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to section 6004 of H.R. 3630 (112th Congress), Mr. RYAN (WI) is required to submit a statement in the record, prior to the vote on passage, on the budgetary and deficit effects of H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011, for printing in the CONGRESSIONAL RECORD.

Section 6004 of H.R. 3630 provides that the Office of Management and Budget should not take into account the budgetary effects for the purposes of the Statutory Pay-As-You-Go Act (PL 111–139) if the bill would not increase the deficit for the period of fiscal years 2012 through 2021.

Section 6005 of H.R. 3630 provides that the decrease in the deficit is determined on the basis of the change in total outlays and total revenue of the Federal government, including the estimated off-budget effects, the estimated effects of the changes to the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and the estimate of the change in net income to the National Flood Insurance Program, resulting from the enactment of H.R. 3630. Based on the estimates provided by the Congressional Budget Office on H.R. 3630, taking those effects into account, the legislation would reduce the deficit by $5,833 billion for the period of fiscal years 2012 through 2021. As a result, the effects of this legislation should not be taken into account for the purposes of statutory pay-as-you-go.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4276. A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule — Derivatives Clearing Organization General Provisions and Core Principles (RIN: 3038-AC98) received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4277. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-1026; FRL-9325-2] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4278. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4279. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's ''Major'' final rule — Testing and Labeling Pertaining to Product Certification [CPSC Docket No.: CPSC-2010-0038] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4280. A letter from the Assistant General Counsel for Legislation, Regulations and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards for Fluorescent Lamp Ballasts [Docket Number: EE-

2007-BT-STD-0016] (RIN: 1904-AB50) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4281. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of Lake and Porter Counties to Attainment of the Fine Particulate Matter Standard [EPA-R05-OAR-2008-0395; FRL-9499-6] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4282. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2011-0017; EPA-R05-OAR-2011-0106; FRL-9499-7] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4283. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination To Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0881; FRL-9499-4] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4284. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of the Significant New Use Rule on a Certain Chemical Substance [EPA-HQ-OPPT-2011-0109; FRL-8892-2] (RIN: 2070-AB27) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4285. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances; Withdrawal of Two Chemical Substances [EPA-HQ-OPPT-2010-1075; FRL-9329-5] (RIN: 2070-AB27) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4286. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule: MOVES Regional Grace Period Extension [EPA-HQ-OAR-2011-0393; FRL-9499-1] (RIN: 2060-AR03) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4287. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Enhancements to Emergency Preparedness Regulations [NRC-2008-0122] (RIN: 3150-AI10) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4288. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Privacy Act; Exempt Record System (RIN: 0906-AA91) received November 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4289. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Revision of Patent Term Adjustment Provisions Relating to Information Disclosure Statements [Docket No.: PTO-P-2011-0014] (RIN: 0651-AC56) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4290. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Valley City, ND [Docket No.: FAA-2011-0605; Airspace Docket No.: 11-AGL-13] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4291. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Nuiqsut, AK [Docket No.: FAA-2011-0759; Airspace Docket No.: 11-AAL-12] received November 22, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4292. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Approval of Grape Variety Names for American Wines [Docket No.: TTB-2011-0002; T.D. TTB-95; Re: Notice No. 116] (RIN: 1513-AA42] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4293. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas [Docket No.: TTB-2008-0009; T.D. TTB-97; Re: Notice Nos. 90 and 91] (RIN: 1513-AB57) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4294. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Pine Mountain-Cloverdale Peak Viticultural Area [Docket No.: TTB-2010-0003; T.D. TTB-96; Notice Nos. 105, 107, and 112] (RIN: 1513-AB41) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treasury Inflation-Protected Securities Issued at a Premium [TD 9561] (RIN: 1545-BK46) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Base Period T-Bill Rate (Rev. Rul. 2011-30) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 493. Resolution providing for consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 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; and providing for proceedings during the period from December 16, 2011 through January 16, 2012 (Rept. 112–330). Referred to the House of Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GRIJALVA (for himself and Mr. ELLISON):

H.R. 3638. A bill to create American jobs and reduce the deficit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Natural Resources, Agriculture, the Judiciary, Science, Space, and Technology, Energy and Commerce, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Financial Services, Veterans' Affairs, the Budget, Armed Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUGENT:

H.R. 3639. A bill to amend the Ethics in Government Act of 1978 to require federally elected officials to place their stocks, bonds, commodities futures, and other forms of securities in a blind trust; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM (for himself and Mr. FARR):

H.R. 3640. A bill to authorize the Secretary of the Interior to acquire not more than 18 acres of land and interests in land in Mariposa, California, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself and Mr. DENHAM):

H.R. 3641. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Ms. EDWARDS):

H.R. 3642. A bill to amend the National Institute of Standards and Technology Act to require the Director of the National Institute of Standards and Technology to document operational requirements, assist with national voluntary consensus standards, and conduct technology research to advance a nationwide interoperable public safety broadband network, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER:

H.R. 3643. A bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills; to the Committee on House Administration.

By Mr. GARRETT (for himself, Mr. BACHUS, Mr. HENSARLING, Mr. SCHWEIKERT, Mr. NEUGEBAUER, Mrs. BIGGERT, and Mrs. CAPITO):

H.R. 3644. A bill to increase standardization, transparency, and to ensure the rule of law in the mortgage-backed security system, and for other purposes; to the Committee on Financial Services.

By Ms. SUTTON (for herself, Mr. LIPINSKI, Mr. JONES, Mr. HASTINGS of Florida, Mr. ANDREWS, Ms. KAPTUR, Mr.

RYAN of Ohio, Mr. COURTNEY, Mr. YARMUTH, Mr. MURPHY of Connecticut, Mr. HOLDEN, Mr. CRITZ, and Mr. GENE GREEN of Texas):

H.R. 3645. A bill to require consideration of the impacts of a public interest waiver from the Buy America requirement on domestic manufacturing employment for certain transportation provisions; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. TURNER of Ohio, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Ms. ZOE LOFGREN of California, Mr. RYAN of Ohio, Mr. LIPINSKI, Mr. STARK, Mr. JONES, Mr. MICHAUD, Mr. ISRAEL, Mr. PETERS, Mr. HASTINGS of Florida, Mr. COURTNEY, Mr. ANDREWS, Ms. KAPTUR, Mr. JOHNSON of Georgia, Mr. HOLDEN, Mr. YARMUTH, Mr. MURPHY of Connecticut, Mr. CRITZ, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, and Mr. SARBANES):

H.R. 3646. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON (for herself, Mr. LIPINSKI, Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. HOLDEN, Mr. MURPHY of Connecticut, Mr. YARMUTH, Mr. ANDREWS, Mr. CRITZ, and Mr. GENE GREEN of Texas):

H.R. 3647. A bill to improve transparency and accountability in the waiver process of the Buy America requirement for certain transportation provisions; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself and Mr. LANDRY):

H.R. 3648. A bill to amend the Water Resources Development Act of 1986 to ensure that annual expenditures from the Harbor Maintenance Trust Fund to pay for operation and maintenance costs are allocated equitably among eligible harbor projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 3649. A bill to expand the Officer Next Door and Teacher Next Door initiatives of the Department of Housing and Urban Development to include fire fighters and rescue personnel, and for other purposes; to the Committee on Financial Services.

By Ms. JACKSON LEE of Texas:

H.R. 3650. A bill to prohibit institutions of higher education and nonprofit organizations that fail to report incidents of sexual abuse of a minor from receiving Federal funds, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARROW:

H.R. 3651. A bill to amend the Truth in Lending Act to exempt certain creditors from the escrow account requirement for higher-priced mortgage loans, and for other purposes; to the Committee on Financial Services.

By Mr. DESJARLAIS:

H.R. 3652. A bill to amend the Food and Nutrition Act of 2008 to repeal the authority to make performance-based bonus payments to States; to the Committee on Agriculture.

By Mr. DOGGETT (for himself, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. STARK, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. PASCRELL, Mr. NEAL, Mr. RANGEL, and Mr. BECERRA):

H.R. 3653. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Education and the Workforce.

By Ms. HOCHUL:

H.R. 3654. A bill to adopt technology allowing 9-1-1 call centers to receive and respond to emergency text messages, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Mr. CANSECO, Mr. JONES, Mr. PAUL, Mr. HENSARLING, and Mrs. BACHMANN):

H.R. 3655. A bill to amend the Sarbanes-Oxley Act of 2002 to provide additional exemptions from the internal control auditing requirements for smaller and newer public companies; to the Committee on Financial Services.

By Mr. SESSIONS:

H.R. 3656. A bill to amend the Internal Revenue Code of 1986 to provide for death and disability protection for loans from qualified employer plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. BARTON of Texas, and Mr. BURGESS):

H.R. 3657. A bill to clarify the authority of the Chairman of the Nuclear Regulatory Commission to act on behalf of the Commission during emergencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOLD (for himself, Mr. FRANK of Massachusetts, Mr. GARDNER, and Mr. HUIZENGA of Michigan):

H. Res. 494. A resolution expressing support for designation of the first Tuesday in June as National Cancer Survivor Beauty and Support Day; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GRIJALVA:

H.R. 3638.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. NUGENT:

H.R. 3639.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 5 of the United States Constitution, which sets the rules for how Congress operates.

By Mr. DENHAM:

H.R. 3640.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

The Court invoked ''the great power of taxation to be exercised for the common defence and general welfare'' to sustain the right of the Federal Goverment to acquire land within a state for use as a national park. [160 U.S. at 681]

By Mr. FARR:

H.R. 3641.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8 U.S. Constitution

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3642.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. COOPER:

H.R. 3643.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6 of the Constitution of the United States.

By Mr. GARRETT:

H.R. 3644.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 grants Congress the power ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.'' Additionally, Article I, Section 8, Clause 18 grants Congress the authority ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof''

By Ms. SUTTON:

H.R. 3645.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the,United States Constitution.

By Ms. SUTTON:

H.R. 3646.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. SUTTON:

H.R. 3647.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. BISHOP of New York:

H.R. 3648.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 3

By Mr. BACA:

H.R. 3649.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section8, Clause3 .

By Ms. JACKSON LEE of Texas:

H.R. 3650.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause of the Constitution Article I Sec. 8.

By Mr. BARROW:

H.R. 3651.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3, the Commerce Clause.

By Mr. DesJARLAIS:

H.R. 3652.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, as enumerated in Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. DOGGETT:

H.R. 3653.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution that grants Congress the authority, ''To make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Ms. HOCHUL:

H.R. 3654.

Congress has the power to enact this legislation pursuant to the following:

The power of the Congress to provide for the general welfare, to regulate commerce, and to make all laws which shall be necessary and proper for carrying into execution Federal powers, as enumerated in section 8 of article I of the Constitution of the United States.

By Mr. ROYCE:

H.R. 3655.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3

By Mr. SESSIONS:

H.R. 3656.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3

By Mr. TERRY:

H.R. 3657.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article 1, Section 8, Clause 3

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. LEE of California.
H.R. 104: Mr. GOHMERT.
H.R. 181: Ms. CHU.
H.R. 191: Mr. LANGEVIN.
H.R. 210: Mr. CLARKE of Michigan.
H.R. 365: Mr. BERMAN.
H.R. 396: Mr. BILIRAKIS.
H.R. 469: Ms. MATSUI and Mr. GONZALEZ.
H.R. 502: Ms. HIRONO.
H.R. 616: Mr. POLLS.
H.R. 724: Ms. CHU.
H.R. 733: Mr. SERRANO.
H.R. 780: Ms. BALDWIN.
H.R. 835: Mr. WELCH, Mr. ROE of Tennessee, Mr. MICHAUD, Mr. PAULSEN, Mr. HOLDEN, and Mr. CLEAVER.
H.R. 883: Mr. GONZALEZ.
H.R. 920: Mr. GRAVES of Georgia.
H.R. 942: Mr. POSEY.
H.R. 1148: Mr. CARNAHAN, Mr. LATHAM, Mr. BERMAN, Ms. BORDALLO, Mr. UPTON, Mr. WILSON of South Carolina, Mr. RUNYAN, Ms. DEGETTE, Mr. GARDNER, and Ms. BUERKLE.
H.R. 1171: Mr. FALEOMAVAEGA and Mr. KUCINICH.
H.R. 1193: Mr. BILIRAKIS.
H.R. 1206: Mr. WEST.
H.R. 1219: Mr. GONZALEZ and Mr. RUNYAN.
H.R. 1221: Mr. DEFAZIO.
H.R. 1234: Ms. TSONGAS.
H.R. 1259: Mr. YOUNG of Alaska.
H.R. 1288: Mr. LIPINSKI and Ms. BASS of California.
H.R. 1364: Mr. JOHNSON of Illinois.
H.R. 1370: Mr. BILBRAY, Mr. GRIMM, Mr. GERLACH, Mr. SCALISE, and Mrs. MILLER of Michigan.
H.R. 1385: Mr. LIPINSKI.
H.R. 1386: Ms. SPEIER.
H.R. 1418: Ms. BROWN of Florida and Mr. PASCRELL.
H.R. 1426: Mr. KEATING, Mr. OWENS, and Ms. HAYWORTH.
H.R. 1440: Mr. POLIS.
H.R. 1463: Mr. ENGEL.
H.R. 1498: Mr. THOMPSON of California.
H.R. 1499: Mrs. HARTZLER and Mr. RUPPERSBERGER.
H.R. 1513: Mr. YARMUTH, Mr. CLEAVER, Mr. MICHAUD, Mr. BUCHANAN, Ms. LORETTA SANCHEZ of California, Mr. MARKEY, Mr. SCOTT of Virginia, and Mr. BECERRA.
H.R. 1546: Mr. THORNBERRY.
H.R. 1558: Mr. BOUSTANY and Mr. SMITH of Texas.
H.R. 1639: Mr. FLEISCHMANN and Mr. GARDNER.
H.R. 1654: Mr. RIBBLE.
H.R. 1681: Mr. BACA.
H.R. 1687: Mr. TURNER of New York and Ms. ROS-LEHTINEN.
H.R. 1697: Ms. BROWN of Florida and Mr. LANDRY.
H.R. 1704: Mr. SHERMAN and Mrs. LOWEY.
H.R. 1834: Mrs. ROBY.
H.R. 1848: Mr. POMPEO.
H.R. 1865: Mr. BOUSTANY.
H.R. 1878: Mr. CLEAVER.
H.R. 1897: Mr. HASTINGS of Florida, Mr. COOPER, and Mr. RUPPERSBERGER.
H.R. 1903: Mr. SCOTT of Virginia.
H.R. 1905: Mr. BOUSTANY, Mr. SHIMKUS, Mr. HINOJOSA, Mr. BACHUS, Mr. TURNER of Ohio, and Mr. YOUNG of Indiana.
H.R. 1936: Ms. JENKINS and Mr. TOWNS.
H.R. 1964: Mr. DOLD.
H.R. 2001: Mr. STIVERS and Mr. AMODEI.
H.R. 2041: Mr. POMPEO.
H.R. 2069: Mr. OWENS and Mr. ROONEY.
H.R. 2071: Mr. BERG and Mr. PAULSEN.
H.R. 2105: Mr. POMPEO, Mr. GRIFFIN of Arkansas, Mr. LAMBORN, Mr. DUNCAN of South Carolina, Mr. ROGERS of Michigan, Mr. YOUNG of Indiana, Mr. ADERHOLT, Mrs. MCMORRIS RODGERS, Mrs. SCHMIDT, Mr. PENCE, Mr. DOLD, Mr. COFFMAN of Colorado, Mr. MURPHY of Pennsylvania, Mr. MARCHANT, and Mr. Turner of Ohio.
H.R. 2106: Mr. MCCOTTER.
H.R. 2182: Mrs. MCMORRIS RODGERS.
H.R. 2288: Mr. LANGEVIN.
H.R. 2310: Mr. BACA.
H.R. 2335: Mr. SULLIVAN.
H.R. 2376: Ms. WOOLSEY.
H.R. 2412: Mrs. MCCARTHY of New York.
H.R. 2414: Mr. SULLIVAN.
H.R. 2453: Mr. CALVERT, Mr. CARTER, Ms. GRANGER, Mr. CANSECO, Mr. LUCAS, Mr. FINCHER, Mr. CRAWFORD, Mr. PRICE of Georgia, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Mrs. MCMORRIS RODGERS, Mr. DIAZ-BALART, Mr. MICA, Mr. SCOTT of South Carolina, Mr. POMPEO, Mr. HALL, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, Mrs. SCHMIDT, Mr. WALBERG, Mr. HULTGREN, Mr. JOHNSON of Illinois, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. FORBES, Mr. TURNER of Ohio, Mr. TIBERI, Mr. BERG, Mr. SULLIVAN, Mr. SAM JOHNSON of Texas, Mr. SCALISE, Mr. ROKITA, Mr. KELLY, Mr. BARLETTA, Mr. MARINO, Mr. SOUTHERLAND, Mr. MARCHANT, Mr. ROONEY, Mr. WEST, Mr. BONNER, Mr. HUNTER, Mr. SCHILLING, Mr. BILIRAKIS, Mr. POSEY, Mr. ROSS of Florida, Mr. BUCHANAN, Mr. GOHMERT, Mr. WITTMAN, Mr. SMITH of Nebraska, Mr. LATHAM, Mr. HARPER, Mr. BROOKS, Mr. DOLD, Mr. BARTLETT, Mr. DUNCAN of Tennessee, Ms. ROS-LEHTINEN, Mrs. ELLMERS, Mr. GERLACH, Mr. PLATTS, Mr. GOSAR, Mr. BURTON of Indiana, Mr. UPTON, Mr. BISHOP of Utah, Mr. BILBRAY, Mr. LATTA, Mr. TIPTON, Mr. SESSIONS, Mrs. LUMMIS, Mr. AUSTRIA, Mr. SHULER, Mr. WOODALL, Mr. DUNCAN of South Carolina, Mr. SHIMKUS, Mr. WEBSTER, Mr. PEARCE, Mr. HECK, Mr. LEWIS of California, and Mr. GALLEGLY.
H.R. 2459: Mr. YODER.
H.R. 2499: Mr. GONZALEZ.
H.R. 2514: Mr. SMITH of Texas and Mr. AMODEI.
H.R. 2569: Mr. SHIMKUS and Mr. COBLE.
H.R. 2595: Ms. MOORE and Mr. MCINTYRE.
H.R. 2659: Mr. MORAN.
H.R. 2672: Mr. RANGEL and Mr. MCKINLEY.
H.R. 2683: Mr. MCCAUL.
H.R. 2701: Mr. COHEN.
H.R. 2900: Mr. HARRIS.
H.R. 2935: Mr. JACKSON of Illinois.
H.R. 2966: Mr. GIBSON, Mr. MICHAUD, Ms. SCHWARTZ, Mr. CLAY, Mr. MEEKS, and Mr. CUMMINGS.
H.R. 2969: Ms. BROWN of Florida.
H.R. 2978: Mr. GRAVES of Georgia, Mr. ADERHOLT, Mrs. SCHMIDT, Mr. STUTZMAN, Mr. GOHMERT, Mr. BISHOP of Utah, and Mr. PALAZZO.
H.R. 2982: Mr. KUCINICH and Mrs. MCCARTHY of New York.
H.R. 3151: Ms. LORETTA SANCHEZ of California.
H.R. 3200: Mrs. CAPITO and Mr. RICHMOND.
H.R. 3206: Mr. BUCSHON.
H.R. 3207: Mr. GRIFFITH of Virginia and Mr. YODER.
H.R. 3210: Mr. RYAN of Ohio.
H.R. 3244: Mr. SULLIVAN.
H.R. 3245: Mr. KLINE.
H.R. 3261: Mr. QUAYLE.
H.R. 3276: Mr. ROONEY, Mr. DEUTCH, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. NUGENT, Mr. STEARNS, Mr. RIVERA, Mr. POSEY, and Mrs. WILSON of Florida.
H.R. 3298: Mr. HINOJOSA and Mr. SHERMAN.
H.R. 3313: Mr. MICHAUD, Mr. MCGOVERN, and Mr. REYES.
H.R. 3368: Mr. YARMUTH.
H.R. 3376: Mr. CANSECO.
H.R. 3379: Mr. KLINE.
H.R. 3393: Ms. BUERKLE.
H.R. 3395: Mr. KINZINGER of Illinois and Mrs. MYRICK.
H.R. 3401: Mr. JONES.
H.R. 3407: Mr. KLINE.
H.R. 3421: Mrs. NOEM, Mr. CONNOLLY of Virginia, Mr. LEWIS of Georgia, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3435: Ms. BROWN of Florida and Mr. NADLER.
H.R. 3437: Mr. GUTIERREZ and Mr. BACA.
H.R. 3444: Mr. CALVERT.
H.R. 3454: Mr. ROGERS of Alabama.
H.R. 3458: Mr. HULTGREN and Mr. FARR.
H.R. 3521: Mr. MCCLINTOCK, Mr. RIBBLE, and Mr. KINZINGER of Illinois.
H.R. 3527: Mr. BARROW.
H.R. 3538: Mr. NUNNELEE and Mr. KLINE.
H.R. 3540: Mr. JONES.
H.R. 3548: Mr. LONG.
H.R. 3549: Mr. RIBBLE.
H.R. 3550: Mr. TIBERI.
H.R. 3568: Mr. BOREN, Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. RICHARDSON, Mr. LUJÁN, and Ms. LEE of California.
H.R. 3572: Mr. PEARCE, Mr. LARSON of Connecticut, Ms. SPEIER, and Mr. CICILLINE.
H.R. 3573: Mr. FILNER.
H.R. 3575: Mr. RIBBLE, Mr. KINZINGER of Illinois, and Mr. PAULSEN.
H.R. 3576: Mr. DUNCAN of South Carolina.
H.R. 3578: Mr. DUNCAN of South Carolina and Mr. KINZINGER of Illinois.
H.R. 3579: Mr. MCCLINTOCK.
H.R. 3581: Mr. RIBBLE and Mr. KINZINGER of Illinois.
H.R. 3582: Mr. RIBBLE, Mr. KINZINGER of Illinois, and Mr. PAULSEN.
H.R. 3583: Mr. KINZINGER of Illinois.
H.R. 3589: Mr. LANKFORD.
H.R. 3590: Mr. WELCH.
H.R. 3601: Mr. BILIRAKIS, Mrs. ROBY, and Mr. SENSENBRENNER.
H.R. 3608: Mr. HULTGREN.
H.R. 3616: Mr. LATTA.
H.R. 3623: Mr. AUSTRIA.
H.R. 3626: Mr. CLAY, Mr. TOWNS, and Mr. COURTNEY.
H.R. 3636: Ms. DELAURO.
H.J. Res. 88: Mr. GENE GREEN of Texas.

H.J. Res. 90: Mr. WELCH and Mr. LARSEN of Washington.
H. Con. Res. 84: Mr. KUCINICH.
H. Con. Res. 87: Mr. MILLER of Florida.
H. Con. Res. 89: Mr. PASCRELL and Mr. GONZALEZ.
H. Res. 111: Mr. DENT and Mr. CONNOLLY of Virginia.
H. Res. 220: Mr. DANIEL E. LUNGREN of California.
H. Res. 291: Mr. GOHMERT.
H. Res. 341: Mr. CICILLINE.
H. Res. 356: Mr. TURNER of New York, Mr. RIVERA, Mr. POE of Texas, and Mrs. ELLMERS.
H. Res. 367: Mrs. MCCARTHY of New York.
H. Res. 376: Mr. LEWIS of Georgia and Mr. HINOJOSA.
H. Res. 489: Mr. ALEXANDER, Mr. LANKFORD, Mr. CANSECO, Mr. BISHOP of Utah, Mr. ADERHOLT, Mrs. HARTZLER, Mrs. CAPITO, Mr. GRIFFIN of Arkansas, Mr. PITTS, Mr. NEUGEBAUER, Mr. RAHALL, Mr. GINGREY of Georgia, Mr. NUNNELEE, Mr. OLSON, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Mr. BURTON of Indiana, Mr. SCOTT of South Carolina, and Mr. PEARCE.
H. Res. 490: Mr. WILSON of South Carolina, Mr. BOUSTANY, and Mr. HALL.
H. Res. 492: Mrs. MCMORRIS RODGERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3521: Mr. HONDA.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3630

OFFERED BY: MR. LEVIN

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Middle Class Fairness and Putting America Back To Work Act of 2011.''

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

SEC. 2. PAYGO SCORECARD ESTIMATES.

(a) BUDGETARY EFFECTS.—Neither scorecard maintained by the Office of Management and Budget pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933) shall include the budgetary effects of this Act if such budgetary effects do not increase the deficit for any applicable period as determined by the estimate submitted for printing in the Congressional Record pursuant to section 4(d) of such Act.

(b) DEFICIT.—The increase or decrease in the deficit in the estimate submitted for printing referred to in subsection (a) shall be determined on the basis of—

(1) the change in total outlays and total revenue of the Federal Government, including off-budget effects, that would result from this Act; and

(2) the estimate of the effects of the changes to the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 in this Act.

DIVISION A—TAX, HEALTH, TANF, UI, AND OCO PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 101. TEMPORARY EXTENSION AND EXPANSION OF EMPLOYEE PAYROLL TAX RELIEF.

(a) EXTENSION.—Section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended by striking ''year 2011'' and inserting ''years 2011 and 2012''.

(b) INCREASED RELIEF.—

(1) IN GENERAL.—Subsection (a) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(A) by inserting ''(9.3 percent for calendar year 2012)'' after ''10.40 percent'' in paragraph (1), and

(B) in paragraph (2)—

(i) by striking ''(including'' and inserting ''(3.1 percent in the case of calendar year 2012), including'' after ''4.2 percent'', and

(ii) by striking ''Code)'' and inserting ''Code''.

(2) COORDINATION WITH INDIVIDUAL DEDUCTION FOR EMPLOYMENT TAXES.—Subparagraph (A) of section 601(b)(2) of such Act is amended by inserting ''(66.67 percent for taxable years which begin in 2012)'' after ''59.6 percent''.

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended—

(1) by inserting ''of such Code'' after ''164(f)'',

(2) by inserting ''of such Code'' after ''1401(a)'' in subparagraph (A), and

(3) by inserting ''of such Code'' after ''1401(b)'' in subparagraph (B).

SEC. 102. EXTENSION OF ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) EXTENSION OF 100 PERCENT BONUS DEPRECIATION.—

(1) IN GENERAL.—Paragraph (5) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013'', and

(B) by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for paragraph (5) of section 168(k) of such Code is amended by striking ''PRE-2012 PERIODS'' and inserting ''PRE-2013 PERIODS''.

(B) Clause (ii) of section 460(c)(6)(B) of such Code is amended to read as follows:

''(ii) is placed in service—

''(I) after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)), or

''(II) after December 31, 2011, and before January 1, 2013 (January 1, 2014, in the case of property described in section 168(k)(2)(B)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2011.

(b) EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Paragraph (4) of section 168(k) of such Code is amended to read as follows:

''(4) ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation elects to have this paragraph apply for any taxable year—

''(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer in such taxable year,

''(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

''(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

''(B) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

''(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

''(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

''(ii) LIMITATION.—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

''(I) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis), or

''(II) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2011.

''(iii) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

''(I) as 1 taxpayer for purposes of this paragraph, and

''(II) as having elected the application of this paragraph if any such corporation so elects.

''(C) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

''(i) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

''(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof, and

''(iii) only adjusted basis attributable to manufacture, construction, or production—

''(I) after March 31, 2008, and before January 1, 2010, and

''(II) after December 31, 2010, and before January 1, 2013, shall be taken into account under subparagraph (B)(ii) thereof.

''(D) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

''(E) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph may be revoked only with the consent of the Secretary.

''(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation's distributive share of partnership items under section 702—

''(I) paragraph (1) shall not apply to any eligible qualified property, and

''(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

''(iii) CERTAIN PARTNERSHIPS.—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times during the taxable year by one corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), each partner shall be treated as having an amount equal to such partner's allocable share of the eligible property for such taxable year (as determined under regulations prescribed by the Secretary).

''(iv) SPECIAL RULE FOR PASSENGER AIRCRAFT.—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (B)(i)(I) and (C).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after December 31, 2011.

(3) TRANSITIONAL RULE.—In the case of a taxable year beginning before January 1, 2012, and ending after December 31, 2011, the bonus depreciation amount determined under paragraph (4) of section 168(k) of Internal Revenue Code of 1986 for such year shall be the sum of—

(A) such amount determined under such paragraph as in effect on the date before the date of enactment of this Act taking into account only property placed in service before January 1, 2012, and

(B) such amount determined under such paragraph as amended by this Act taking into account only property placed in service after December 31, 2011.

SEC. 103. SURTAX ON MILLIONAIRES.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

''PART VIII—SURTAX ON MILLIONAIRES

''Sec. 59B. Surtax on millionaires.

''SEC. 59B. SURTAX ON MILLIONAIRES.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012 and before 2022, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 2.4 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds the threshold amount.

''(b) THRESHOLD AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The threshold amount is $1,000,000.

''(2) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2013, the $1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(3) MARRIED FILING SEPARATELY.—In the case of a married individual filing separately for any taxable year, the threshold amount shall be one-half of the amount otherwise in effect under this subsection for the taxable year.

''(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

''(d) SPECIAL RULES.—

''(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (a) shall be decreased by the excess of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VIII. SURTAX ON MILLIONAIRES.''.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

TITLE II—HEALTH AND TANF PROVISIONS

Subtitle A—Health

SEC. 201. REPEAL OF SGR; 10-YEAR FREEZE IN PHYSICIAN PAYMENT RATES.

(a) SUNSET OF THE MEDICARE SUSTAINABLE GROWTH RATE (SGR) FORMULA.—Section 1848(f) of the Social Security Act (42 U.S.C. 1395w–4(f)) is amended—

(1) in paragraph (1)(B), by inserting ''(ending with 2011)'' after ''each succeeding year''; and

(2) in paragraph (2), by inserting ''and ending with 2011'' after ''beginning with 2000'' in the matter preceding subparagraph (A).

(b) 10-YEAR FREEZE IN RATES.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(13) UPDATES FOR 2012 THROUGH 2021.—In lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for a year beginning with 2012 and ending with 2021, the update to the single conversion factor shall be zero percent.''.

(c) TREATMENT IN OUT-YEARS.—Section 1848(d) of such Act is further amended by adding at the end the following new paragraph:

''(14) UPDATES FOR YEARS BEGINNING WITH 2022.—In lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for a year beginning with 2022, the update to the single conversion factor shall be 1 plus the Secretary's estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for the year (divided by 100).''.

SEC. 202. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''September 30, 2011'' and inserting ''September 30, 2013''.

(b) SPECIAL RULE FOR FISCAL YEAR 2012.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), during fiscal year 2012, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—Beginning on April 1, 2012, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2012.—

(1) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(A) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by subsection (a); and

(B) the wage index applicable for such hospital for the period beginning on October 1, 2011, and ending on March 31, 2012, was lower than for the period beginning on April 1, 2012, and ending on September 30, 2012, by reason of the application of subsection (b)(2);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(2) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under paragraph (1) by not later than December 31, 2012.

SEC. 203. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2012'' and inserting ''before January 1, 2014''.

SEC. 204. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

(a) APPLICATION OF ADDITIONAL REQUIREMENTS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended—

(1) by inserting ''(A)'' after ''(5)'';

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2013'';

(3) in the first sentence, by inserting ''and if the requirement of subparagraph (B) is met'' after ''medically necessary'';

(4) in the second sentence, by inserting ''made in accordance with such requirement'' after ''receipt of the request''; and

(5) by adding at the end the following new subparagraphs:

''(B) In the case of outpatient therapy services for which an exception is requested under the first sentence of subparagraph (A), the claim for such services contains an appropriate modifier (such as the KX modifier used as of the date of the enactment of this subparagraph) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

''(C)(i) In applying this paragraph with respect to a request for an exception with respect to expenses that would be incurred for outpatient therapy services that would exceed the threshold described in clause (ii) for a year, the request for such an exception, for services furnished on or after July 1, 2012, shall be subject to a manual medical review process that is similar to the manual medical review process used for certain exceptions under this paragraph in 2006.

''(ii) The threshold under this clause for a year is $3,700. Such threshold shall be applied separately—

''(I) for physical therapy services and speech-language pathology services; and

''(II) for occupational therapy services.''.

(b) REQUIREMENT FOR INCLUSION ON CLAIMS OF NPI OF PHYSICIAN WHO REVIEWS THERAPY PLAN.—Section 1842(t) of such Act (42 U.S.C. 1395u(t)) is amended—

(1) by inserting ''(1)'' after ''(t)''; and

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

''(2) Each request for payment, or bill submitted, for therapy services described in paragraph (1) or (3) of section 1833(g) furnished on or after July 1, 2012, for which payment may be made under this part shall include the national provider identifier of the physician who periodically reviews the plan for such services under section 1861(p)(2).''.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services shall implement such claims processing edits and issue such guidance as may be necessary to implement the amendments made by this section in a timely manner. Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2012.

(e) COLLECTION OF ADDITIONAL DATA.—

(1) STRATEGY.—The Secretary of Health and Human Services shall implement, beginning on January 1, 2013, a claims-based data collection strategy that is designed to assist in reforming the Medicare payment system for outpatient therapy services subject to the limitations of section 1833(g) of the Social Security Act. Such strategy shall be designed to provide for the collection of data on patient function during the course of therapy services in order to better understand patient condition and outcomes.

(2) CONSULTATION.—In proposing and implementing such strategy, the Secretary shall consult with relevant stakeholders.

SEC. 205. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''and 2011'' and inserting ''2011, 2012, and 2013''.

SEC. 206. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''2012'' and inserting ''2014''; and

(2) in each of clauses (i) and (ii), by striking ''January 1, 2012'' and inserting ''January 1, 2014'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of

Public Law 111–148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking ''2012'' and inserting ''2014''.

SEC. 207. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

SEC. 208. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''2012'' and inserting ''2014''; and

(B) in the second sentence, by striking ''or 2011'' and inserting ''2011, 2012, or 2013''; and

(2) in subclause (III)—

(A) in the first sentence, by striking ''2009, and'' and all that follows through ''for which'' and inserting ''2009, and before January 1, 2014, for which''; and

(B) in the second sentence, by striking ''2010, and'' and all that follows through ''the preceding'' and inserting ''2010, and before January 1, 2014, the preceding''.

SEC. 209. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.

(a) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking ''for 2010 and 2011'' and inserting ''for each of 2010 through 2013''; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''and 2011'' and inserting '', 2011, 2012, and 2013''; and

(ii) in subparagraph (C), by striking ''and 2011'' and inserting '', 2011, 2012, and 2013''; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking ''or 2011'' and inserting '', 2011, 2012, or 2013''.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by subsection (a) by program instruction or otherwise.

SEC. 210. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2011'' and inserting ''December 2013''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(Q) for the period that begins on January 1, 2012, and ends on September 30, 2012, the total allocation amount is $450,000,000;

''(R) for the period that begins on October 1, 2012, and ends on December 31, 2012, the total allocation amount is $280,000,000;

''(S) for the period that begins on January 1, 2013, and ends on September 30, 2013, the total allocation amount is $550,000,000; and

''(T) for the period that begins on October 1, 2013, and ends on December 31, 2013, the total allocation amount is $300,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (P)'' and inserting ''(P), (R), or (T)''.

SEC. 211. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

Subtitle B—Extension of TANF Program Through Fiscal Year 2012

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''TANF Continuation Act of 2011''.

SEC. 222. EXTENSION OF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1) is amended—

(1) in subparagraph (A), by striking '' each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012'';

(2) in subparagraph (B)—

(A) by inserting ''(as in effect just before the enactment of the TANF Continuation Act of 2011)'' after ''this paragraph'' the 1st place it appears; and

(B) by inserting ''(as so in effect)'' after ''this paragraph'' the 2nd place it appears; and

(3) in subparagraph (C), by striking ''2003'' and inserting ''2012''.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking ''2011'' and inserting ''2012''.

(c) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H) of such Act (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in clause (i), by striking ''each of fiscal years 2002 and 2003'' and inserting ''fiscal year 2012'';

(2) by striking clause (ii) and inserting the following:

''(ii) subparagraph (G) shall be applied as if 'fiscal year 2012' were substituted for 'fiscal year 2001'; and''; and

(3) in clause (iii), by striking ''each of'' and all that follows and inserting ''fiscal year 2012 such sums as are necessary for grants under this subparagraph in a total amount not to exceed $319,000,000.''.

(d) MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''fiscal year'' and all that follows through ''2013'' and inserting ''a fiscal year''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''for fiscal years 1997 through 2012,''; and

(B) by striking ''407(a) for the fiscal year,'' and inserting ''407(a),''.

(e) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''each of fiscal years 1997'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(f) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking ''each of fiscal years 1997 through 2002'' and inserting ''fiscal year 2012''.

(g) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(h) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking ''appropriated'' and all that follows and inserting ''appropriated $2,917,000,000 for fiscal year 2012.''.

(i) GRANTS TO TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking ''for fiscal years 1997 through 2003'' and inserting ''fiscal year 2012''.

(j) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112-35) or section 403(b) of the Social Security Act for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—EXTENSION OF UNEMPLOYMENT PROGRAMS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Emergency Unemployment Compensation Extension Act of 2011''.

SEC. 302. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

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

(A) by striking ''January 3, 2012'' each place it appears and inserting ''January 3, 2013'';

(B) in the heading for subsection (b)(2), by striking ''JANUARY 3, 2012'' and inserting ''JANUARY 3, 2013''; and

(C) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''June 8, 2013''.

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

(A) by striking ''January 4, 2012'' each place it appears and inserting ''January 4, 2013''; and

(B) in subsection (c), by striking ''June 11, 2012'' and inserting ''June 11, 2013''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''June 10, 2013''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking ''and'' at the end; and

(2) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 302(a)(1) of the Emergency Unemployment Compensation Extension Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

SEC. 303. MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) EXTENSION.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2011'' and inserting ''December 31, 2012''; and

(2) in subsection (f)(2), by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by adding at the end the following: ''Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance having the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding subparagraph (A) of paragraph (1) and as if paragraph (2) had been amended by striking 'either subparagraph (A) or'.''.

(c) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance with the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding clause (ii) of paragraph (1)(A) and as if paragraph (1)(B) had been amended by striking 'either the requirements of clause (i) or (ii)' and inserting 'the requirements of clause (i)'.''.

SEC. 304. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

SEC. 305. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—This title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

(b) SENATE.—In the Senate, this title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) HOUSE OF REPRESENTATIVES.—In the House of Representatives, every provision of this title is expressly designated as an emergency for purposes of cut-go principles.

TITLE IV—SAVINGS FROM OVERSEAS CONTINGENCY OPERATIONS

SEC. 401. OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.

(a) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) OVERSEAS CONTINGENCY AND RELATED ACTIVITIES.—

''(i) CAP ADJUSTMENT.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for overseas contingency and related activities for that fiscal year after taking into account any other bills or joint resolutions enacted for that fiscal year that specify an amount for overseas contingency and related activities, but do not exceed in the aggregate the amounts specified in clause (ii), then the adjustments for that fiscal year shall be the additional new budget authority provided in that Act for such activities for that fiscal year.

''(ii) LEVELS.—The levels for overseas contingency and related activities specified in this subparagraph are as follows:

''(I) For fiscal year 2013, $83,000,000,000 in budget authority.

''(II) For fiscal year 2014, $50,000,000,000 in budget authority.

''(III) For fiscal year 2015, $50,000,000,000 in budget authority.

''(IV) For fiscal year 2016, $50,000,000,000 in budget authority.

''(V) For fiscal year 2017, $50,000,000,000 in budget authority.

''(VI) For fiscal year 2018, $50,000,000,000 in budget authority.

''(VII) For fiscal year 2019, $50,000,000,000 in budget authority.

''(VIII) For fiscal year 2020, $50,000,000,000 in budget authority.

''(IX) For fiscal year 2021, $50,000,000,000 in budget authority.''.

(b) BREACH.—Section 251(a)(2) of such Act (2 U.S.C. 901(a)(2)) is amended to read as follows:

''(2) ELIMINATING A BREACH.—

''(A) IN GENERAL.—Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the enacted level of sequestrable budgetary resources in that account by the uniform percentage necessary to eliminate a breach within that category.

''(B) OVERSEAS CONTINGENCIES.—Any amount of budget authority for overseas contingency operations and related activities for fiscal years 2013 through 2021 in excess of the levels set in subsection 251(b)(2)(E) shall be counted in determining whether a breach has occurred in the security category and the nonsecurity category on a proportional basis to the total spending for overseas contingency operations in the security category and the nonsecurity category.''.

(c) CONFORMING AMENDMENT.—Section 251(b)(2)(A) of such Act (2 U.S.C. 901(b)(2)(A)) is amended to read as follows:

''(A) EMERGENCY APPROPRIATIONS.—If, for any fiscal year, appropriations for discretionary accounts are enacted that the Congress designates as emergency requirements in statute on an account by account basis and the President subsequently so designates, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements.''.

DIVISION B—WIRELESS INNOVATION AND PUBLIC SAFETY ACT OF 2011

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Wireless Innovation and Public Safety Act of 2011''.

SEC. 1002. DEFINITIONS.

In this division:

(1) 700 MHZ D BLOCK SPECTRUM.—The term ''700 MHz D block spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(3) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(4) COMMERCIAL MOBILE DATA SERVICE.—The term ''commercial mobile data service'' means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service, which may include mobile broadband Internet access service and Internet Protocol-based applications;

(B) provided for profit; and

(C) available to the public or to such classes of eligible users as to be effectively available to the public.

(5) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given such term in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(6) COMMERCIAL STANDARDS.—The term ''commercial standards'' means the technical standards followed by the commercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), and the Internet Engineering Task Force (IETF).

(7) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(8) CORE NETWORK.—The term ''core network'' means the core network described in section 1202(b)(1).

(9) FEDERAL ENTITY.—The term ''Federal entity'' has the meaning given such term in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(10) GOVERNOR.—The term ''Governor'' means the Governor or other chief executive officer of a State.

(11) GUARD BAND SPECTRUM.—The term ''guard band spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 768 megahertz to 769 megahertz and between the frequencies from 798 megahertz to 799 megahertz.

(12) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(13) NARROWBAND SPECTRUM.—The term ''narrowband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(14) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(15) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration.

(16) PROGRAM MANAGEMENT OFFICE.—The term ''Program Management Office'' means the office established under section 1203(a).

(17) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(18) PUBLIC SAFETY BROADBAND NETWORK.—The term ''public safety broadband network'' means the network described in section 1202.

(19) PUBLIC SAFETY BROADBAND CORPORATION.—The term ''Public Safety Broadband Corporation'' or ''Corporation'' means the corporation established under section 1201(a)(1).

(20) PUBLIC SAFETY BROADBAND SPECTRUM.—The term ''public safety broadband spectrum'' means—

(A) the portion of the electromagnetic spectrum between the frequencies from 763 megahertz to 768 megahertz and between the frequencies from 793 megahertz to 798 megahertz; and

(B) the 700 MHz D block spectrum.

(21) PUBLIC SAFETY COMMUNICATIONS RESEARCH PROGRAM.—The term ''Public Safety Communications Research Program'' means the program that is housed within the Department of Commerce Labs in Boulder, Colorado, and that is a joint effort between the Office of Law Enforcement Standards of NIST and the Institute for Telecommunication Sciences of the NTIA.

(22) PUBLIC SAFETY ENTITY.—The term ''public safety entity'' means an entity that provides public safety services.

(23) PUBLIC SAFETY SERVICES.—The term ''public safety services'' has the meaning given such term in section 337(f)(1) of the Communications Act of 1934 (47 U.S.C. 337(f)(1)).

(24) RADIO ACCESS NETWORK.—The term ''radio access network'' means the radio access network described in section 1202(b)(2).

(25) STATE.—The term ''State'' means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(26) STATE PUBLIC SAFETY BROADBAND OFFICE.—The term ''State Public Safety Broadband Office'' means an office established under section 1212(d).

(27) TRIBAL.—The term ''tribal'' means, when used with respect to any entity, that such entity is a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

SEC. 1003. RULE OF CONSTRUCTION.

Each range of frequencies described in this division shall be construed to be inclusive of the upper and lower frequencies in the range.

SEC. 1004. ENFORCEMENT.

(a) IN GENERAL.—The Commission shall implement and enforce this division as if this division is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this division, or a regulation promulgated under this division, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) EXCEPTION.—Subsection (a) does not apply in the case of a provision of this division that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

TITLE I—ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY BROADBAND SPECTRUM

SEC. 1101. REALLOCATION OF 700 MHZ D BLOCK SPECTRUM FOR PUBLIC SAFETY USE.

(a) IN GENERAL.—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this division.

(b) QUANTITY OF SPECTRUM ALLOCATED FOR PUBLIC SAFETY USE.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking ''Not later than January 1, 1998, the'' and inserting ''The'';

(2) in paragraph (1), by striking ''24'' and inserting ''34''; and

(3) in paragraph (2), by striking ''36'' and inserting ''26''.

SEC. 1102. ASSIGNMENT OF LICENSE TO CORPORATION.

(a) IN GENERAL.—Not later than the date that is 30 days after the date of the incorporation of the Public Safety Broadband Corporation under section 1201(a), the Commission shall revoke the license for the public safety broadband spectrum and the guard band spectrum and assign a new, single license for the public safety broadband spectrum and the guard band spectrum to the Corporation for the purpose of ensuring the construction, management, maintenance, and operation of the public safety broadband network.

(b) TERM.—

(1) INITIAL LICENSE.—The initial license assigned under subsection (a) shall be for a term of 10 years.

(2) RENEWAL OF LICENSE.—Prior to the expiration of the term of the initial license assigned under subsection (a) or the expiration of any renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license in accordance with the Communications Act of 1934 (47 U.S.C. 151 et seq.) and any applicable Commission regulations. Such renewal application shall demonstrate that, during the term of the license that the Corporation is seeking to renew, the Corporation has fulfilled its duties and obligations under this division and the Communications Act of 1934 and has complied with all applicable Commission regulations. A renewal of the initial license granted under subsection (a) or any renewal of such license shall be for a term not to exceed 10 years.

(c) DEFINITION OF PUBLIC SAFETY SERVICES.—Section 337(f)(1) of the Communications Act of 1934 (47 U.S.C. 337(f)(1)) is amended—

(1) in subparagraph (A), by striking ''to protect the safety of life, health, or property'' and inserting ''to provide law enforcement, fire and rescue response, or emergency medical assistance (including such assistance provided by ambulance services, hospitals, and urgent care facilities)''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting ''or tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' before the semicolon; and

(B) in clause (ii), by inserting ''or a tribal organization'' after ''a governmental entity''.

SEC. 1103. ENSURING EFFICIENT AND FLEXIBLE USE OF 700 MHZ PUBLIC SAFETY NARROWBAND SPECTRUM.

(a) LICENSE REQUIREMENTS.—The Commission may not renew a license to use the narrowband spectrum after the date of the enactment of this Act, or grant an application for an initial license to use such spectrum after the date that is 3 years after such date of enactment, unless the licensee or applicant demonstrates that failure of the Commission to renew such license or grant such application will—

(1) cause considerable economic hardship; or

(2) adversely impact the ability of the licensee or applicant to provide public safety services.

(b) INVENTORY.—Not later than 6 months after the date of the enactment of this Act, the Commission shall complete and submit to the appropriate committees of Congress a State-by-State inventory of the use of the narrowband spectrum, current as of such date of enactment, including the numbers of base stations that are deployed and in day-to-day operation, the approximate number of users, the extent of interoperability among the deployed stations, and the approximate per-unit costs of mobile equipment.

(c) FLEXIBLE USE.—In order to promote efficient spectrum use, the Commission may allow the narrowband spectrum and the guard band spectrum to be used in a flexible manner, including for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require.

SEC. 1104. SHARING OF PUBLIC SAFETY BROADBAND SPECTRUM AND NETWORK.

(a) EMERGENCY ACCESS BY NON-PUBLIC SAFETY ENTITIES.—

(1) IN GENERAL.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), upon the request of a State Public Safety Broadband Office, the Corporation may enter into agreements with entities in such State that are not public safety entities to permit such entities to obtain access on a secondary, preemptible basis to the public safety broadband spectrum in order to facilitate interoperability between such entities and public safety entities in protecting the safety of life, health, and property during emergencies and during preparation for and recovery from emergencies, including during emergency drills, exercises, and tests.

(2) PREEMPTION.—The Corporation shall ensure that, under any agreements entered into under paragraph (1), public safety entities may preempt use of the public safety broadband spectrum by the entities with which the Corporation has entered into such agreements.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), the Corporation may permit a private entity with which the Corporation contracts on behalf of public safety entities to construct, manage, maintain, or operate the core network or the radio access network, upon the request of such private entity, to—

(1) obtain access to the public safety broadband spectrum for services that are not public safety services; or

(2) share equipment or infrastructure of the public safety broadband network, including antennas and towers.

(c) APPROVAL BY COMMISSION.—The Corporation may not enter into an agreement under subsection (a) or (b)(1) without the approval of the Commission.

(d) REINVESTMENT.—The Corporation shall use any funds the Corporation receives under the agreements entered into under subsections (a) and (b) to cover the administrative expenses of the Corporation for the fiscal year in which such funds are received and shall use any excess for the construction, management, maintenance, and operation of the public safety broadband network.

(e) ACCESS BY FEDERAL DEPARTMENTS AND AGENCIES.—Notwithstanding any limitation in section 337 of the Communications Act of 1934 (47 U.S.C. 337), the Corporation shall enter into such written agreements as are necessary to permit Federal departments and agencies to have shared access to the public safety broadband spectrum on an equivalent basis in order to protect the safety of life, health, and property.

(f) PROHIBITION ON OFFERING COMMERCIAL SERVICES.—The Corporation may not offer, provide, or market commercial telecommunications services or information services directly to the public.

SEC. 1105. COMMISSION RULES.

(a) IN GENERAL.—In order to carry out the provisions of this division, the Commission shall—

(1) adopt technical rules necessary to sufficiently manage spectrum use in bands adjacent to the public safety broadband spectrum;

(2) adopt rules requiring commercial mobile service providers and commercial mobile data service providers to offer roaming and priority access services to public safety entities at commercially reasonable terms and conditions if—

(A) the equipment of the public safety entity is technically compatible with the network of the commercial provider;

(B) the commercial provider is reasonably compensated; and

(C) such access does not unreasonably preempt or otherwise terminate or degrade existing voice conversations or data sessions;

(3) adopt technical rules governing the operation of the public safety broadband network in areas near the international borders of the United States;

(4) adopt rules ensuring the commercial availability of devices capable of operating in the public safety broadband spectrum, known as Band Class 14, at costs comparable to those of similar devices that are designed to operate in spectrum allocated for commercial use; and

(5) consider the adoption of such other rules as the Commission determines are necessary.

(b) DEADLINE.—The Commission shall adopt the rules required by paragraphs (1) through (4) of subsection (a) not later than 180 days after the date of the enactment of this Act.

(c) CONSULTATION.—In adopting rules under subsection (a) (or considering the adoption of rules under paragraph (5) of such subsection), the Commission shall consult with the Director of the Office of Emergency Communications in the Department of Homeland Security, the Assistant Secretary, the Director of NIST, and the Public Safety Communications Research Program.

SEC. 1106. FCC REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 2 years thereafter, the Commission shall, in consultation with the Assistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a).

TITLE II—ADVANCED PUBLIC SAFETY COMMUNICATIONS

Subtitle A—Public Safety Broadband Network

SEC. 1201. ESTABLISHMENT AND OPERATION OF PUBLIC SAFETY BROADBAND CORPORATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation to be known as the Public Safety Broadband Corporation, which will not be an agency or establishment of the United States Government or the District of Columbia government.

(2) GOVERNING LAW.—The Corporation shall be subject to the provisions of this division and, to the extent consistent with this division, the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Official Code). The Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(3) INCORPORATION.—The members of the initial Board of Directors of the Corporation shall serve as the incorporators of the Corporation and shall take the necessary steps to establish the Corporation under the District of Columbia Nonprofit Corporation Act. The Corporation shall notify the Commission of the date of its incorporation as soon as possible after such incorporation.

(4) INITIAL BYLAWS.—The members of the initial Board of Directors of the Corporation shall establish the initial bylaws of the Corporation.

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) BOARD OF DIRECTORS.—

(1) MEMBERSHIP AND APPOINTMENT.—The management of the Corporation shall be vested in a Board of Directors, which shall consist of 15 members, as follows:

(A) FEDERAL MEMBERS.—Four Federal members, or their designees, as follows:

(i) The Secretary of Commerce.

(ii) The Secretary of Homeland Security.

(iii) The Director of the Office of Management and Budget.

(iv) The Attorney General of the United States.

(B) NON-FEDERAL PUBLIC-SECTOR MEMBERS.—Seven non-Federal public-sector members, representing both urban and rural interests, appointed by the Secretary of Commerce, as follows:

(i) STATE GOVERNORS.—Two members, each of whom is the Governor of a State, or their designees.

(ii) LOCAL AND TRIBAL GOVERNMENT MEMBERS.—Two members, each of whom is the chief executive officer of a political subdivision of a State or an Indian tribe, or their designees.

(iii) PUBLIC SAFETY ENTITY EMPLOYEES.—Three members, each of whom is employed by a public safety entity and possesses one or more of the following qualifications:

(I) Experience with emergency preparedness and response.

(II) Technical expertise with public safety radio communications.

(III) Operational experience with 9–1–1 emergency services.

(IV) Training in hospital or urgent medical care.

(C) PRIVATE-SECTOR MEMBERS.—Four private-sector members, appointed by the Secretary of Commerce, each of whom has extensive experience implementing commercial standards in the design, development, and operation of commercial mobile data service networks.

(2) INDEPENDENCE OF NON-FEDERAL PUBLIC-SECTOR AND PRIVATE-SECTOR MEMBERS.—

(A) IN GENERAL.—Each non-Federal public-sector member and each private-sector member of the Board of Directors appointed under paragraph (1) shall be independent and neutral.

(B) INDEPENDENCE DETERMINATION.—In order to be considered independent for purposes of this paragraph, a member of the Board—

(i) may not, other than in the capacity of such member as a member of the Board or a committee thereof, accept any consulting, advisory, or other compensatory fee from the Corporation; and

(ii) shall be disqualified from any deliberation involving any transaction of the Corporation in which such member has a financial interest in the outcome.

(3) FEDERAL EMPLOYMENT STATUS.—The non-Federal public-sector members and the private-sector members of the Board of Directors shall not, by reason of membership on the Board, be considered to be officers or employees of the United States Government or the District of Columbia government.

(4) CITIZENSHIP.—Each non-Federal public-sector member and each private-sector member of the Board of Directors shall be a citizen of the United States.

(5) TERMS OF APPOINTMENT.—

(A) INITIAL APPOINTMENT DEADLINE.—The initial non-Federal public-sector members and the initial private-sector members of the Board of Directors shall be appointed not later than 180 days after the date of the enactment of this Act.

(B) TERMS.—

(i) LENGTH.—

(I) FEDERAL MEMBERS.—Each Federal member of the Board of Directors shall serve as a member of the Board for the life of the Corporation.

(II) NON-FEDERAL PUBLIC-SECTOR AND PRIVATE-SECTOR MEMBERS.—The term of office of each non-Federal public-sector member and each private-sector member of the Board of Directors shall be 3 years. Such a member may not serve more than 2 full terms consecutively.

(ii) EXPIRATION OF TERM.—Any non-Federal public-sector member or private-sector member of the Board of Directors whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(iii) APPOINTMENT TO FILL VACANCY.—A non-Federal public-sector member or private-sector member of the Board of Directors appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(iv) STAGGERED TERMS.—With respect to the initial non-Federal public-sector members and the initial private-sector members of the Board of Directors—

(I) four members shall serve for a term of 3 years;

(II) four members shall serve for a term of 2 years; and

(III) three members shall serve for a term of 1 year.

(C) EFFECT OF VACANCIES.—A vacancy in the membership of the Board of Directors shall not affect the Board's powers and shall be filled in the same manner as the original member was appointed.

(6) CHAIR.—

(A) SELECTION.—The Chair of the Board of Directors shall be selected by the Secretary of Commerce from among the non-Federal public-sector members and the private-sector members of the Board.

(B) TERM.—The term of office of the Chair of the Board of Directors shall be 2 years, and an individual may not serve more than 2 consecutive terms.

(7) REMOVAL.—

(A) BY SECRETARY OF COMMERCE.—The Secretary of Commerce may remove, for good cause—

(i) the Chair of the Board of Directors; or

(ii) any non-Federal public-sector member or private-sector member of the Board of Directors.

(B) BY BOARD.—The members of the Board of Directors may, by majority vote—

(i) remove any non-Federal public-sector member or private-sector member of the Board for conduct determined by the Board to be detrimental to the Board or to the Corporation; or

(ii) request that the Secretary of Commerce exercise his or her authority to remove the Chair of the Board for conduct determined to be detrimental to the Board or to the Corporation.

(8) MEETINGS.—

(A) FREQUENCY.—The Board of Directors shall meet in accordance with the bylaws of the Corporation—

(i) at the call of the Chair of the Board; and

(ii) not less frequently than once each quarter.

(B) TRANSPARENCY.—Meetings of the Board of Directors, and meetings of any committees of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(9) QUORUM.—Eight members of the Board of Directors, including not fewer than 6 non-Federal public-sector members or private-sector members, shall constitute a quorum.

(10) ATTENDANCE.—Members of the Board of Directors may attend meetings of the Corporation and vote in person, via telephone conference, or via video conference.

(11) BYLAWS.—A majority of the members of the Board of Directors may amend the bylaws of the Corporation.

(12) PROHIBITION AGAINST COMPENSATION.—A member of the Board of Directors shall serve without pay, and shall not otherwise benefit, directly or indirectly, as a result of the member's service to the Corporation, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Corporation.

(c) CHIEF EXECUTIVE OFFICER AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have 1 officer, a Chief Executive Officer, and such employees as may be necessary to carry out the duties and responsibilities of the Corporation under this title and title I, for such terms, and at such rates of compensation in accordance with paragraph (5), as the Board of Directors of the Corporation considers appropriate. The Chief Executive Officer and the employees shall serve at the pleasure of the Board of Directors.

(2) QUALIFICATIONS OF CEO.—The Chief Executive Officer shall have extensive experience in the deployment, management, or design of commercial mobile data service networks.

(3) CITIZENSHIP.—The Chief Executive Officer and the employees of the Corporation shall be citizens of the United States.

(4) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to the Chief Executive Officer or the agents or employees of the Corporation.

(5) COMPENSATION.—

(A) IN GENERAL.—The Board of Directors may fix the compensation of the Chief Executive Officer and the employees hired under this subsection, as necessary to carry out the duties and responsibilities of the Corporation under this title and title I, except that—

(i) the rate of compensation for the Chief Executive Officer or any employee may not exceed the maximum rate of basic pay established under section 5382 of title 5, United States Code, for a member of the Senior Executive Service; and

(ii) notwithstanding any other provision of law except clause (i), or any bylaw of the Corporation, all rates of compensation, including benefit plans and salary ranges, for the Chief Executive Officer and the employees shall be jointly approved by a majority of the Federal members of the Board.

(B) LIMITATION ON OTHER COMPENSATION.—Neither the Chief Executive Officer nor any employee of the Corporation may receive any salary or other compensation (except for compensation for service on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the Chief Executive Officer or employee, respectively, by the Corporation.

(C) SERVICE ON OTHER BOARDS.—Service by the Chief Executive Officer or any employee of the Corporation on a board of directors of another organization, on a committee of such a board, or in a similar activity for such an organization shall be subject to annual advance approval by the Board of Directors.

(D) FEDERAL EMPLOYMENT STATUS.—Neither the Chief Executive Officer nor any employee of the Corporation shall be considered to be an officer or employee of the United States Government or the District of Columbia government.

(d) SELECTION OF AGENTS, CONSULTANTS, AND EXPERTS.—

(1) IN GENERAL.—The Board shall select parties to serve as its agents, consultants, and experts in a fair, transparent, and objective manner.

(2) FINAL AND BINDING.—If the selection of an agent, consultant, or expert satisfies the requirements of paragraph (1), the selection of such agent, consultant, or expert shall be final and binding.

(e) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(1) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual associated with the Corporation, except as salary or reasonable compensation for services.

(3) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(4) PROHIBITION ON LOBBYING ACTIVITIES.—The Corporation may not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7))).

(f) GENERAL POWERS.—In addition to the powers granted to the Corporation by any other provision of law, the Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe, through the actions of the Board of Directors, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of the Board of Directors, all powers specifically granted to the Corporation by the provisions of this title and title I, and such incidental powers as shall be necessary.

(5) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Corporation considers necessary to carry out its responsibilities and duties.

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To spend amounts obtained under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this division.

(9) To establish reserve accounts with funds that the Corporation may receive from time to time that exceed the amounts required by the Corporation to timely pay its debt service and other obligations.

(10) To expend the funds placed in any reserve accounts established under paragraph (9) (including interest earned on any such amounts) in a manner authorized by the Board, but only for purposes that—

(A) will advance or enhance public safety communications consistent with this division; or

(B) are otherwise approved by an Act of Congress.

(11) To take such other actions as the Corporation, through the Board of Directors, may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this title and title I.

(g) PRINCIPAL POWERS.—In addition to the powers granted to the Corporation by any other provision of law, the Corporation shall have the power—

(1) to hold the single license for the public safety broadband spectrum and the guard band spectrum assigned by the Commission under section 1102(a);

(2) to take all actions necessary to ensure the construction, management, maintenance, and operation of the public safety broadband network, in consultation with Federal users of the network, public safety entities, the Commission, and the Technical and Operations Advisory Body established under subsection (h), including by—

(A) ensuring the use of commercial standards;

(B) issuing open, transparent, and competitive requests for proposals to private-sector entities for the purpose of constructing, managing, maintaining, and operating the public safety broadband network;

(C) entering into and overseeing the performance of contracts or agreements with private-sector entities to construct, manage, maintain, and operate the public safety broadband network;

(D) leveraging, to the maximum extent possible, existing commercial, private, and public infrastructure to reduce costs, supplement network capacity, and speed deployment of the network;

(E) entering into roaming and priority access agreements with providers of commercial mobile service and commercial mobile data service to allow users of the public safety broadband network to obtain such services across the networks of such providers;

(F) entering into sharing agreements under section 1104; and

(G) exercising discretion in using and disbursing the funds received under section 1401(b)(4); and

(3) to establish the Program Management Office and delegate functions to such Office, in accordance with section 1203.

(h) TECHNICAL AND OPERATIONS ADVISORY BODY.—

(1) ESTABLISHMENT.—In addition to such other standing or ad hoc committees, panels, or councils as the Board of Directors considers necessary, the Corporation shall establish a Technical and Operations Advisory Body, which shall provide advice to the Corporation with respect to operational and technical matters related to public safety communications and commercial mobile data service.

(2) MEMBERSHIP.—The Technical and Operations Advisory Body shall be composed of such representatives as the Board of Directors considers appropriate, including representatives of the following:

(A) Public safety entities.

(B) State, local, and tribal entities that use the public safety broadband network.

(C) Public safety answering points.

(D) One or more of the 10 regional organizational units of the Federal Emergency Management Agency.

(E) The Bureau of Indian Affairs.

(F) The Office of Science and Technology Policy.

(G) The Public Safety Communications Research Program.

(H) Providers of commercial mobile data service and vendors of equipment, devices, and software used to provide and access such service.

(i) AUDITS AND REPORTS BY GAO.—

(1) AUDITS.—

(A) IN GENERAL.—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited annually by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(B) LOCATION.—Any audit conducted under subparagraph (A) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(C) ACCESS TO CORPORATION BOOKS AND DOCUMENTS.—

(i) IN GENERAL.—For purposes of an audit conducted under subparagraph (A), the representatives of the Comptroller General shall—

(I) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(II) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(ii) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(2) REPORTS.—

(A) IN GENERAL.—The Comptroller General of the United States shall submit a report of each audit conducted under paragraph (1)(A) to—

(i) the appropriate committees of Congress;

(ii) the President; and

(iii) the Corporation.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall contain—

(i) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(ii) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(iii) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

(j) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the appropriate committees of Congress.

(2) REQUIRED CONTENT.—The report required under paragraph (1) shall include—

(A) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this section;

(B) an analysis of the continued need for the Program Management Office and opportunities for reductions in staffing levels or scope of work in light of progress made in network deployment, including the requests for proposals process; and

(C) such recommendations or proposals for legislative or administrative action as the Corporation considers appropriate.

(3) AVAILABILITY TO TESTIFY.—The directors, employees, and agents and the Chief Executive Officer of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

(A) the report required under paragraph (1);

(B) the report of any audit made by the Comptroller General under subsection (i); or

(C) any other matter which such committees may consider appropriate.

(k) PROHIBITION AGAINST NEGOTIATION WITH FOREIGN GOVERNMENTS.—The Corporation may not negotiate or enter into any agreements with a foreign government on behalf of the United States.

(l) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

SEC. 1202. PUBLIC SAFETY BROADBAND NETWORK.

(a) ESTABLISHMENT.—The Corporation shall ensure the establishment of a nationwide, interoperable public safety broadband network.

(b) NETWORK COMPONENTS.—The public safety broadband network shall be based on a single, national network architecture that evolves with technological advancements and initially consists of the following:

(1) A core network that—

(A) consists of national and regional data centers, and other elements and functions that may be distributed geographically, all of which shall be based on commercial standards; and

(B) provides the connectivity between—

(i) the radio access network; and

(ii) the public Internet or the public switched network, or both.

(2) A radio access network that—

(A) is deployed on a State-by-State or multi-State basis;

(B) consists of all cell site equipment, antennas, and backhaul equipment, based on commercial standards, that are required to enable wireless communications with devices using the public safety broadband spectrum; and

(C) shall be developed, constructed, managed, maintained, and operated taking into account the plans developed in the State, local, and tribal planning and implementation grant program under section 1212.

(c) DEPLOYMENT STANDARDS.—The Corporation shall, through the administration of the requests-for-proposals process and oversight of contracts delegated to the Program Management Office—

(1) ensure that the core network and the radio access network are deployed as networks are typically deployed by commercial mobile data service providers;

(2) promote competition in the public safety equipment market by requiring that equipment for use on the public safety broadband network be—

(A) built to open, nonproprietary, commercial standards;

(B) capable of being used by any public safety entity and accessed by devices manufactured by multiple vendors; and

(C) backward-compatible with prior generations of commercial mobile service and commercial mobile data service networks to the extent typically deployed by providers of commercial mobile service and commercial mobile data service; and

(3) ensure that the public safety broadband network is integrated with public safety answering points, or the equivalent of public safety answering points, and with networks for the provision of Next Generation 9–1–1 services (as defined in section 1231).

(d) PROCUREMENT.—In all procurement related to the core network and the radio access network, the Corporation shall use an open, competitive bidding process that—

(1) details the required framework and architecture of such networks, the general specifications of the work requested, and the service-delivery responsibilities of successful bidders;

(2) provides for the award of subcontracts; and

(3) prohibits, except in the case of minor upgrades—

(A) sole-source contracts; and

(B) requirements for design proprietary to any individual vendor.

(e) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the Corporation and the Commission, shall develop and periodically update a list of approved devices and components meeting appropriate protocols and standards. A device or component may not be used on the public safety broadband network unless it appears on such list.

SEC. 1203. PROGRAM MANAGEMENT OFFICE.

(a) ESTABLISHMENT.—The Corporation shall establish and staff a Program Management Office within the Corporation, or award a network management services contract to a private entity to establish and staff such an office. Any such contract shall be awarded through an open, competitive bidding process and shall be subject to approval by the Secretary of Commerce.

(b) ACCOUNTABILITY.—The actions of the Program Management Office shall be subject to review by the Corporation.

(c) INDEPENDENCE.—For the duration of any contract between the Program Management Office and the Corporation, the Program Management Office may not have a material financial interest in the outcome of any request for proposals of the Corporation or a material financial interest in any contract or agreement entered into by the Corporation.

(d) DUTIES.—Subject to the determination of the Corporation of the continuing need and appropriate scale of the Program Management Office, the Program Management Office shall—

(1) be responsible for carrying out the day-to-day activities of the Corporation, including ensuring uniformity of deployments of and upgrades to the public safety broadband network to preserve nationwide interoperability and economies of scale in network equipment and device costs;

(2) develop and recommend for adoption by the Corporation a nationwide plan for the deployment of the public safety broadband network;

(3) create a template for use by a State Public Safety Broadband Office receiving a grant under section 1212(a) in transmitting the plans developed under such section to the Program Management Office;

(4) create, for approval by the Corporation—

(A) baseline criteria for a request for proposals for the construction, management, maintenance, and operation of the core network; and

(B) baseline criteria for requests for proposals for the construction, management, maintenance, and operation of the radio access network;

(5) in consultation with State Public Safety Broadband Offices, evaluate responses to the requests for proposals described in paragraph (4);

(6) administer and oversee, and verify and validate the performance of, contracts entered into by the Corporation with entities the proposals of which the Corporation accepts;

(7) in consultation with State Public Safety Broadband Offices, the Office of Emergency Communications in the Department of Homeland Security, and the Commission, implement an awareness campaign in order to stimulate nationwide adoption of the public safety broadband network by public safety entities;

(8) in consultation with State Public Safety Broadband Offices, assess the progress of the construction and adoption of the public safety broadband network and report to the Corporation regarding such progress at such intervals as the Corporation requests, but no less frequently than biannually; and

(9) in consultation with State Public Safety Broadband Offices, develop a strategy for the Corporation on the distribution of public funding provided under section 1401(b)(4) for the construction, management, maintenance, and operation of the public safety broadband network.

(e) DEVELOPMENT AND EVALUATION OF REQUESTS FOR PROPOSALS.—In developing requests for proposals with respect to the core network and the radio access network, the Program Management Office shall, on a State-by-State or multi-State basis, seek proposals and recommend for acceptance by the Corporation proposals that—

(1) are based on commercial standards and are backward-compatible with existing commercial mobile service and commercial mobile data service networks;

(2) maximize use of existing infrastructure of commercial entities and of Federal, State, and tribal entities, including existing public safety infrastructure;

(3) provide for the selection on a localized basis of network options that remain consistent with the national network architecture;

(4) incorporate deployable network assets, vehicular repeaters, and other equipment as a means to provide additional coverage and capacity as may be required;

(5) ensure a nationwide level of interoperability;

(6) provide economies of scale in equipment and device costs comparable to those in the commercial marketplace, including the costs of devices capable of operating in Band Class 14;

(7) promote competition in the network equipment and device markets;

(8) ensure coverage of rural and underserved areas;

(9) take into account the need for the relocation of any incumbent public safety narrowband operations from the public safety broadband spectrum;

(10) enable technology upgrades at a pace comparable to that occurring in the commercial mobile service and commercial mobile data service marketplaces;

(11) ensure the reliability, security, and resiliency of the network, including through measures for—

(A) protecting and monitoring the cybersecurity of the network; and

(B) managing supply chain risks to the network; and

(12) incorporate results from the 700 MHz demonstration network managed by the Public Safety Communications Research Program.

(f) CONSULTATION WITH TECHNICAL AND OPERATIONS ADVISORY BODY.—In carrying out its responsibilities, the Program Management Office shall regularly meet and consult with the Technical and Operations Advisory Body established under section 1201(h).

SEC. 1204. REPRESENTATION BEFORE STANDARDS SETTING ENTITIES.

The Corporation, in consultation with the Director of NIST, the Commission, and the Technical and Operations Advisory Body established under section 1201(h), shall represent the interests of Federal departments and agencies and public safety entities using the public safety broadband network before any appropriate standards development organizations that address issues that in the judgment of the Corporation are relevant and important to the public safety broadband network.

SEC. 1205. GAO REPORT ON SATELLITE BROADBAND.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the appropriate committees of Congress a report on the current and future capabilities of fixed and mobile satellite broadband for use by public safety entities.

SEC. 1206. ACCESS TO FEDERAL SUPPLY SCHEDULES.

Section 502 of title 40, United States Code, is amended—

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

(2) by inserting after subsection (e) the following new subsection:

''(f) USE OF SUPPLY SCHEDULES BY PUBLIC SAFETY BROADBAND CORPORATION FOR CERTAIN GOODS AND SERVICES.—

''(1) IN GENERAL.—The Administrator may provide, to the extent practicable, for the use by the Public Safety Broadband Corporation of Federal supply schedules for the following:

''(A) Roaming and priority access services offered by providers of commercial mobile service and commercial mobile data service.

''(B) Broadband network equipment, devices, and applications that are suitable for use on the public safety broadband network.

''(2) DEFINITIONS.—In this subsection—

''(A) the terms 'commercial mobile data service' and 'public safety broadband network' have the meanings given such terms in section 1002 of the Wireless Innovation and Public Safety Act of 2011;

''(B) the term 'commercial mobile service' has the meaning given such term in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)); and

''(C) the term 'Public Safety Broadband Corporation' means the corporation established under section 1201(a)(1) of the Wireless Innovation and Public Safety Act of 2011.''.

SEC. 1207. FEDERAL INFRASTRUCTURE SHARING.

The Administrator of General Services shall establish rules to allow the Corporation, on behalf of public safety entities, to have access to such components of Federal infrastructure as are appropriate for the construction and maintenance of the public safety broadband network.

SEC. 1208. INITIAL FUNDING FOR CORPORATION.

(a) IN GENERAL.—There is appropriated to the Assistant Secretary $50,000,000 for use in accordance with subsection (b), to remain available until the commencement of incentive auctions to be carried out under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a), or the auction of spectrum pursuant to subsection (a)(1) or (b)(1) of section 1301.

(b) USE OF FUNDS.—The Assistant Secretary shall use the funds appropriated under subsection (a)—

(1) for reasonable administrative expenses and other costs associated with the establishment of the Corporation; and

(2) subject to subsection (c), for transfer to the Corporation of an amount the Assistant Secretary considers necessary for the Corporation to carry out its duties and responsibilities under this title and title I prior to the 1st fiscal year for which the Corporation projects that the fees collected under section 1209 will be sufficient to cover the total expenses of the Corporation for such fiscal year.

(c) CONDITIONS.—The Assistant Secretary may not transfer any funds under subsection (b)(2) unless the Corporation files with the Assistant Secretary—

(1) an estimated budget for the period between the filing and the beginning of the 1st fiscal year for which the Corporation projects that the fees collected under section 1209 will be sufficient to cover the total expenses of the Corporation for such fiscal year; and

(2) a statement of the anticipated use of the funds transferred.

(d) REINVESTMENT OF EXCESS FUNDS.—Beginning with the 1st fiscal year in which the Corporation collects fees under section 1209 in excess of the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year, the Corporation shall use any remaining amount of the funds transferred under subsection (b)(2) only to ensure the construction, management, maintenance, and operation of the public safety broadband network.

SEC. 1209. PERMANENT SELF-FUNDING OF CORPORATION AND DUTY TO COLLECT CERTAIN FEES.

(a) IN GENERAL.—The Corporation is authorized to assess and collect the following fees:

(1) NETWORK USER FEES.—A user or subscription fee from each public safety entity and Federal department or agency that seeks access to or use of the public safety broadband network.

(2) SHARING ARRANGEMENT FEES.—A fee from each entity with which the Corporation enters into a sharing arrangement under section 1104.

(b) ESTABLISHMENT OF FEE AMOUNTS.—The total amount of the fees assessed for each fiscal year under this section shall be sufficient, and to the extent practicable shall not exceed the amount necessary, to cover the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year.

(c) REQUIRED REINVESTMENT OF EXCESS FUNDS.—If, in a fiscal year, the Corporation collects fees under this section in excess of the total expenses of the Corporation in carrying out its duties and responsibilities under this title and title I for such fiscal year, the Corporation shall use the excess only to ensure the construction, management, maintenance, and operation of the public safety broadband network.

Subtitle B—State, Local, and Tribal Planning and Implementation

SEC. 1211. STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the State, Local, and Tribal Planning and Implementation Fund.

(b) PURPOSE.—The Assistant Secretary shall establish and administer the grant program under section 1212 using the funds deposited in the State, Local, and Tribal Planning and Implementation Fund.

(c) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the State, Local, and Tribal Planning and Implementation Fund—

(1) any amounts specified in section 1401; and

(2) any amounts borrowed by the Assistant Secretary under subsection (d).

(d) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Assistant Secretary may borrow from the general fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed $250,000,000, to implement section 1212.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State, Local, and Tribal Planning and Implementation Fund.

SEC. 1212. STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION GRANT PROGRAM.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Assistant Secretary, in consultation with the Corporation, shall take such action as is necessary to establish a grant program to make grants to each State Public Safety Broadband Office established under subsection (d) to assist State, local, and tribal public safety entities within such State in carrying out the following activities:

(1) Identifying and planning the most efficient and effective use and integration by such entities of the spectrum and the infrastructure, equipment, and other architecture associated with the public safety broadband network to satisfy the wireless communications and data services needs of such entities.

(2) Identifying opportunities for creating a consortium with one or more other States to assist the Program Management Office in developing a single request for proposals to serve the common network requirements of the States in the consortium.

(3) Identifying the particular assets and specialized needs of the public safety entities located within such State for inclusion in requests for proposals with respect to the radio access network. Such assets may include available towers and infrastructure. Such needs may include the projected number of users, preferred buildout timeframes, special coverage needs, special hardening, reliability, security, and resiliency needs, local user priority assignments, and integration needs of public safety answering points and emergency operations centers.

(4) Transmitting the plans developed under this subsection to the Program Management Office using the template developed under section 1203(d)(3).

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the Corporation.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the date of the incorporation of the Corporation under section 1201(a), the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) STATE PUBLIC SAFETY BROADBAND OFFICES.—A State wishing to receive a grant under this section shall establish a State Public Safety Broadband Office to carry out the activities described in subsection (a). The Assistant Secretary may not accept a grant application unless such application certifies that the State has established such an office.

SEC. 1213. PUBLIC SAFETY WIRELESS FACILITIES DEPLOYMENT.

(a) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower that does not substantially change the physical dimensions of such tower.

(b) ELIGIBLE FACILITIES REQUEST.—In this section, the term ''eligible facilities request'' means a request that—

(1) is for a modification of an existing wireless tower that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment; and

(2) is made by an entity that enters into a contract with the Corporation to construct, manage, maintain, or operate the public safety broadband network for purposes of performing work under such contract.

Subtitle C—Public Safety Communications Research and Development

SEC. 1221. NIST-DIRECTED PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—From amounts made available from the Public Safety Trust Fund established under section 1401, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) REQUIRED ACTIVITIES.—In carrying out subsection (a), the Director of NIST, in consultation with the Corporation and the Technical and Operations Advisory Body established under section 1201(h), shall—

(1) document public safety wireless communications requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the public safety broadband network;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice communications, including device-to-device talkaround capability over broadband networks, public safety prioritization, authentication capabilities, and standard application programming interfaces, if necessary and practical;

(5) accelerate the development of communications technology and equipment that can facilitate the eventual migration of public safety narrowband communications to the public safety broadband network;

(6) ensure the development and testing of new, interoperable, nonproprietary broadband technologies (including applications, devices, and device components) that are designed to open standards to meet the needs of public safety entities;

(7) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency, and trustworthiness; and

(8) convene working groups of relevant government and commercial parties in carrying out paragraphs (1) through (7).

Subtitle D—Next Generation 9–1–1 Services

SEC. 1231. DEFINITIONS.

In this subtitle:

(1) 9–1–1 SERVICES, E9–1–1 SERVICES, NEXT GENERATION 9–1–1 SERVICES.—The terms ''9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services'' shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(2) EMERGENCY CALL.—The term ''emergency call'' has the meaning given such term in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(3) MULTI-LINE TELEPHONE SYSTEM.—The term ''multi-line telephone system'' or ''MLTS'' means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations) and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(4) OFFICE.—The term ''Office'' means the 9–1–1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this division.

(5) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

SEC. 1232. COORDINATION OF 9–1–1 IMPLEMENTATION.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

''SEC. 158. COORDINATION OF 9–1–1, E9–1–1 AND NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

''(1) ESTABLISHMENT AND CONTINUATION.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

''(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9–1–1 services; and

''(B) establish a 9–1–1 Implementation Coordination Office to implement the provisions of this section.

''(2) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of such program; and

''(ii) funding profiles for each fiscal year of the 5-year duration of such program.

''(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Wireless Innovation and Public Safety Act of 2011, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

''(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

''(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services.

''(b) 9–1–1, E9–1–1 AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

''(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

''(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

''(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

''(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 80 percent. The non-Federal share of the cost shall be provided from non-Federal sources unless waived by the Assistant Secretary and the Administrator.

''(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

''(A) in the case of an eligible entity that is a State government, the entity—

''(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;

''(iii) has established a plan for the coordination and implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; and

''(iv) has integrated telecommunications services involved in the implementation and delivery of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

''(4) CRITERIA.—Not later than 120 days after the submission of the report required under section 1237 of the Wireless Innovation and Public Safety Act of 2011, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

''(c) DIVERSION OF 9–1–1 CHARGES.—

''(1) DESIGNATED 9–1–1 CHARGES.—For the purposes of this subsection, the term 'designated 9–1–1 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9–1–1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

''(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9–1–1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or re-designates such charges for purposes other than the implementation or operation of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services, all of the funds from such grant shall be returned to the Office.

''(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under subsection (b);

''(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under subsection (b).

''(d) AUTHORIZATION AND TERMINATION.—

''(1) AUTHORIZATION.—

''(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, for the purposes of carrying out grants under this section, $250,000,000 total for the 5-year period described in subparagraph (C).

''(B) LIMITATION.—Of the amounts made available to the Secretary of Commerce under this paragraph in a fiscal year, not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

''(C) PERIOD.—The 5-year period under subparagraph (A) begins on the first day of the fiscal year that begins following the date of the submission of the report required under section 1237 of the Wireless Innovation and Public Safety Act of 2011.

''(2) TERMINATION.—Effective on the day after the end of the 5-year period described in paragraph (1)(C), the authority provided by this section terminates and this section shall have no effect.

''(e) DEFINITIONS.—In this section:

''(1) 9–1–1 SERVICES.—The term '9–1–1 services' includes both E9–1–1 services and Next Generation 9–1–1 services.

''(2) E9–1–1 SERVICES.—The term 'E9–1–1 services' means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Wireless Innovation and Public Safety Act of 2011, or as subsequently revised by the Commission.

''(3) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

''(B) INSTRUMENTALITIES.—The term 'eligible entity' includes public authorities, boards, commissions, and similar bodies created by 1 or more eligible entities described in subparagraph (A) to provide 9–1–1 service, E9–1–1 services, or Next Generation 9–1–1 services.

''(C) EXCEPTION.—The term 'eligible entity' does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

''(4) EMERGENCY CALL.—The term 'emergency call' means any real-time communication with a public safety answering point or other emergency management or response agency, including—

''(A) through voice, text, or video and related data; and

''(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

''(5) NEXT GENERATION 9–1–1 SERVICES.—The term 'Next Generation 9–1–1 services' means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

''(A) provides standardized interfaces from emergency call and message services to support emergency communications;

''(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

''(C) acquires and integrates additional emergency call data useful to call routing and handling;

''(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

''(E) supports data or video communications needs for coordinated incident response and management; and

''(F) provides broadband service to public safety answering points or other first responder entities.

''(6) OFFICE.—The term 'Office' means the 9–1–1 Implementation Coordination Office.

''(7) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

''(8) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.''.

SEC. 1233. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services, in conjunction with the Office, shall issue a report to Congress identifying the 9–1–1 capabilities of the multi-line telephone system in use by all Federal agencies in all Federal buildings and properties.

(b) COMMISSION ACTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of requiring MLTS manufacturers to include within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9–1–1 caller's location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) SPECIFIC REQUIREMENT.—The public notice under paragraph (1) shall seek comment on the National Emergency Number Association's ''Technical Requirements Document On Model Legislation E9–1–1 for Multi-Line Telephone Systems'' (NENA 06–750, Version 2).

SEC. 1234. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1 SERVICE CHARGES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9–1–1 services or enhanced 9–1–1 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) REPORT.—Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 1235. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9–1–1 SERVICE.

(a) IMMUNITY.—A provider or user of Next Generation 9–1–1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to—

(1) the release of subscriber information related to emergency calls or emergency services;

(2) the use or provision of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services; and

(3) other matters related to 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(b) SCOPE OF IMMUNITY AND PROTECTION FROM LIABILITY.—The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

SEC. 1236. COMMISSION PROCEEDING ON AUTODIALING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points.

(b) FEATURES OF THE REGISTRY.—The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that—

(1) permit verified public safety answering point administrators or managers to register the telephone numbers of all 9–1–1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies;

(2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;

(3) provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment;

(4) protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry; and

(5) prohibit the use of automatic dialing or ''robocall'' equipment to establish contact with registered numbers.

(c) ENFORCEMENT.—The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than $100,000 per incident nor more than $1,000,000 per incident;

(2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers established pursuant to subsection (b)(5) of not less than $10,000 per call nor more than $100,000 per call; and

(3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offence.

SEC. 1237. NHTSA REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9–1–1 SERVICES.

(a) IN GENERAL.—Using amounts made available from the Public Safety Trust Fund under section 1401, not later than 1 year after the date of the enactment of this Act, the Administrator of the National Highway Traffic Safety Administration, in consultation with the Commission, the Secretary of Homeland Security, and the Office, shall prepare and submit to Congress a report that analyzes and determines detailed costs for specific Next Generation 9–1–1 service requirements and specifications.

(b) CONTENTS.—The report required under subsection (a) shall include the following:

(1) How costs would be allocated geographically or among public safety answering points, broadband service providers, and third-party providers of Next Generation 9–1–1 services.

(2) An assessment of the current state of Next Generation 9–1–1 service readiness among public safety answering points.

(3) How differences in public safety answering points' access to broadband across the United States may affect costs.

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9–1–1 service delivery.

(6) An analysis of the needs for Next Generation 9–1–1 service of persons with disabilities.

(7) Standards and protocols for Next Generation 9–1–1 service and for incorporating Voice over Internet Protocol and real-time text standards.

SEC. 1238. FCC RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9–1–1 SERVICES.

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9–1–1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9–1–1 services and the transition from legacy 9–1–1 to Next Generation 9–1–1 services.

(2) Legal mechanisms to ensure efficient and accurate transmission of 9–1–1 caller information to emergency management or response agencies.

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations, including—

(A) proposals that would require States to remove regulatory impediments to Next Generation 9–1–1 services development, while recognizing the appropriate role of the States;

(B) eliminating outdated 9–1–1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

TITLE III—SPECTRUM AUCTION AUTHORITY

SEC. 1301. DEADLINES FOR AUCTION OF CERTAIN SPECTRUM.

(a) IN GENERAL.—

(1) AUCTION.—The Commission shall, through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), assign licenses for the use of

the electromagnetic spectrum described in paragraph (2) in accordance with the timetable set forth in paragraph (3).

(2) SPECTRUM DESCRIBED.—The spectrum described in this paragraph is the following:

(A) The frequencies from 2155 megahertz to 2180 megahertz.

(B) The frequencies from 1755 megahertz to 1780 megahertz, except that if—

(i) the President determines that such frequencies cannot be reallocated for non-Federal use due to the need to protect incumbent Federal operations from interference; and

(ii) the President identifies other spectrum the reallocation for non-Federal use of which better serves the public interest, convenience, and necessity and that can reasonably be expected to produce comparable auction receipts;

the spectrum described in this subparagraph shall be the spectrum identified by the President under clause (ii).

(C) The frequencies from 1695 megahertz to 1710 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands''.

(D) Fifteen megahertz of contiguous spectrum identified by the Commission to be paired with the spectrum described in subparagraph (C).

(E) The frequencies from 1780 megahertz to 1850 megahertz, except that if—

(i) the President determines that such frequencies cannot be reallocated for non-Federal use due to the need to protect incumbent Federal operations from interference; and

(ii) the President identifies other spectrum the reallocation for non-Federal use of which better serves the public interest, convenience, and necessity and that can reasonably be expected to produce comparable auction receipts;

the spectrum described in this subparagraph shall be the spectrum identified by the President under clause (ii).

(3) TIMETABLE.—Notwithstanding paragraph (15)(A) of such section 309(j), the Commission shall complete all actions necessary in order to—

(A) in the case of licenses for the use of the spectrum described in subparagraphs (A) and (B) of paragraph (2)—

(i) commence the bidding process not later than January 31, 2014; and

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2014;

(B) in the case of licenses for the use of the spectrum described in subparagraphs (C) and (D) of paragraph (2)—

(i) commence the bidding process not later than January 31, 2018; and

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2018; and

(C) in the case of licenses for the use of the spectrum described in subparagraph (E) of paragraph (2)—

(i) commence the bidding process not later than January 31, 2020; and

(ii) deposit the available proceeds in accordance with paragraph (8) of such section not later than June 30, 2020.

(4) NOTIFICATION TO PRESIDENT.—Not later than 6 months before each auction of frequencies under paragraph (1) in which any frequency assigned to a Federal Government station will be auctioned, the Commission shall notify the President of the date when such auction will begin and the frequencies to be auctioned.

(5) WITHDRAWAL FROM FEDERAL USE.—Notwithstanding section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 47 U.S.C. 921 note), upon receipt of a notification from the Commission under paragraph (4) with respect to an auction of frequencies, the President shall withdraw the assignment to a Federal Government station of any such frequency.

(6) DELAYED OR PHASED REALLOCATION OF CERTAIN FEDERAL SPECTRUM.—If the President determines that reallocation for non-Federal use of the spectrum described in subparagraph (E) of paragraph (2) must be delayed or conducted in phases to ensure protection from interference of or continuity of incumbent Federal operations, the President may delay the withdrawal under paragraph (5) of the assignment of such spectrum to a Federal Government station until such time as the President considers necessary to ensure such protection, but in no case later than January 31, 2020.

(b) AUCTION OF CERTAIN OTHER SPECTRUM.—

(1) AUCTION.—In accordance with the timetable set forth in paragraph (2), the Commission shall assign through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), or reallocate for unlicensed use, the electromagnetic spectrum between the frequencies from 3550 megahertz to 3650 megahertz, except for the geographic exclusion zones (as such zones may be amended) identified in the report of the NTIA published in October 2010 and entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands''.

(2) TIMETABLE.—Notwithstanding paragraph (15)(A) of such section, the Commission shall complete all actions necessary in order to—

(A) commence the bidding process, or commence reallocation for unlicensed use, not later than 3 years after the date of the enactment of this Act; and

(B) deposit the available proceeds in accordance with paragraph (8) of such section not later than 6 months thereafter.

(3) NOTIFICATION TO PRESIDENT.—Not later than 6 months before each auction of frequencies under paragraph (1), or the reallocation for unlicensed use of any frequency described in such paragraph, the Commission shall notify the President of the date when such auction will begin or such reallocation will occur and the frequencies to be auctioned or reallocated.

(4) WITHDRAWAL FROM FEDERAL USE.—Upon receipt of a notification from the Commission under paragraph (3) with respect to an auction or reallocation of frequencies, the President shall withdraw the assignment to a Federal Government station of any such frequency.

(c) AUCTION PROCEEDS.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking ''(B), (D), and (E),'' and inserting ''(B), (D), (E), (F), and (G),'';

(2) in subparagraph (C)—

(A) in clause (i), by striking ''subparagraph (E)(ii)'' and inserting ''subparagraphs (D)(ii), (E)(ii), (F), and (G)(iv)''; and

(B) in clause (iii)—

(i) by striking the period at the end and inserting a semicolon;

(ii) by striking ''shall be'' and inserting the following:

''(I) before the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, shall be''; and

(iii) by adding at the end the following:

''(II) during the 10-year period beginning on the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, shall be transferred to the Public Safety Broadband Corporation established under section 1201(a)(1) of such Act for use by the Corporation to carry out its duties and responsibilities under titles I and II of such Act; and

''(III) after such period, shall be transferred to the general fund of the Treasury for the sole purpose of deficit reduction.'';

(3) in subparagraph (D)—

(A) by striking the heading and inserting ''PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM'';

(B) by striking ''Cash'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), cash''; and

(C) by adding at the end the following:

''(ii) CERTAIN OTHER PROCEEDS.—Except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by subsection (a)(1) or (b)(1) of section 1301 of the Wireless Innovation and Public Safety Act of 2011, such portion of such proceeds as is necessary to cover the relocation costs and sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from or sharing such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of such Act.''; and

(4) by adding at the end the following new subparagraph:

''(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Except as provided in subparagraphs (B) and (D), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to subsections (a)(1) and (b)(1) of section 1301 of the Wireless Innovation and Public Safety Act of 2011 shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of such Act.''.

(d) EXTENSION OF AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''2012'' and inserting ''2021''.

SEC. 1302. INCENTIVE AUCTION AUTHORITY.

(a) IN GENERAL.—Section 309(j)(8) of the Communications Act of 1934, as amended by section 1301(c), is further amended by adding at the end the following new subparagraph:

''(G) INCENTIVE AUCTION AUTHORITY.—

''(i) IN GENERAL.—If the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed rights for the use of spectrum in order to permit—

''(I) through competitive bidding under this subsection, the assignment of initial licenses subject to new service rules, on a flexible-use basis to the extent technologically feasible; or

''(II) the allocation of spectrum for unlicensed use;

the Commission may disburse to such licensee, from the proceeds from competitive bidding for any spectrum usage rights made available by reason of relinquishments under this subparagraph, an amount that the Commission considers appropriate, based on the value of the rights relinquished by such licensee.

''(ii) FACTORS FOR CONSIDERATION.—In considering whether to accept the voluntary relinquishment of licensed spectrum usage rights of a licensee and share proceeds with such licensee under clause (i), the Commission shall consider the following factors:

''(I) The conditions under which such licensee could maintain the license and whether such licensee is in compliance with the license terms.

''(II) The extent to which such relinquishment would serve the public interest, convenience, and necessity.

''(iii) COVERAGE AREA REQUIREMENTS.—In assigning licenses under this subparagraph, the Commission shall make all reasonable efforts to ensure that there is an adequate opportunity for applicants to submit bids for licenses covering both large and small geographic areas, as such areas are determined by the Commission.

''(iv) TREATMENT OF REVENUES.—Except as provided in subparagraph (B), all proceeds (including deposits and upfront payments from successful bidders) from the auction of spectrum usage rights made available by relinquishments under this subparagraph shall be deposited in the Public Safety Trust Fund established by section 1401(a)(1) of the Wireless Innovation and Public Safety Act of 2011.''.

(b) SPECIAL RULES FOR TELEVISION BROADCAST SPECTRUM.—

(1) GENERAL AUTHORITY TO REORGANIZE.—In order to create a geographically contiguous band of spectrum across the United States, the Commission shall—

(A) create a framework to make available such portions of the television broadcast spectrum as the Commission considers appropriate; and

(B) require television broadcast station licensees and other licensees to relocate, as the Commission considers appropriate.

(2) VOLUNTARY NATURE OF INCENTIVE AUCTIONS.—Except as provided in paragraphs (3) and (4), reclamation or modification of spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by subsection (a), shall be on a voluntary basis.

(3) RECLAMATION IN EXCHANGE FOR RIGHTS TO SUBSTANTIALLY EQUIVALENT SPECTRUM.—

(A) IN GENERAL.—The Commission may reclaim the spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under section 309(j)(8)(G) of the Communications Act of 1934 if the Commission assigns to such licensee the rights to use an identical amount of contiguous spectrum, in the same geographic market.

(B) SUBSTANTIAL EQUIVALENCE.—The Commission shall ensure, to the extent technically feasible, in the public interest, and consistent with the goals of the auction, that spectrum usage rights assigned under subparagraph (A) enable a licensee to offer service that is substantially similar in service contour, population covered, and amount of harmful interference to the service offered by such licensee on the spectrum the rights to which are reclaimed by the Commission under such subparagraph.

(C) RELOCATION COSTS.—The costs incurred by a licensee in relocating to an identical amount of spectrum under subparagraph (A) shall be paid from the Incentive Auction Relocation Fund established by paragraph (6).

(4) MODIFICATION OF RIGHTS AND COMPENSATION.—

(A) MODIFICATION.—If the Commission determines that it is in the public interest to modify the spectrum usage rights of a television broadcast station licensee for the purpose of providing spectrum usage rights to carry out an incentive auction under section 309(j)(8)(G) of the Communications Act of 1934, the Commission may make the modification and compensate such licensee for the reduction in spectrum usage rights from the Incentive Auction Relocation Fund established by paragraph (6).

(B) LEAST MODIFICATION TECHNICALLY FEASIBLE.—To the extent technically feasible and in the public interest, in making a modification of the spectrum usage rights of a television broadcast station licensee under subparagraph (A), the Commission shall make reasonable efforts to—

(i) preserve the amount of population covered by the signal of such licensee within the service area of such licensee; and

(ii) avoid any substantial increase in harmful interference to the signal of such licensee as a result of the modification.

(5) LIMITATIONS.—

(A) CO-LOCATION.—In the reorganization of the television broadcast spectrum under this subsection—

(i) the Commission may not involuntarily co-locate multiple television broadcast station licensees on the same channel; and

(ii) each television broadcast station licensee voluntarily electing to be co-located shall have the carriage rights under sections 338, 614, and 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) that it would have had if it had been the sole television broadcast station licensee located at the shared location on November 30, 2010.

(B) NO INVOLUNTARY RELOCATION FROM UHF TO VHF.—In the reorganization of the television broadcast spectrum under this subsection, the Commission may not involuntarily reassign a licensee from a television channel located between 470 megahertz and 608 megahertz to a television channel located between 54 megahertz and 216 megahertz.

(6) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Incentive Auction Relocation Fund.

(B) DEPOSITS.—There shall be deposited in the Incentive Auction Relocation Fund the amounts specified in section 1401(b)(2).

(C) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the Assistant Secretary for use—

(i) without fiscal year limitation;

(ii) without further appropriation;

(iii) in the case of availability for payment of the costs of a particular television broadcast station licensee described in subparagraph (D)(i)(I), for a period not to exceed 18 months following the latest of—

(I) completion of the auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) from which such amounts were derived;

(II) the issuance by the Commission to such licensee of a construction permit to allow such licensee to change channels or geographic locations; or

(III) notification by such licensee to the Assistant Secretary that such licensee has incurred or will incur costs as a result of such a change;

(iv) in the case of availability for payment of costs of a particular multichannel video programming distributor described in subparagraph (D)(i)(II), for a period not to exceed 18 months following the later of—

(I) completion of the auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) from which such amounts were derived; or

(II) notification by such multichannel video programming distributor to the Assistant Secretary that such multichannel video programming distributor has incurred or will incur such costs; and

(v) before January 1, 2018.

(D) USE OF FUNDS.—

(i) IN GENERAL.—Amounts in the Incentive Auction Relocation Fund may only be used by the Assistant Secretary, in consultation with the Commission, to cover—

(I) the costs, including the costs of new equipment, installation, and construction (including the costs of tower, antenna, transmitter, and transmission line upgrades), incurred by television broadcast station licensees as a result of—

(aa) relocation to an identical amount of contiguous spectrum under paragraph (3); or

(bb) modification of spectrum usage rights under paragraph (4);

(II) the costs of multichannel video programming distributors (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13))) to continue complying with any carriage obligations under sections 338, 614, and 615 of such Act (47 U.S.C. 338; 534; 535), if such costs were incurred as a result of—

(aa) voluntary relinquishment by television broadcast station licensees of spectrum usage rights under section 309(j)(8)(G) of such Act;

(bb) relocation of television broadcast station licensees to an identical amount of contiguous spectrum under paragraph (3); or

(cc) modification of the spectrum usage rights of television broadcast station licensees under paragraph (4); and

(III) the expenses incurred by the Assistant Secretary in administering the Fund.

(ii) PROHIBITION.—Amounts in the Incentive Auction Relocation Fund may not be used to cover—

(I) lost revenues; or

(II) costs incurred by a television broadcast station licensee as a result of a voluntary relinquishment of rights.

(iii) REASONABLENESS.—The Assistant Secretary may only make payments under clause (i) to cover costs that were reasonably incurred, as determined by the Assistant Secretary, in consultation with the Commission.

(7) CONFIDENTIALITY.—The Commission shall protect the confidentiality of the identity of a television broadcast station licensee offering to relinquish spectrum usage rights under section 309(j)(8)(G) of the Communications Act of 1934 until the relinquishment becomes effective.

(8) DEADLINES FOR REORGANIZATION OF TELEVISION BROADCAST SPECTRUM.—

(A) RULEMAKING.—Not later than 18 months after the date of the enactment of this Act, the Commission shall complete a rulemaking proceeding to establish a process for carrying out the reorganization of the television broadcast spectrum under this subsection.

(B) AUCTIONS.—The Commission shall take all actions necessary in order to, with respect to the portions of the television broadcast spectrum made available through the reorganization under this subsection—

(i) not later than January 31, 2016—

(I) commence the bidding process under section 309(j)(8)(G) of the Communications Act of 1934 to assign initial licenses subject to new service rules, on a flexible-use basis to the extent technologically feasible; or

(II) allocate such spectrum for unlicensed use; and

(ii) not later than June 30, 2016, deposit the available proceeds in accordance with such section.

(9) LIMITATION.—During the period beginning on the date of the enactment of this Act and ending on June 30, 2016, the Commission

may conduct only 1 process involving reorganization of the television broadcast spectrum under this subsection.

(10) CERTAIN PROVISIONS INAPPLICABLE.—The following provisions of the Communications Act of 1934 shall not apply in the case of the reorganization of television broadcast spectrum under this subsection or the auction under section 309(j)(8)(G) of such Act of the spectrum made available through such reorganization: section 307(b), the 2nd and 3rd sentences and subparagraphs (A) and (F) of section 309(j)(3), subparagraphs (A), (C), and (D) of section 309(j)(4), section 309(j)(15)(A), section 316, and section 331.

(11) DEFINITIONS.—In this subsection:

(A) TELEVISION BROADCAST SPECTRUM.—The term ''television broadcast spectrum'' means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, from 470 megahertz to 608 megahertz, and from 614 megahertz to 698 megahertz.

(B) TELEVISION BROADCAST STATION LICENSEE.—The term ''television broadcast station licensee'' means the licensee of—

(i) a full-power television station; or

(ii) low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

(12) EXPIRATION.—The preceding paragraphs of this subsection, except paragraphs (6) and (11), shall not apply after June 30, 2016.

(c) INCENTIVE AUCTIONS TO REPURPOSE CERTAIN MOBILE SATELLITE SERVICE SPECTRUM FOR TERRESTRIAL BROADBAND USE.—

(1) IN GENERAL.—To the extent that the Commission makes available, after the date of the enactment of this Act, initial spectrum licenses for the use of some or all of the spectrum described in paragraph (2) for terrestrial broadband use, such licenses shall be assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including, as appropriate, paragraph (8)(G) of such section.

(2) SPECTRUM DESCRIBED.—The spectrum described in this paragraph is the following:

(A) The frequencies from 1525 megahertz to 1544 megahertz, from 1545 megahertz to 1559 megahertz, from 1626.5 megahertz to 1645.5 megahertz, and from 1646.5 megahertz to 1660.5 megahertz (the L band).

(B) The frequencies from 1610 megahertz to 1626.5 megahertz and from 2483.5 megahertz to 2500 megahertz (the Big LEO band).

(C) The frequencies from 2000 megahertz to 2020 megahertz and from 2180 megahertz to 2200 megahertz (the S band).

(3) RETENTION OF COMMISSION AUTHORITY.—Nothing in this subsection shall modify or restrict the authority of the Commission to grant a waiver under section 316 of the Communications Act of 1934 (47 U.S.C. 316) to an existing mobile satellite service licensee to afford such licensee additional flexibility to provide terrestrial broadband services.

TITLE IV—PUBLIC SAFETY TRUST FUND

SEC. 1401. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the Public Safety Trust Fund.

(2) DEPOSIT OF RECEIPTS.—

(A) IN GENERAL.—There shall be deposited in the Public Safety Trust Fund the proceeds from the auction of spectrum required to be deposited in the Fund by subparagraphs (D)(ii), (F), and (G) of section 309(j)(8) of the Communications Act of 1934, as added by sections 1301(c)(3)(C), 1301(c)(4), and 1302(a), respectively.

(B) AVAILABILITY.—Amounts deposited in the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available through fiscal year 2021. After the end of such fiscal year, such amounts shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) PAYMENT OF INCENTIVE AMOUNTS.—

(A) DISBURSALS.—Amounts in the Public Safety Trust Fund shall be used to make the disbursals permitted by section 309(j)(8)(G)(i) of the Communications Act of 1934 to licensees who voluntarily relinquished licensed spectrum usage rights under such section.

(B) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—At least 3 months before any incentive auction conducted under section 309(j)(8)(G) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating any disbursals described in subparagraph (A) that will be made from the proceeds of such auction; and

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum.

(ii) DEFINITION.—In this subparagraph, the term ''appropriate committees of Congress'' means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) INCENTIVE AUCTION RELOCATION FUND.—Not less than 5 percent but not more than $1,000,000,000 of the amounts in the Public Safety Trust Fund shall be deposited in the Incentive Auction Relocation Fund established by section 1302(b)(6)(A).

(3) STATE, LOCAL, AND TRIBAL PLANNING AND IMPLEMENTATION FUND.—$250,000,000 shall be deposited in the State, Local, and Tribal Planning and Implementation Fund established by section 1211(a).

(4) PUBLIC SAFETY BROADBAND CORPORATION.—$11,000,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 1201(a) for ensuring the construction, management, maintenance, and operation of the public safety broadband network.

(5) PUBLIC SAFETY RESEARCH AND DEVELOPMENT.—$40,000,000 per year for each of the fiscal years 2012 through 2016 shall be made available for use by the Director of NIST to carry out the research program established under section 1221.

(6) NHTSA REPORT ON NEXT GENERATION 9–1–1 SERVICES.—$2,000,000 shall be made available for fiscal years 2012 and 2013 for use by the Administrator of the National Highway Traffic Safety Administration to prepare the report on Next Generation 9–1–1 services required by section 1237.

(7) DEFICIT REDUCTION.—Any amounts remaining in the Public Safety Trust Fund after the deduction of the amounts required by paragraphs (1) through (6) shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) INVESTMENT.—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

TITLE V—SPECTRUM POLICY

SEC. 1501. SPECTRUM INVENTORY.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

''SEC. 119. SPECTRUM INVENTORY.

''(a) RADIO SPECTRUM INVENTORY.—In order to promote the efficient use of the electromagnetic spectrum, the Assistant Secretary and the Commission shall coordinate and carry out each of the following activities not later than 1 year after the date of enactment of this section:

''(1) Except as provided in subsection (e), create an inventory of each radio spectrum band of frequencies listed in the United States Table of Frequency Allocations, from 225 megahertz to, at a minimum, 3.7 gigahertz, and to 10 gigahertz unless the Assistant Secretary and the Commission determine that the burden of expanding the inventory outweighs the benefit, that includes—

''(A) the radio services authorized to operate in each band of frequencies;

''(B) the identity of each Federal or non-Federal user within each such radio service authorized to operate in each band of frequencies;

''(C) the activities, capabilities, functions, or missions (including whether such activities, capabilities, functions, or missions are space-based, air-based, or ground-based) supported by the transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate in each band of frequencies;

''(D) the total amount of spectrum, by band of frequencies, assigned or licensed to each Federal or non-Federal user (in percentage terms and in sum) and the geographic areas covered by their respective assignments or licenses; and

''(E) to the greatest extent possible—

''(i) the approximate number of transmitters, end-user terminals or receivers, or other radio frequency devices authorized to operate, as appropriate to characterize the extent of use of each radio service in each band of frequencies;

''(ii) an approximation of the extent to which each Federal or non-Federal user is using, by geography, each band of frequencies, such as the amount and percentage of time of use, number of end users, or other measures as appropriate to the particular band and radio service;

''(iii) contour maps or other information that illustrates the coverage area, receiver performance, and other parameters relevant to an assessment of the availability of spectrum in each band;

''(iv) for each band or range of frequencies, the identity of each entity offering unlicensed services and the types and approximate number of unlicensed intentional radiators verified or certified by the Commission that are authorized to operate; and

''(v) for non-Federal users, any commercial names under which facilities-based service is offered to the public using the spectrum of the non-Federal user, including the commercial names under which the spectrum is being offered through resale.

''(2) Except as provided in subsection (e), create a centralized portal or Web site to make the inventory of the bands of frequencies required under paragraph (1) available to the public.

''(b) USE OF AGENCY RESOURCES.—In creating the inventory described in subsection (a)(1), the Assistant Secretary and the Commission shall first use agency resources, including existing databases, field testing, and

recordkeeping systems, and only request information from Federal and non-Federal users if such information cannot be obtained using such agency resources.

''(c) REPORTS.—

''(1) IN GENERAL.—Except as provided in subsection (e), not later than 2 years after the date of enactment of this section and biennially thereafter, the Assistant Secretary and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives containing—

''(A) the results of the inventory created under subsection (a)(1), including any update to the information in the inventory pursuant to subsection (d);

''(B) a description of any information the Assistant Secretary or the Commission determines is necessary for such inventory but that is unavailable; and

''(C) a description of any information not provided by any Federal or non-Federal user in accordance with subsections (e)(1)(B)(ii) and (e)(2)(C)(ii).

''(2) RELOCATION REPORT.—

''(A) IN GENERAL.—Except as provided in subsection (e), the Assistant Secretary and the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives containing a recommendation of which spectrum, if any, should be reallocated or otherwise made available for shared access and an explanation of the basis for that recommendation.

''(B) DEADLINES.—The report required under subparagraph (A) shall be submitted not later than 2 years after the date of enactment of this section and every 2 years thereafter.

''(3) INVENTORY REPORT.—If the Assistant Secretary and the Commission have not conducted an inventory under subsection (a) to 10 gigahertz at least 90 days before the third report required under paragraph (1) is submitted, the Assistant Secretary and the Commission shall include an evaluation in such report and in every report thereafter of whether the burden of expanding the inventory to 10 gigahertz outweighs the benefit until such time as the Assistant Secretary and the Commission have conducted the inventory to 10 gigahertz.

''(d) MAINTENANCE AND UPDATING OF INFORMATION.—After the creation of the inventory required by subsection (a)(1), the Assistant Secretary and the Commission shall make all reasonable efforts to maintain and update the information required under such subsection on a quarterly basis, including when there is a transfer or auction of a license or a change in a permanent assignment or license.

''(e) NATIONAL SECURITY AND PUBLIC SAFETY INFORMATION.—

''(1) NONDISCLOSURE.—

''(A) IN GENERAL.—If the head of an executive agency of the Federal Government determines that public disclosure of certain information held by that agency or a licensee of non-Federal spectrum and required by subsection (a), (c), or (d) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, or public safety, the agency head shall notify the Assistant Secretary of that determination and shall include descriptions of the activities, capabilities, functions, or missions (including whether they are space-based, air-based, or ground-based) supported by the information being withheld.

''(B) INFORMATION PROVIDED.—The agency head shall provide to the Assistant Secretary—

''(i) the publicly releasable information required by subsection (a)(1);

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified national security information or other information for which there is a legal basis for nondisclosure; and

''(iii) a classified annex, under appropriate cover, containing the classified national security information or other information for which there is a legal basis for nondisclosure that the agency head has determined must be withheld from public disclosure.

''(2) PUBLIC SAFETY NONDISCLOSURE.—

''(A) IN GENERAL.—If a licensee of non-Federal spectrum determines that public disclosure of certain information held by that licensee and required to be submitted by subsection (a), (c), or (d) would reveal information for which public disclosure would be detrimental to public safety, or the licensee is otherwise prohibited by law from disclosing the information, the licensee may petition the Commission for a partial or total exemption from inclusion on the centralized portal or Web site under subsection (a)(2) and in the report required by subsection (c).

''(B) BURDEN.—The licensee seeking an exemption under this paragraph bears the burden of justifying the exemption and shall provide clear and convincing evidence to support such an exemption.

''(C) INFORMATION REQUIRED.—If an exemption is granted under this paragraph, the licensee shall provide to the Commission—

''(i) the publicly releasable information required by subsection (a)(1) for the inventory;

''(ii) to the maximum extent practicable, a summary description, suitable for public release, of the information for which public disclosure would be detrimental to public safety or the licensee is otherwise prohibited by law from disclosing; and

''(iii) an annex, under appropriate cover, containing the information that the Commission has determined should be withheld from public disclosure.

''(3) ADDITIONAL DISCLOSURE.—The annexes required under paragraphs (1)(B)(iii) and (2)(C)(iii) shall be provided to the congressional committees listed in subsection (c), but shall not be disclosed to the public under subsection (a) or subsection (d) or provided to any unauthorized person through any other means.

''(4) NATIONAL SECURITY COUNCIL CONSULTATION.—Prior to the release of the inventory under subsection (a), any updates to the inventory resulting from subsection (d), or the submission of a report under subsection (c)(1), the Assistant Secretary and the Commission shall consult with the National Security Council for a period not to exceed 30 days for the purposes of determining what additional information, if any, shall be withheld from the public.

''(f) PROPRIETARY INFORMATION.—In creating and maintaining the inventory, centralized portal or Web site, and reports under this section, the Assistant Secretary and the Commission shall follow their rules and practice regarding confidential and proprietary information. Nothing in this subsection shall be construed to compel the Commission to make publicly available any confidential or proprietary information.''.

SEC. 1502. FEDERAL SPECTRUM PLANNING.

(a) REVIEW OF EVALUATION PROCESS.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the processes that Federal entities utilize to evaluate the spectrum needs of such entities;

(2) make recommendations on how to improve such processes; and

(3) submit to the appropriate committees of Congress a report on the review and recommendations made pursuant to paragraphs (1) and (2).

(b) REVISION OF EVALUATION PROCESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Federal entity shall update or revise the process used by such entity to evaluate the proposed spectrum needs of such entity, or establish such a process, taking into account any applicable recommendations made in the report required by subsection (a).

(2) REQUIRED INCLUSIONS.—

(A) ANALYSIS OF OPTIONS.—Each process described in paragraph (1), whether newly established, updated, or revised, shall include an analysis and assessment of—

(i) the options available to the Federal entity to obtain communications services that are the most spectrum-efficient; and

(ii) the effective alternatives available to such entity that will permit the entity to continue to satisfy the mission requirements of the entity.

(B) ANALYSIS SUBMITTED TO NTIA.—The analysis and assessment carried out under subparagraph (A) shall be submitted by the Federal entity to the Assistant Secretary at the same time that the entity seeks certification or recertification, if applicable, of spectrum support from the NTIA pursuant to the requirements of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) and OMB Circular A–11.

(c) SPECTRUM PLANS OF FEDERAL ENTITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and every 2 years thereafter, each Federal entity shall provide an entity-specific strategic spectrum plan to the Assistant Secretary and the Director of the Office of Management and Budget.

(2) REQUIRED INCLUSIONS.—Each strategic spectrum plan submitted under paragraph (1) shall include—

(A) the spectrum requirements of the entity;

(B) the planned uses of new technologies or expanded services requiring spectrum over a period of time to be determined by the entity;

(C) suggested spectrum-efficient approaches to meeting the spectrum requirements identified under subparagraph (A); and

(D) progress reports on the activities of the entity to improve its spectrum management.

(d) CLASSIFIED NATIONAL SECURITY INFORMATION AND CERTAIN OTHER INFORMATION.—

(1) IN GENERAL.—The head of a Federal entity shall take the actions described in paragraph (2) if such head determines that disclosure of information required by subsection (c) would reveal—

(A) information that is classified in accordance with Executive Order 13526 (75 Fed. Reg. 707) or any successor Executive order establishing or modifying the uniform system for classifying, safeguarding, and declassifying national security information; or

(B) other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety.

(2) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

(A) Notification to the Assistant Secretary of the determination under paragraph (1).

(B) Provision to the Assistant Secretary of—

(i) the publicly releasable information required by subsection (c);

(ii) to the maximum extent practicable, a summary description, suitable for public release, of the classified information or other information for which there is a legal basis for nondisclosure; and

(iii) a classified annex, under appropriate cover, containing the classified information or other information for which there is a legal basis for nondisclosure that the head of the Federal entity has determined must be withheld from public disclosure.

(3) ANNEX RESTRICTION.—The Assistant Secretary shall make an annex described in paragraph (2)(B)(iii) available to the Secretary of Commerce and the Director of the Office of Management and Budget. Neither the Assistant Secretary, the Secretary of Commerce, nor the Director of the Office of Management and Budget may make any such annex available to the public or to any unauthorized person through any other means.

(e) FEDERAL STRATEGIC SPECTRUM PLAN.—

(1) DEVELOPMENT AND SUBMISSION.—

(A) IN GENERAL.—The Secretary of Commerce shall develop a Federal Strategic Spectrum Plan, in coordination with the Assistant Secretary and the Director of the Office of Management and Budget.

(B) SUBMISSION TO CONGRESS.—Not later than 6 months after the date by which the initial entity-specific strategic spectrum plans are required to be submitted to the Assistant Secretary under subsection (c)(1), the Secretary of Commerce shall, consistent with the requirements set forth in subsection (d)(3), submit the Federal Strategic Spectrum Plan developed under subparagraph (A) to the appropriate committees of Congress.

(C) NONDISCLOSURE OF ANNEXES.—The Federal Strategic Spectrum Plan required to be submitted under subparagraph (B) shall be submitted in unclassified form, but shall include, if appropriate, 1 or more annexes as provided for by subsection (d)(2)(B)(iii). No congressional committee may make any such annex available to the public or to any unauthorized person.

(D) CLASSIFIED ANNEXES.—If the Federal Strategic Spectrum Plan includes a classified annex as provided for by subsection (d)(2)(B)(iii), the Secretary of Commerce shall—

(i) submit the classified annex only to the appropriate committees of Congress with primary oversight jurisdiction for the user entities or licensees concerned; and

(ii) provide notice of the submission to the other appropriate committees of Congress.

(E) DEFINITION.—In this subsection, the term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and any other congressional committee with primary oversight jurisdiction for the user entity or licensees concerned.

(2) INCORPORATION OF ENTITY PLANS.—The Federal Strategic Spectrum Plan developed under paragraph (1)(A) shall incorporate, consistent with the requirements of subsection (d)(3), the initial entity-specific strategic spectrum plans submitted under subsection (c)(1).

(3) REQUIRED INCLUSIONS.—The Federal Strategic Spectrum Plan developed under paragraph (1)(A) shall include—

(A) information on how spectrum assigned to and used by Federal entities is being used;

(B) opportunities to increase efficient use of infrastructure and spectrum assigned to and used by Federal entities;

(C) an assessment of the future spectrum needs of the Federal Government; and

(D) plans to incorporate such needs in the frequency assignment, equipment certification, and review processes of the Assistant Secretary.

(4) UPDATES.—The Secretary of Commerce shall revise and update the Federal Strategic Spectrum Plan developed under paragraph (1)(A) to take into account the biennial submission of the entity-specific strategic spectrum plans submitted under subsection (c)(1).

(f) NATIONAL STRATEGIC SPECTRUM PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, and every 4 years thereafter, the Assistant Secretary and the Commission, in consultation with other Federal departments and agencies, State, local, and tribal entities, and commercial spectrum interests, shall develop a quadrennial National Strategic Spectrum Plan.

(2) REQUIRED INCLUSION.—A National Strategic Spectrum Plan developed under paragraph (1) shall include the following:

(A) The Federal Strategic Spectrum Plan developed under paragraph (1)(A) of subsection (e), as updated under paragraph (4) of such subsection.

(B) Long-range spectrum planning for both Federal and non-Federal users, including commercial users and State and local government users.

(C) An identification of new technologies or expanded services requiring spectrum.

(D) An identification and analysis of the nature and characteristics of the new radio communication systems required and the nature and characteristics of the spectrum required.

(E) An identification and analysis of efficient approaches to meeting the future spectrum requirements of all users, including—

(i) requiring certain standards-based technologies that improve spectrum efficiencies;

(ii) spectrum sharing and reuse opportunities;

(iii) possible reallocation; and

(iv) any other approaches that promote efficient use of spectrum.

(F) An evaluation of current spectrum auction processes to determine the effectiveness of such processes in—

(i) promoting competition;

(ii) improving the efficiency of spectrum use; and

(iii) maximizing the full economic value of the spectrum to consumers, industry, and taxpayers.

SEC. 1503. REALLOCATING FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES AND FEDERAL SPECTRUM SHARING.

(a) ELIGIBLE FEDERAL ENTITIES.—Section 113(g)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended to read as follows:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs or sharing costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies, or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation costs or sharing costs from the Spectrum Relocation Fund, in accordance with section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.''.

(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)(B)) is amended to read as follows:

''(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use, whether for licensed or unlicensed use, after January 1, 2003, that is assigned—

''(i) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

''(ii) as a result of an Act of Congress or any other administrative or executive direction.''.

(c) RELOCATION COSTS AND SHARING COSTS DEFINED.—Section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended to read as follows:

''(3) RELOCATION COSTS AND SHARING COSTS DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'relocation costs' or 'sharing costs' means the costs incurred by a Federal entity in connection with the auction (or a potential or planned auction) of spectrum frequencies previously assigned to such entity, or the sharing of spectrum frequencies assigned to such entity (including the auction or a potential or planned auction of the rights to use spectrum frequencies on a shared basis with such entity), respectively, in order to achieve comparable capability of systems as before the relocation or the sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

''(i) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

''(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

''(iii) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

''(I) calculating the estimated relocation costs or sharing costs that are provided to the Commission pursuant to paragraph (4);

''(II) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

''(III) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

''(iv) the one-time costs of any modification of equipment reasonably necessary—

''(I) to accommodate commercial use of shared frequencies; or

''(II) in the case of eligible frequencies reallocated for exclusive commercial use and assigned through a competitive bidding process under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period;

''(v) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

''(vi) the costs of the use of commercial systems (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease (including lease of land), subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.

''(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

''(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

''(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.''.

(d) CERTAIN PROCEDURAL REQUIREMENTS.—Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)) is amended—

(1) in paragraph (4)(A)—

(A) by inserting ''or sharing costs'' after ''relocation costs''; and

(B) by inserting ''or sharing'' after ''such relocation'';

(2) in paragraph (5)—

(A) by inserting ''or sharing costs'' after ''relocation costs''; and

(B) by inserting ''or sharing'' after ''for relocation''; and

(3) in paragraph (6)—

(A) in the 1st sentence, by inserting ''and the timely implementation of arrangements for the sharing of such frequencies'' before the period at the end;

(B) in the 2nd sentence—

(i) by striking ''by relocating to a new frequency assignment or by utilizing an alternative technology'';

(ii) by inserting ''or limit'' after ''terminate''; and

(iii) by inserting ''or sharing arrangement has been implemented'' before the period at the end; and

(C) in the 3rd sentence, by inserting ''or sharing'' after ''relocation''.

(e) SPECTRUM SHARING AGREEMENTS.—Section 113(g) of the National Telecommunications and Information Administration Organization Act, as amended by subsection (d), is further amended by adding at the end the following:

''(7) SPECTRUM SHARING AGREEMENTS.—A Federal entity is permitted to allow access to its frequency assignments by a non-Federal entity upon approval of the NTIA, in consultation with the Director of the Office of Management and Budget. Such non-Federal entities shall comply with all applicable rules of the Commission and the NTIA, including any regulations promulgated pursuant to this section. Any remuneration associated with such access shall be deposited into the Spectrum Relocation Fund established under section 118. The costs incurred by a Federal entity as a result of allowing such access are sharing costs for which the entity is eligible for payment from the Fund for the purposes specified in paragraph (3). The revenue associated with such access shall be at least 110 percent of the estimated Federal costs.''.

(f) SPECTRUM RELOCATION FUND.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) in subsection (b), by inserting before the period at the end the following: ''and any payments made by non-Federal entities for access to Federal spectrum pursuant to section 113(g)(7)'';

(2) by amending subsection (c) to read as follows:

''(c) USE OF FUNDS.—

''(1) FUNDS FROM AUCTIONS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs or sharing costs, as defined in section 113(g)(3), of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency or the sharing of such frequency.

''(2) FUNDS FROM PAYMENTS BY NON-FEDERAL ENTITIES.—The amounts in the Fund from payments by non-Federal entities for access to Federal spectrum pursuant to section 113(g)(7) are authorized to be used to pay the sharing costs, as defined in section 113(g)(3), of an eligible Federal entity incurring such costs with respect to such access.

''(3) TRANSFER OF FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Director of OMB may transfer at any time (including prior to any auction or contemplated auction or sharing initiative) such sums as may be available in the Fund to an eligible Federal entity to pay eligible relocation costs or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii).

''(B) NOTIFICATION.—No funds may be transferred pursuant to subparagraph (A) unless the notification provided under subsection (d)(2)(B) includes a certification from the Director of OMB that—

''(i) funds transferred before an auction will likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount equal to or greater than the time value of the amount of funds transferred; and

''(ii) the auction is intended to occur not later than 5 years after transfer of funds.

''(C) APPLICABILITY.—

''(i) PRIOR COSTS INCURRED.—The Director of OMB may transfer up to $10,000,000 from the Fund to eligible Federal entities for eligible relocation costs or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii), for costs incurred prior to the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, but after June 28, 2010.

''(ii) SUPPLEMENT NOT SUPPLANT.—Any amounts transferred by the Director of OMB pursuant to clause (i) shall be in addition to any amounts that the Director of OMB may transfer for costs incurred after the date of the enactment of the Wireless Innovation and Public Safety Act of 2011.'';

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''and sharing costs'' after ''relocation costs'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or sharing'' before the semicolon; and

(ii) in subparagraph (B)—

(I) by inserting ''or sharing costs'' after ''relocation costs''; and

(II) by inserting ''or sharing'' before the period at the end; and

(C) by amending paragraph (3) to read as follows:

''(3) REVERSION OF UNUSED FUNDS.—

''(A) IN GENERAL.—Any amounts in the Fund that are remaining after the payment of the relocation costs and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the NTIA, notifies the appropriate committees of Congress that such funds are needed to complete or to implement current or future relocations or sharing initiatives.

''(B) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Appropriations of the Senate;

''(ii) the Committee on Commerce, Science, and Transportation of the Senate;

''(iii) the Committee on Appropriations of the House of Representatives; and

''(iv) the Committee on Energy and Commerce of the House of Representatives.'';

(4) in subsection (e)(2)—

(A) by inserting ''or sharing costs'' after ''relocation costs'';

(B) by striking ''entity's relocation'' and inserting ''relocation of the entity or implementation of the sharing arrangement by the entity''; and

(C) by inserting ''or the implementation of such arrangement'' after ''such relocation''; and

(5) by adding at the end the following:

''(f) ADDITIONAL PAYMENTS FROM THE FUND.—

''(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e), after the date of the enactment of the Wireless Innovation and Public Safety Act of 2011, and following the credit of any amounts specified in subsection (b), there are hereby appropriated from the Fund and available to the Director of OMB—

''(A) up to 10 percent of the amounts deposited in the Fund from the auction of licenses for frequencies of spectrum vacated by Federal entities; and

''(B) up to 10 percent of the amounts deposited in the Fund by non-Federal entities for sharing of Federal spectrum.

''(2) USE OF AMOUNTS.—The Director of OMB, in consultation with the NTIA, may use such amounts to make payments to eligible Federal entities for the purpose of encouraging timely access to such spectrum, provided that—

''(A) any such payment by the Director of OMB is based on the market value of the spectrum, the timeliness with which the Federal entity cleared its use of such spectrum, and the need for such spectrum in order for the Federal entity to conduct its essential missions;

''(B) any such payment by the Director of OMB is used to carry out—

''(i) the purposes specified in clauses (i) through (vi) of section 113(g)(3)(A) to achieve enhanced capability for those systems affected by reallocation of Federal spectrum for commercial use, or by sharing of Federal frequencies with non-Federal entities; and

''(ii) other communications, radar, and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

''(C) the amount remaining in the Fund after any such payment by the Director of OMB is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

''(D) any such payment by the Director of OMB shall not be made until 30 days after the Director has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and

Commerce of the House of Representatives; and

''(E) the Director of OMB shall make available from such amounts not more than $3,000,000 per year for each of the fiscal years 2012 through 2016 for use by the Assistant Secretary in carrying out the spectrum management activities of the Assistant Secretary under title V of the Wireless Innovation and Public Safety Act of 2011.''.

(g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in a notification or report required by section 113 or 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923; 928) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations, the head of the executive agency shall notify the Assistant Secretary of that determination prior to release of such classified information or other information. In that event, such classified information or other information shall be included in a separate annex, as needed. These annexes shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 1504. STUDY ON SPECTRUM EFFICIENCY THROUGH RECEIVER STANDARDS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on efforts to ensure that each transmission system that employs radio spectrum is designed and operated so that reasonable use of adjacent spectrum does not excessively impair the functioning of such system.

(b) REQUIRED CONSIDERATIONS.—At a minimum, the study required by subsection (a) shall consider—

(1) the value of—

(A) improving receiver standards as it relates to increasing spectral efficiency;

(B) improving operation of services in adjacent frequencies;

(C) narrowing the guard bands between adjacent spectrum use; and

(D) improving overall receiver performance for the end user;

(2) the role of manufacturers, commercial licensees, and government users with respect to their transmission systems and use of adjacent spectrum described in subsection (a);

(3) the feasibility of industry self-compliance with respect to the design and operational requirements of transmission systems and the reasonable use of adjacent spectrum described in subsection (a); and

(4) the value of action by the Commission and the Assistant Secretary to establish, by rule, technical requirements or standards for non-Federal and Federal use, respectively, with respect to the reasonable use of adjacent spectrum described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress on the results of the study required by subsection (a).

(d) DEFINITION.—For purposes of this section, the term ''transmission system'' means any telecommunications, broadcast, satellite, commercial mobile service, or other communications system that employs radio spectrum.

SEC. 1505. STUDY ON UNLICENSED USE IN THE 5 GHZ BAND.

(a) IN GENERAL.—The Assistant Secretary and the Commission shall, in consultation with the Secretary of Transportation and other stakeholders, conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal and primary users if unlicensed U–NII devices were allowed to operate in the 5350–5470 MHz band and the 5850–5925 MHz band.

(b) SUBMISSION.—Not later than 8 months after the date of the enactment of this Act, the Assistant Secretary and the Commission, acting jointly or separately, shall report on their findings under subsection (a) to the appropriate committees of Congress.

(c) DEFINITIONS.—In this section:

(1) 5350–5470 MHZ BAND.—The term ''5350–5470 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

(2) 5850–5925 MHZ BAND.—The term ''5850–5925 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5850 megahertz to 5925 megahertz.

(3) U–NII DEVICES.—The term ''U–NII devices'' has the meaning given such term in section 15.403(s) of title 47, Code of Federal Regulations, except for the frequency bands specified in such section.

SEC. 1506. REPORT ON AVAILABILITY OF WIRELESS EQUIPMENT FOR THE 700 MHZ BAND.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter until January 1, 2016, the Commission shall prepare and submit to the appropriate committees of Congress a report on—

(1) the availability of wireless equipment capable of operating over all spectrum between the frequencies from 698 megahertz to 806 megahertz that is allocated by the Commission for paired commercial or public safety use; and

(2) the potential availability of wireless equipment capable of operating over spectrum made available through reorganization of the television broadcast spectrum under section 1302(b) and the auction of such spectrum under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 1302(a).

(b) CONTENTS.—The Commission shall seek input from the commercial mobile data service industry and include in the report required by subsection (a) an assessment of—

(1) the technical feasibility, and the potential impact on costs, size, battery consumption, and any other factor the Commission considers appropriate, of making equipment capable of operating over some or all of the spectrum described in paragraph (1) of such subsection;

(2) the timeframe for when wireless equipment capable of operating over some or all of such spectrum will be available; and

(3) the feasibility of and progress towards making available wireless equipment that is capable of operating over some or all of the spectrum described in paragraph (2) of such subsection.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, DECEMBER 13, 2011 No. 191

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the center of our joy, guide our lawmakers through this day by Your higher wisdom. Give them the clarity of thinking needed to solve the complex problems of our time. As they depend on Your words and guidance, give them peace that comes from knowing they are instruments of Your glory. Lord, help them never to be silent in the presence of injustice or impurity. Replace fear with faith, falsehood with truth, and greed with justice.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 2 hours. The Republicans will control the first half and the majority will control the final half.

Following morning business, the Senate will begin consideration of S.J. Res. 10 and S.J. Res. 24, both resolutions regarding balanced budget amendments. The Republican leader and I, yesterday, arrived at an agreement that we would have 8 hours of debate on this matter, and I think it should be a good debate. People have been looking forward to this debate for some time. Some are more interested than others, and this should give them ample time to say whatever they feel about this issue that is ripe for debate in the Senate and certainly the votes we will have tomorrow morning.

The Senate will recess this afternoon from 12:30 p.m. to 2:15 p.m. for the weekly caucus meetings.

MEASURE PLACED ON THE CALENDAR—H.R. 1633

Mr. REID. Madam President, H.R. 1633 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

WORKING TOGETHER

Mr. REID. Madam President, in the last month, Republican leaders have repeated this mantra over and over: We support a payroll tax cut for working families. But we have not seen any proof of this yet. It has only been talk.

Senate Republicans have twice voted down their own payroll tax proposal, and House Republicans were unable to bring their plan to a vote for weeks. We understand they are going to have a run at that tonight.

I have served in the House of Representatives. When I served in the House of Representatives, no one would ever consider pushing something through with a majority of the majority. When I served there, Bob Michel was the Republican leader, Tip O'Neill was the Speaker, Jim Wright was the majority leader and the Speaker, and they always worked together on a bipartisan basis to get legislation passed. It is only a new thing that now the Republicans are saying: We are not going to pass anything unless we can do it on our own. That is unfortunate.

I spoke to the Speaker yesterday. I have the highest regard for him. I consider him a friend. But I said to him, as seriously as I could, we are not going to finish the work for our country this year unless we work together. You cannot pass anything in the House unless you get Democratic votes because anything you pass with strictly Republican votes fails over here; and over

here we cannot pass anything unless we get Republican votes. It is a fact of life.

We have issues we have to complete this year. So we have to understand, as I explained to the Speaker yesterday, we are going to have to do this together. We cannot magically say 53 Democrats are going to pass something here. In the House, even though the Republicans have a majority, they know we have a bicameral legislature, and they have to get something passed over here also.

I am very disappointed in what the Speaker has done to get a vote over there that he thinks will pass. He keeps adding ideological candy to the proposal. Last week, they were supposed to have a vote. At that time, they could not get the Republican votes to do it. I suggested they go to either the former Speaker, NANCY PELOSI, or STENY HOYER, the minority leader over there—I do not know the exact title—but the two leaders, PELOSI and HOYER, and the suggestion was turned down.

This ideological candy they have added to this bill to get rebellious, rank-and-file Republicans on board is not going to sell over here.

They recently added a provision to fast-track the controversial pipeline proposal attractive to the tea party, which is not opposed by President Obama. It is not opposed by him. He is saying this is such a big deal that, for example, the State of Nebraska feels it would—unless there are some major changes made—badly damage that most important aquifer we have in that part of the country. In fact, it is probably the biggest, most important one we have anyplace in the country.

So as was announced yesterday by the Secretary of State, she said: If the Republicans are trying to push this on me, I cannot make a decision in 3 months. That is what the legislation calls for. If they do that, I will have to turn it down. The Secretary of State has said that in writing.

In effect, as some have said, what they are trying to do is kill the hostage. The hostage is the Keystone Pipeline. If they push this through, it is bound and doomed to failure.

But to tell everyone where they are coming from—they, the Republicans—JIM JORDAN, who is a Republican Congressman, said about the Keystone Pipeline:

> Frankly, the fact that the President doesn't like it makes me like it even more.

I repeat, the President has not said he does not like it. But as a result of what has happened in Nebraska and other places along that pipeline, there are some major studies that need to go forward.

President Obama and the Democrats in the Senate have already declared the House legislation dead on arrival. Yet—after weeks of delay—Republicans are going to vote on it tonight. They are wasting time catering to the tea party folks over there, when they should be working with us on a bipartisan package that can pass both Houses. We have offered solutions—serious, good-faith proposals with bipartisan support.

If Republicans continue to block these reasonable plans to cut taxes for 160 million workers, there, of course, will be consequences. Middle-class Americans will notice when they open their paychecks in January they will have less money to spend, and they will have Republicans in Congress to blame—no one else.

Also, for the third time in 2 weeks, Senate Republicans have filibustered a qualified nominee, one of the President's nominees.

Last night, they blocked confirmation of Mari Aponte to serve as Ambassador to El Salvador—the job she already has. She has done it well for 15 months. She has finalized an important international anticrime agreement with the people of El Salvador and forged a strong partnership with El Salvador in many different areas during her time as Ambassador.

I hope the Republicans will come to their senses before her term expires at the end of the year and approve this good woman.

I had a Republican Senator come to me after the vote and say he believed Republicans wanted to vote for her, and he was glad I moved to reconsider the vote. I hope that, in fact, is the case.

Last week, Republicans blocked the nomination of Richard Cordray to serve as head of the Consumer Financial Protection Bureau—the Consumer Financial Protection Bureau. Mr. Cordray has a record of protecting consumers from predatory lenders.

Two days before that, Republicans blocked the nomination of Caitlin Halligan to be on the Court of Appeals for the DC Circuit. She is an exceptionally well-qualified person, with a great resume, an exceptional legal mind. She was blocked.

All three nominees were qualified. All three had bipartisan support. All three were committed, enthusiastic public servants. Yet Republicans opposed their nominations for one purely partisan reason: to deal a blow to President Obama.

This kind of Republican obstructionism has, unfortunately, become very commonplace. But it also has consequences, and Republicans aiming to hurt the President have once again harmed our country instead.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A BALANCED APPROACH

Mr. MCCONNELL. Madam President, today the House of Representatives will vote on a bill that extends the temporary payroll tax cut as well as unemployment insurance and which will not add a dime to the Federal deficit. In other words, the House bill would do both of the things the President and Senate Democrats have described as their top legislative priorities before the close of this year.

So it was surprising, to say the least, to read this morning that President Obama and my friend, the majority leader, are now plotting to block this very legislation—even to the point of forcing a Government shutdown—over the inclusion of a job-creating measure that the President thinks will complicate his reelection chances next year.

That is what is happening in Washington this week, and the American people need to know about it. So let me repeat what is unfolding right now in the Capitol.

Yesterday, the members of the Senate Appropriations Committee—Democrats and Republicans alike—agreed to a spending bill that would fund the government through the end of the fiscal year; that is, next September 30. Today, Republicans in the House will consider a bill that contains the President's top priorities: an extension of the payroll tax cut and unemployment insurance.

But here is the problem: The House bill also includes a provision to accelerate construction of the Keystone XL Pipeline, a project that has been described as the biggest shovel-ready project in America. Evidently, the President does not want this project approved before his election next November—because a small faction of very liberal voters he is counting on to get reelected do not like the pipeline.

We have already had 3 years of environmental studies. This project was not only ready to go from an environmental point of view, it is shovel ready. It will produce jobs almost immediately, as soon as the President signs off on it.

Here is a project that would create tens of thousands of jobs, as I indicated, right away. It also would not cost the taxpayers a dime to build. It is being built by the private sector. It would reduce the share of energy we import from unfriendly countries overseas, and it is a project which everybody from labor unions—labor unions—to the U.S. Chamber of Commerce says they support because it would create tens of thousands of jobs right away.

The Teamsters support getting the pipeline started right now. The AFL–CIO supports getting the pipeline started right now. This is the kind of project the Democrats themselves, including the President, have been saying all year they want.

But the Presidential campaign seems to be getting in the way, to the point that my friend, the majority leader, now says he is willing to hold up a bipartisan bill to fund our troops, border security, and other Federal responsibilities rather than letting the President

decide if this pipeline project should move forward.

Let me say that again. The President and the Democratic majority leader, my friend, HARRY REID, are now saying they would rather shut down the government than allow this job-creating legislation to become law. That is what would happen if they succeed in blocking this bipartisan funding bill from coming to the floor for a vote.

House Republicans are giving the President everything he asked for today. They just think that instead of simply providing more relief to those who continue to struggle in this economy, we should also help prevent future job loss and incentivize the creation of new private sector jobs, all at the same time.

That is what the House bill does. It goes beyond government benefits—beyond government benefits—and takes us a step toward addressing the jobs crisis at hand.

Most people would view this proposal as evidence that the two parties are putting their best ideas on the table and addressing both sides of this jobs crisis—the relief side and the incentive side. Most people would call it a balanced approach.

Unfortunately, the President does not seem to be happy these days unless he has an issue over which to divide us. If the Republicans are proposing it, he is against it, regardless of how many job losses it prevents or how many private sector jobs it would help create, and he is not even trying to hide it.

The majority leader signaled yesterday that he and the President are so determined to turn even the most bipartisan job-creating legislation into a political issue that he will ask his Members to hold off signing the government funding legislation—that they have already agreed to on an a bipartisan basis—just to hand the President what they view as a political victory this week.

This is not just irresponsible, it is reckless. The House is about to pass a bill we believe—certainly going to consider today—would help working Americans by extending the temporary payroll tax cut, help unemployed Americans by extending unemployment insurance, and which would help Americans looking for work by accelerating the construction of the single biggest shovel-ready project in America. This is the biggest construction project in America, ready to go. It only needs a signoff from the President of the United States.

It deserves to pass with broad bipartisan support. They had a vote on that earlier this year in the House. Forty-seven House Democrats voted to get this project started. So I would suggest that our friends put the political games aside and give the American people the certainty and the jobs they deserve. Take up the House bill, pass it right here in the Senate, and send it to the President for a signature without theatrics and without delay.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 2 hours with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Maine.

Ms. SNOWE. Madam President, I ask unanimous consent to be recognized for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Ms. SNOWE. Madam President, this morning I rise to speak to the question the Senate will be focused on over the next day or so regarding a constitutional amendment to balance the budget. I do not think there is any doubt that we have to reverse this fiscal recklessness, not just for our time but for all time.

I have consistently and vehemently championed a balanced budgeted amendment for the past three decades in both the House and the Senate to prevent precisely the kind of fiscal quagmire we are enmeshed in today, with our Federal Government borrowing an astonishing 40 cents of every dollar we spend.

In my 30 years in Congress, I have cosponsored a balanced budget amendment 18 times. I spoke or made statements in favor of it 35 times. So I have had some experience in this battle to get the Federal Government to balance revenues with expenditures.

I learned that without a self-restraining mechanism, the debt over time only goes in one direction—up. In fact, since 1981 we have debated a constitutional amendment to balance the budget in the Senate on five different occasions and on four occasions in the House of Representatives through 1997. In the meantime, we have seen what has happened with the mounting debt.

The impending vote to amend the Constitution represents an unambiguous choice between changing business-as-usual in Washington or embracing the status quo that we can no longer afford, that has brought this country to the edge of our fiscal chasm; the status quo that has led to more than 3 years without passing a Federal budget; the status quo that has brought us the first ever downgrade of America's sterling AAA credit rating; the status quo that was exemplified by the supercommittee's inability to agree on $1.2 trillion in debt reduction over the next 10 years.

Now we have two competing balanced budget proposals pending before the Senate in a partisan duel that has become regrettably all too predictable in Washington. Our Nation is on the edge of a fiscal cliff and 20 million Americans are unemployed or underemployed. There should not be two competing proposals on an issue as critical as our Nation's fiscal health and survival.

We have been in legislative session for 86 days since July 1st, yet we can only consign about 8 hours or so to the idea on debating the mighty question of a constitutional amendment to balance the budget.

Prior consideration in the Senate, whether it was in 1982—it was 11 days; in 1986 it was 8 days; in 1995 it was more than a month; in 1997 it was another month. We are giving 8 hours to debate two competing proposals rather than addressing the differences through the amendment process so we can ultimately resolve the question once and for all of whether we should have a constitutional amendment to balance the budget.

Amending is consistent with the tradition and practice of the Senate. Yet, regrettably, we will be denied that opportunity which is unprecedented, frankly, on this question. It is a question that clearly deserves much greater deference than is being accorded in the Senate.

Thomas Jefferson once wrote,

> I place economy among the first and most important republican virtues.

And, yes, that is republican with a small ''r.''

He went on to say,

> Public debt is the greatest of dangers to be feared.

He wrote in 1798:

> I wish it were possible to obtain a single amendment to our Constitution . . . I mean an additional article taking from the Federal Government the power of borrowing.

Jefferson understood the perils of borrowing. We are not even going as far as Thomas Jefferson was advocating. But he also recognized the danger of debt and deficits do matter.

He said:

> One generation should not pay for the debts of another no more than we should pay the debts of a foreign nation.

Jefferson could not have been more right. We have now entered what some economists have labeled an economic danger zone because our gross national debt is approaching 100 percent of gross domestic product. Our outstanding Federal debt exceeds the size of entire economy. There is no question that high levels of debt have stunted economic growth, costing millions of American jobs at a time when we are experiencing the longest period of long-term unemployment and the worst postrecession recovery in the history of

this country, the second worst recession in 100 years.

Just as disturbingly, the government currently pays $200 billion annually in interest to foreign countries—to foreign countries that hold our Treasury bonds, countries such as China and Russia. The cost of the net increase alone in interest will more than triple in the next 10 years by the year 2021. That is just the net interest that we will pay to foreign countries because of our bonded indebtedness.

In fact, the Congressional Budget Office's most recent long-term outlook states that by 2035 interest costs on our Nation's debt will reach 9 percent of the gross domestic product, more than the United States currently spends on Social Security or Medicare. CBO warned that growing debt would increase the probability of a sudden fiscal crisis during which investors would lose confidence in the government's ability to manage its budget and government would thereby lose its ability to borrow at affordable rates.

That is exactly what is happening in Europe. It could also happen here at any moment in time. It could be a small item that ultimately precipitates and triggers a debt crisis, that puts this economy in jeopardy and peril as we experienced so dramatically in America in 2008. We do not know what all could ignite this explosive growth in debt.

If interest rates were just 1 percentage point higher per year over the next decade, the deficit would balloon by $1.3 trillion from increased costs. To put these numbers in perspective, we have to look at the past. It took our Nation 200 years to accumulate its first trillion-dollar debt. Yet in just the past 3 years alone the national debt has soared by nearly $5 trillion.

Let's just repeat that for a moment. In the first 200 years we accumulated $1 trillion in debt. In the last 3 years we have accumulated $5 trillion.

So when the President stated last summer that we do not need a constitutional amendment to do our jobs, well, not exactly. If that were true, if such an amendment were not required for us to do our jobs then why do we find ourselves wallowing in this economic morass? If Congress actually possessed the capacity to forestall the skyrocketing debt of its own volition, why are we mired in a major debt crisis? Why are the CBO and other economic forecasters reiterating and underscoring the negative outlook for the future if we do not grapple with this debt?

The facts speak for themselves. In 1986 when the Senate failed by one vote to pass a balanced budget amendment, the national debt topped $2.1 trillion. In 1995, the Senate failed again by one vote to pass a balanced budget amendment, and the national debt at that time was $4.8 trillion. In 1997, when the Senate yet again failed to pass it by one vote, the national debt was $5.3 trillion, a number we found staggering. But, apparently, it was not staggering enough, as the abysmal track record following 1997 dramatically demonstrates. In 1999, just 2 years after that fateful vote, the debt rose to $5.6 trillion. By 2009 it rose to $11 trillion, and last year to $13.5 trillion. Today, it is at $15.1 trillion. The bottom line is that from 1997 to 2011 the national debt has almost tripled.

In 1992, when I was serving in the House of Representatives, we debated a constitutional amendment to balance the budget. During one particular balanced budgeted debate on the floor, I said we have no way of knowing how bad things might get if we continue without a constitutional amendment to balance the budget.

Unfortunately, we can only speculate where we would be today had we passed that balanced budget amendment some 14 years ago. But we can no longer afford to speculate about where we will be with respect to our debt 14 years from now.

Let's not be confused as we hear all of the usual diversionary excuses why this amendment should not pass. I have heard it time and time again over the last three decades, as I have indicated. Those excuses have been reiterated time and again in the nine times it has been considered between the House and the Senate over the last three decades.

I have heard how a balanced budget amendment will be overly restrictive, spending reductions too substantial, and that other measures would be equally effective without changing our Constitution.

Let's not be distracted by the siren's call with the masterful art of deflection. As I recall, during the course of that debate in 1992 in the House of Representatives, I was challenged by a colleague when he asked:

What if appropriations exceed estimated revenue? What if the President and Congress underestimate the amount of Federal revenues in a fiscal year? What if it requires budgetary adjustments as a result of a contracting economy, or inaccurate estimates?

Well, I said at the time, as I do now: welcome to the real world of families and businesses in America that are trying to project their costs every day—current costs, future costs, whether they will have a job, how much they will get paid, and how much health insurance will cost—not to mention the 49 States that have adopted a balanced budget requirement That is the real world, but apparently not in the Senate and the House of Representatives. It is one we have long ignored to our fiscal peril.

These are issues that day in and day out the State capitals have to deal with, as the Chair knows, being a former Governor of New Hampshire. My husband was a former Governor of Maine, and I know that States have to make tough choices and establish priorities, and they have to understand what is coming in and what is going out. Why should the Federal Government be any different?

So now we have a fiscal gap here in Washington where there not only is a disparity between revenues and expenditures, but there is also a shameful imbalance between the trust people place in us as elected officials and the responsibilities we must carry out if we are to demonstrate the worthiness of that trust.

Absent a permanent mechanism that compels and forces the Congress to set and fulfill its fiscal priorities, we will blithely continue in our wayward practices. Obviously, we only have to learn from the past to understand the future.

Rest assured that we have already tried every statutory mechanism possible. Yet nothing we have implemented has withstood the test of time, circumvention, or clever gimmickry to bind both the House and Senate to provide continuity from Congress to Congress—nothing.

We have witnessed the positive effects of statutory limits with past budget enforcement mechanisms, such as the Gramm-Rudman-Hollings Act, the 1990 Budget Enforcement Act, and the 1997 Balanced Budget Act that combined saved upward of $700 billion. Unfortunately, we allowed them to lapse because we could do it statutorily. We allowed these efforts to wither on the legislative vine. You could not do that with a constitutional amendment.

When we talk about a deficit reduction package for the future, anything we implement today could be undone by tomorrow or by the next Congress if we do not have the binding effect of a constitutional amendment. That is the big difference. Congress does not want its hands tied. That is what this is all about—not tying Congress's hands, irrespective of the impact on the mountains of debt.

We have squandered historic opportunities. I tried for a legislative trigger back in 2001 when we had projected surpluses to pay down the national debt and invest in Social Security and Medicare, but it was dismissed and derided. Senator Bayh and I tried to get that through, but people were not thinking about the future. I had seen from our experience in the past and I knew we had to protect the surpluses we had and invest them in the future. That didn't happen. People want to spend without restraint.

As we sadly know, the promises to get a handle on budget and deficits were empty which is why we have not had budgets in the last 3 years—or why we passed only one appropriations bill last year for the first time since the 1974 Budget Act. If you have no discipline in the budget process, you have no discipline in spending and a mounting debt. That is the net effect of what has happened over the last three decades.

The reality could not be more stark about the necessity for a balanced budget amendment. Yes, we do need one if we are ever to ensure fiscal balance and restraint.

Finally, even Vice President BIDEN spoke to this issue in 1995, expressing the same frustration I do today. He said:

There is nothing left to try except the balanced budget amendment.

That is where we are. And I still do not understand why we have two competing amendments now. It is not as if we don't have differences, but why not amend one legislation? That is what the Senate is all about. Regrettably, it has become another cynical process in the Senate, an all-or-nothing proposition, a zero sum game, either your way or no way.

We have two separate votes on two separate measures, creating a parallel universe with two different balanced budget amendments but zero opportunity to reconcile our differences. We know what the strategy is. It is called lip service. It is to allow everybody to say they voted for a balanced budget amendment, while the armies of the status quo employ every weapon to ensure it does not happen.

I regret that we are not treating this issue with the deference it deserves—an issue that 70 to 80 percent of the American people support at a time in which the U.S. Congress has an approval rating of 9 to 12 percent—it varies from day to day. We should be embarrassed about how this reflects on the institution because we are not focusing on the issues that matter to people in their daily lives. It matters because they understand that we are shackling future generations.

We can either bring disrepute upon ourselves by continuing to mortgage our future to cover the fiscal offenses of today or we can rise to the occasion and meet our moral responsibility and bequeath the generation to come a nation unencumbered by the shackles of perpetual debt. The decision is ours and history awaits our answer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I inquire of the Chair, how much time remains on our side for morning business?

The ACTING PRESIDENT pro tempore. There is 39½ minutes remaining.

Mr. CORNYN. I am sure I won't need all that time, but I ask unanimous consent to speak for as much time as I may use of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I express my appreciation to the Senator from Maine for her leadership on the balanced budget amendment issue for so long now. This is a fight that people have fought for so long that some have become very cynical about whether we will actually ever act in a responsible fashion to deal with the runaway debt our country continues to accrue where about 40 cents out of every dollar being spent today is out of borrowed money.

We know this is not just a theoretical problem, it is very real. When we look at what is happening in Europe, with countries engaged in sovereign debt crises that have made promises they cannot afford to keep, the day of reckoning has come to Europe. The day of reckoning for the United States may not be far behind.

I think it is really important to lay a few foundational points. Let me start with the preface of the Constitution of the United States of America because what we are talking about doing is amending the Constitution—something we have only done 27 times since the founding of our country. But the Constitution of the United States starts this way:

> We the people of the United States of America, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It is important to recognize that this is a constitution created by the American people. This is not something handed down from on high that we cannot change or should not change. This is our Constitution. We own it. It is within our power to amend the Constitution when circumstances make it prudent for us to do so.

Let me also refer to article V of the U.S. Constitution. This is the basis upon which we are seeking to amend the Constitution by this vote tomorrow. Article V says to Congress:

> When two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution.

And then should the joint resolution pass with two-thirds the vote in both Houses, then it goes to the States, where 38 States—three-quarters of the States—would have to ratify that amendment before it would become the fundamental law of the land.

There is another provision in article V that I will talk about in a minute which allows the States, in the face of inaction by Congress, to ask for a constitutional convention to be established for that purpose. As I said, I will save that for a later time.

Madam President, all 47 Members on this side have cosponsored S.J. Res. 10. But this doesn't have to be a partisan endeavor. Indeed, the last time, in 1997, when there was a vote on a constitutional amendment—and it failed by 1 vote in the Senate—11 Democrats joined Republicans to come within 1 vote of passing that joint resolution, which had already passed the House of Representatives. So this doesn't have to be and indeed should not be a partisan undertaking.

Let me remind my colleagues, what did our financial situation look like in 1997? Our deficit was $107 billion—that is right, $107 billion. Today, it is roughly $1.3 trillion. Our national debt, which recently broke the $15 trillion mark, back then was roughly $5 trillion. So we have seen almost a threefold increase in our national debt since 1997, when we came within one vote of passing a constitutional amendment and sending it to the States.

We know that throughout American history, our government has faced fiscal challenges. Our Founders had their own when they had to amend the Articles of Confederation to provide for a constitution that allowed us to deal with our financial problems. But what are the differences between those faced by the founding generation and those we face today? Back then, government was the solution to the problem. Today, the size and growth of government is the problem. The American people understand the difference, clearly.

As I said, the American people are absolutely repulsed by the idea that Congress continues to spend 40 cents out of every dollar that is spent in borrowed money. I know people like to say this is a problem for the next generation and beyond, but all you have to do is look across the Atlantic Ocean to what is happening in Europe today, and you realize, no, this is our problem, in this generation now, in Europe. The ramifications could easily extend to the United States and create a recession, if not worse, as we go through a sovereign debt crisis.

The American people also understand this huge debt we bear is a job killer because it dampens economic growth. Only by the private sector economy growing do you get the sort of job creation that will help get us out of this mess. Right now, we are muddling along at roughly 2 percent of GDP, which is not even enough to deal with the unacceptably high unemployment. Yes, we had a break last week, when we saw the unemployment rate come down a little bit. But a closer look at the statistics reveals it was because so many people had quit looking for a job. They gave up.

We also know this is a national security risk, this high debt. Former Chairman of the Joint Chiefs of Staff, Admiral Mullen, said the debt was the single largest threat to our national security. This is the Chairman of the Joint Chiefs of Staff. You wouldn't think that was part of his portfolio, but that is what keeps him awake at night and worries him—our debt, and the fact that China is the major purchaser of that debt, a country with interests that are not exactly aligned with ours, to say the least.

Secretary of State Hillary Clinton has said the debt undermines our capacity to act in our own interests and sends a message of weakness internationally. Then there is a quote from a former colleague of ours way back in 2006, who said this:

> Increasing America's debt weakens us domestically and internationally.

He also said:

> It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policies.

You may have guessed who said that. Yes, that was then-Senator Barack Obama.

What I think people find absolutely unnerving, disappointing, and, yes, even shocking is the lack of leadership on this issue, not only because our national debt is a growing fiscal problem as well as a national security risk, but it has created a crisis of confidence in our political system and people's confidence in the Congress's ability to do what we get paid for, what we got elected to do, and that is to solve our Nation's problems, including our Nation's fiscal problem.

President Obama understands this very well. That is why he appointed a bipartisan fiscal commission, now called the Simpson-Bowles commission, which came up with $4 trillion in debt reduction along with other recommendations, such as tax reform, which would make us more competitive globally. But since December 2010, when that report was rendered, what has the President done with regard to that report that received bipartisan support—I believe it was 11 out of the 18 members, including 3 Republican Senators at that time, Judd Gregg, MIKE CRAPO, and TOM COBURN? The President walked away from it. He walked away from it. What did he do when he gave his State of the Union speech shortly thereafter? He didn't even mention it.

But what did he do? Did he come up with a counterproposal or a different proposal? No, he held back, and he waited until the chairman of the House Budget Committee, PAUL RYAN, and House Republicans passed a budget out of the House—something that has not happened in the Senate for more than 900 days—and then the President attacked. He engaged in scare tactics that I believe are beneath the dignity and responsibility of the Office of the President of the United States.

Leadership on the national debt has not only been lacking from the White House, but Congress hasn't done much better. It is true what the Senator from Maine has said, the basic conundrum we have had at times when we have passed deficit reduction legislation, such as Gramm-Rudman-Hollings and others, is that purely statutory fixes are fine but they can't bind future Congresses. We need a constitutional amendment that will make it the law of the land that cannot be ignored by future Congresses. This is what I hope we will do by embracing our responsibility and passing this constitutional amendment.

The facts show that the time for a strong balanced budget amendment is now. It is today. Joint Resolution 10 is a strong balanced budget amendment that will protect the American people from runaway deficits and reckless spending. If ratified by three-quarters of the States; that is, 38 States, it would require a two-thirds supermajority of Congress in both Chambers to approve a deficit in any fiscal year. A supermajority would be needed in times of emergency to approve a deficit in any given year. And it can't be open-ended. It has to happen each year a deficit might be run.

We can imagine that emergencies could occur, but it shouldn't be a routine matter, as it is now, where we engage in deficit spending. This amendment would provide exceptions where it would require a majority of both Chambers to approve a deficit during a time of declared war and a three-fifths supermajority in both Chambers could approve a deficit during military conflicts.

So for those of our colleagues who are worried this balanced budget amendment would provide such a straitjacket it would deny us the flexibility to respond to our Nation's emergencies, the amendment itself provides the means to deal with those extraordinary circumstances.

Joint Resolution 10 would also require a two-thirds majority to approve outlays beyond 18 percent of GDP. That is roughly what our revenue has been—roughly 18 percent of GDP—although today our spending is at 25 percent. Because of the recession and the fragile economic recovery, our income is roughly 15 percent. So we are running at roughly a 10-percent annual deficit.

This amendment would require a two-thirds majority to raise taxes. We don't have a tax problem; we have a spending problem, and we are not able to keep up with the promises we have made both in terms of entitlements and other spending. This would require the discipline of a two-thirds supermajority to raise taxes in order to balance the budget. So we could do it when there was a broad consensus that it was necessary but not provide the easy out to raise taxes in order to balance the budget unless two-thirds said that was all right. It would also provide for a three-fifths supermajority to raise the debt limit.

Finally—and this is important—the balanced budget amendment, Senate Joint Resolution 10, would require the President to submit a balanced budget to the Congress each year. The President has historically submitted a budget in, I believe, roughly February of each year, but it is rarely balanced. Indeed, the last budget submitted by President Obama was not even brought up for a vote by our friends across the aisle. When we insisted upon a vote on that budget, it lost 97 to 0. No Democrat and no Republican voted for President Obama's last budget because it continued the reckless spending and the debt.

It is important this body support a strong balanced budget amendment and not a fig leaf or cover vote, because Senate Joint Resolution 10 has the strongest provisions on spending and taxes in addition to provisions that would allow us to balance the budget.

I know there is another alternative that will be voted on, but I am afraid this alternative offers more of a mirage than a real solution. First of all, it does not include all spending. This would make government accounting even more mystifying, even more opaque, less transparent. Can you imagine families and small businesses doing something such as that, saying, well, we are going to balance our budget, but we are not going to include all the spending we do? Small businesses and/or families don't have the luxury of moving things off the balance sheet—in sort of Enron-style accounting—and neither should their government. Either you balance the budget or you do not.

The alternative we will be presented an opportunity to vote on, next to this strong balanced budget amendment, does not protect the middle class from higher taxes. It would not have stopped the 21 tax increases that were enacted in the first 3 years of the Obama administration. That is right, 21 tax increases during the first 3 years of this administration. The problem in Washington is not that it is too difficult to raise taxes, the problem is it is too easy.

A real solution to our debt crisis must permanently change the propensity to tax and spend with reckless disregard. A strong balanced budget amendment will actually solve the problem. Let's remember the disease here in Washington the balanced budget amendment is designed to cure is out-of-control Federal spending, and big deficits are a symptom of that disease. Any doctor will tell you just treating the symptom doesn't cure the disease. Without treating the underlying cause of those symptoms, we would not be making matters better, we would be creating again another illusion of a solution.

The strong balanced budget amendment which I support, along with 46 of my Republican colleagues—and I hope a significant showing on the other side—will treat the disease along with the symptoms. An amendment with too many exceptions and loopholes will not. A strong balanced budget amendment will reassure financial markets and the American people that we understand the magnitude of the problem.

As I talk to my constituents in Texas and others around the country—who are the type of people we are looking to to create jobs by making the investments, by starting businesses, and by growing existing businesses—they tell me with the growing debt, with uncertainty about tax policy, with overregulation, and with Washington's unwillingness to deal with a potential sovereign debt crisis, and slow economic growth in the private sector, they are going to sit it out. They are sitting on the sidelines. They are not going to take imprudent risks with the capital they have acquired after going through this recession and becoming leaner and becoming more efficient. They are not ready to get back in the game until

they get a signal from us we are actually serious about solving our financial problems.

Unfortunately, the President not only has neglected his own bipartisan fiscal commission—the Simpson-Bowles commission—and fallen for the siren call of his political advisers to not offer a constructive solution but, rather, attack those who do, the President has compounded his mistake in this area by saying, ''We don't need a constitutional amendment to do our jobs.'' Presumably, that refers not only to our balanced budget amendment but to an amendment offered by the Democrats as an alternative to the Senate Republican balanced budget amendment.

The President has claimed a balanced budget amendment is not necessary because ''the Constitution already tells us to do our jobs and to make sure that the government is living within its means and making responsible choices.'' Who does he think he is fooling? Who does he think he is kidding? The President does himself no credit, and, indeed, I think demonstrates a lack of commitment to dealing with our Nation's problems when he says things such as that. He knows the experience of this Congress—whether it is Republican administrations or Democratic administrations—has been that without a balanced budget amendment we simply are not going to have the tools necessary to get the job done.

According to one White House spokesman, balancing the budget is ''not complicated.'' Well, if it is not complicated, why hasn't the President of the United States submitted a balanced budget proposal? His last one broke the bank, made the debt worse, didn't solve the problem, and was rejected 97 to 0 by a bipartisan vote in this body.

The same White House spokesman said:

> All that is needed is that we put politics aside, quit ducking responsibility, roll up our sleeves, and get to work . . . get beyond politics as usual.

I have to say, what bunk is that? Don't they know how little credibility that sort of rhetoric has when it comes to solving the problem? Just saying it does not make it so. What people are looking for is concrete action by the Congress.

The strange thing to me was, when the President of the United States invited the Republican conference over to the executive office building several months back, he asked for ideas around the table. Several of us, including me, told him: Mr. President, if you would embrace solutions to solving these problems, we would work with you because we are Americans first and not members of political parties first. We are Americans. We didn't come here just to posture and to act like we were solving the problem while doing nothing. We actually are willing to do it because, frankly, we are concerned. Many of us are beyond concerned; we are scared. This is no longer just for our children and grandchildren. This is about the present generation. This is about us, and all we need to do is look at what is happening in Europe, and it could be our problem in the foreseeable future. I am not just talking about decades, I am talking about years. It could be earlier.

Everything we read about the sovereign debt crisis in Europe and the history of these crises in the past is, once the public loses confidence in the ability of a sovereign nation to pay back its debt, then things slip away very quickly. We have seen that happen in Europe with the price of the debt on Italian bonds and Greek bonds going through the roof because people know they can't be paid back. If people begin to doubt for a minute our lack of resolve at dealing with this fiscal crisis and this debt crisis, we could well be not just in a similar mess, we could be worse off because there will be no European Union, there will be no IMF to bail out the United States of America, the largest economy of the world.

Let me close for now by saying this is not just a matter of conjecture whether a balanced budget amendment would help and would work; 49 different States have some form of balanced budget requirement. Vermont is the only one that does not. Of these, 32 States have constitutional provisions. Additional States require that their Governor actually propose a balanced budget or require a balanced budget indirectly by prohibiting the State from carrying a deficit into the next year.

But the point is, this is not just a matter of conjecture and guesswork. We know because we have seen at the State level that balanced budget requirements are effective. What do they do? Well, we know State balanced budget requirements are only effective when combined with limitations on taxing and spending. States with limitations on taxing and spending are less likely to raise taxes to balance the budget than States without such a limitation. States with taxing and spending limitations have a slower growth of government than States without such limitations.

In other words, States with taxing and spending limitations have a slower rate of growth and cost and size of government than States without them. So we know a balanced budget amendment could work.

I hope my colleagues—as frustrated as I am, on a bipartisan basis, with the lack of leadership on this—will show leadership. We shouldn't just look for leadership at the White House or anywhere else. We ought to look at ourselves in the mirror and ask what can we do to solve this problem. I submit that a balanced budget amendment would go a long way to putting us on the path to fiscal responsibility.

Now, we can't do it overnight because we didn't get into this mess overnight. But just as Vice President BIDEN said back in 1995:

> I have concluded that there's nothing left to try except the balanced budget amendment.

That is what Vice President BIDEN said in 1995. I agree with him. But if it was true then, it is even more true now.

So I hope tomorrow, when we have a chance to vote, we will vote for a real solution—a real balanced budget amendment, S.J. Res. 10—that will avoid the temptation to act once again as if we are doing something, without actually delivering a solution to the problem, by providing a cover, a fig leaf that, once again, will undermine the public's confidence in our commitment, in our willingness, in our leadership when it comes to the Nation's problems. Ultimately, the American people will have the final say. If we don't do it tomorrow, then the American people will have another chance to have an election and vote and presumably choose people who will deal with the problem.

Ultimately, we know—getting back to article V of the Constitution—if Congress does not propose a solution, to quote article V, the Congress ''on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments.''

So the final word is not with the Members of Congress. Although we can solve the problem tomorrow if we voted on it and we passed it and encouraged our colleagues in the House to pass it, ultimately, there will be an intervening election. But, ultimately, beyond that, the Constitution—which is the Constitution of we, the people of the United States—the people of the United States will have the final word, whether it be in the next election in 2012 or by means of a constitutional convention called on the application of two-thirds of the States, of which I am told about 20 applications are already pending.

Mr. President, I yield the floor, I reserve the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TESTER. I ask unanimous consent to speak for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOB CREATION

Mr. TESTER. Madam President, I rise today to talk about jobs and politics.

There are a lot of folks in Washington who pay lipservice to jobs and a lot of people that are playing politics.

But it sure doesn't seem that many folks are interested in doing the hard job of creating jobs.

Folks all over Montana have been asking for good-paying, liveable-wage jobs, the kind of jobs that can't be outsourced, jobs that put folks to work in our forests, jobs that build the energy infrastructure this country needs. Right now there are two proposals that will do just that.

First, I would like to talk about my Forest Jobs and Recreation Act. This bill will stabilize the wood products industry in Montana by ensuring a dependable timber supply that will give certainty to loggers in the woods and workers in the mills.

This bill will allow for the restoration of 100,000 acres of national forest lands in Montana, reducing the chances of out-of-control forest fires that could devastate our communities, our watersheds, and our way of life.

Recent data released by the Forest Service shows that wildfires that burn where the trees were thinned were less expensive to fight, they were easier to control, and did less structural damage to neighboring buildings.

This bill also puts people to work by rolling up roads, improving our water quality, and protecting big game habitat. It protects nearly 1 million acres for our children and grandchildren in wilderness and recreation areas.

This is a bipartisan solution, supported by industry and conservationists. It is the product of people who were on polar opposites of the issue who came together to find solutions for how we can manage our forests better. We could take a lesson from their example. They brought those solutions to me to be put into law. This is a bill that will move the country in the right direction with a responsible balanced solution, and it will create jobs.

But rather than getting this bill passed, it has become a political football in the appropriations process. Some House Republicans seem to be more concerned with their own job rather than creating Montana jobs by passing my Forest Jobs and Recreation Act. That isn't fair to Montanans who are anxious to get back to work, to reclaim a life that has been disappearing in a rapid rate. We lost over 1,700 jobs in the timber industry in 2009, more last year, and still more this year.

I would ask folks who are negotiating this final deal right now to think about the folks who are counting on us to set politics aside and do what is right for our country and for Montana.

This same logic applies to the Keystone XL Pipeline. Right now, the President has the power to create jobs by approving this pipeline. He could make the decision to approve this pipeline in the very near future.

Now, let me be clear. He should do it right. Doing it right means approving this pipeline while respecting private property rights. I support the pipeline. But I will never support any corporation—much less a foreign corporation—given the right to take away property from Montanans or any other American without a fair deal that is negotiated in good faith.

Doing it right also means ensuring that the highest possible safety standards are followed throughout Montana and rural America. I do not believe we should have to wait until January of 2013 for a decision that can create American jobs right now. In Montana, we need the jobs. We need the ability to provide incentives to boost production in places where it makes the most sense, such as the Bakken formation in eastern Montana.

Now, many folks don't know that the Keystone Pipeline will actually include an onramp in Baker, MT. That onramp will tap into the booming Bakken formation, and it will ensure that we are getting the most out of American energy resources. That matters to our economy and it matters to our energy and national security. The Keystone XL pipeline will transport North American oil and will help move this country away from spending billions of dollars per day in Middle Eastern countries that do not like us very much.

At the same time, I am concerned about the way folks on both sides of this issue are handling it right now. We do not need to entangle this issue with a payroll tax in the House bill that would add more than $25 billion to our debt and that would cut Medicare benefits.

It is time to quit playing politics and start doing what is right, whether it is the Forest Jobs Act or the Keystone pipeline. It is time to move forward, working together to create jobs in this country.

Instead, politicians on both sides are using these important items as political footballs and that is too bad. We should be acting responsibly to create jobs with this pipeline and to put folks back to work in the woods with my bill. Instead, we are watching political maneuvering designed to score points rather than create jobs. We all know this is how Washington acts. The people who lose are the hard-working Americans and Montanans who want to get back to work. They want to build and maintain the infrastructure that powers and protects America.

I am proud to again offer my support for the Keystone XL pipeline and the jobs it will create. We need a quicker decision based on the merits of the project. After setting aside their differences and working together to protect our forests, Montanans also deserve the passage of the Forest Jobs and Recreation Act. Instead of irresponsible partisan fights, it is time that Congress finally takes a page from those who constructed the forest jobs bill. They set aside nearly 30 years of partisan bickering to find solutions where everyone gives a little and gains a lot. It is the right way to do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask unanimous consent I be permitted to engage in a colloquy with my colleagues for the remainder of the Democratic time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GLOBAL WARMING

Mr. SANDERS. Madam President, I understand that some of my colleagues here in the Senate and in the House as well do not believe global warming is real and they do not want to see our country and, in fact, other countries around the world take the necessary actions to deal with this issue. That is fine; everybody is entitled to their opinion. But it does seem to me to make a bit of sense that we listen to the leading scientists of this world, not only in our own country but throughout the world, and hear what they have to say about global warming and the need to respond.

The National Academy of Sciences in our country, the United States, joined by academies of science in the United Kingdom, in Italy, in Mexico, Canada, France, Japan, Russia, Germany, China, India, Brazil, South Africa, have said ''climate change is happening even faster than previously estimated'' and the ''need for urgent action to address climate change is now indisputable.''

They are not talking about whether climate change is real or not real. What they are saying and what scientists all over the world are saying is that climate change is happening even faster than previously reported. Eighteen scientific societies, including the American Geophysical Union, the American Chemical Society, and the American Association for the Advancement of Science said:

> Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

That comes from the American Geophysical Union, the American Chemical Society, and the American Association for the Advancement of Science. Further, it is not just scientists in our own country or throughout the world who are talking about climate change, who are talking about the need to respond vigorously to that crisis, but right within our own government, the U.S. Government, we have the Department of Defense saying:

> Climate change is an accelerant of instability.

What that means is that when there is drought, when countries around the world are unable to grow the food they need, when there is flooding and people are driven off the land, and when people migrate from one area to another,

this creates international instability, which is of concern to the Department of Defense.

The CIA understands that ''climate change could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments,'' as well as ''food and water scarcity.'' That is from our own CIA.

But it is not just scientists around the world, not just government agencies in the United States; you have a business whose life and death, whose profit margin depends upon understanding this issue and that is the insurance industry. If the insurance industry ends up paying out a whole lot of money when there are disasters, they are going to lose money. They have to understand climate change and the disasters, the weather disturbances that occur from that. This is what they say, in a report from the National Association of Insurance Commissioners. They found there is ''broad consensus among insurers that climate change will have an effect on extreme weather events.'' These are guys whose profit margins depend upon that analysis.

Many Americans and people around the world are concerned about the future impacts of global warming on our planet and what is going to happen 10 or 20 years down the line, and that is terribly important. We have to understand what climate change is going to do to our planet in years to come. But we do not have to just look at what may happen 20 or 30 years from today; we should be looking at what is happening right now, in the year 2011. The World Health Organization reports annual weather-related disasters have tripled since the 1960s, causing more than 60,000 deaths per year. The National Climatic Data Center shows that 26,500 record-high temperatures were recorded in weather stations across the United States this summer. Texas set the record for the warmest summer of any State since instrument records began in 1895. Oklahoma set a record for its warmest summer, exceeding records set during the Dust Bowl era of the 1930s. Drought in Texas has led to wildfires that destroyed more than 1,500 homes in Texas.

A 2010 heat wave in Russia killed 56,000 people. The heat wave in Europe in 2003 killed 35,000 people. We can look at Pakistan, which in 2010 had a record 129-degree temperature. All of that is consistent with what scientists have been warning us about for years.

NASA's James Hansen said climate change ''loads the dice'' in favor of more extreme weather events. Hansen said the answer to whether greenhouse gas emissions are contributing to these extreme weather disturbances is ''yes . . . humans probably bear responsibility for the extreme event.

There is much to be said. I think a number of colleagues are coming to the floor. But I want to yield the floor to a Senator who has been an absolute leader on this whole issue, fighting for the environment, and that is Senator WHITEHOUSE of Rhode Island.

Mr. WHITEHOUSE. I thank my colleague.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, the statement my colleague has made is truthful and important, but there is absolutely more to this story even than that. At another time I will discuss at greater length the oceans dimension to what is happening to our planet as a result of the carbon pollution we are emitting at literally unprecedented levels in human history. But for now let me say it is very severe, very dire, and to everyone who is listening and paying attention, the ocean is emitting warning signs that we disregard at our peril.

In addition to the threat of environmental harm, connected to the problem of carbon pollution is a huge opportunity and that is the opportunity of clean energy. Clean energy will drive the decades to come. Clean energy jobs can and should be powering our economic recovery.

We are in a race right now. We are in a race for dominance and for preeminence in the clean energy economy that is emerging. All around the world, other countries see it. They are competing in that race. They are putting everything they have into winning that race. But because we have a political system that is still listening to the dirty, polluting energy industry and using the politics of Washington to interfere, we are constantly having to fight to stay even. One of the things we are fighting right now to preserve is the section 1603 Treasury grant program, which will expire at the end of this year if we do nothing. This program has been vital for our renewable energy industry. It has leveraged nearly $23 billion in private sector investment, supported 22,000 projects which collectively power more than 1 million homes. This is big. This is no longer some tiny little cottage industry. The National Renewable Energy Lab estimates the 1603 program has supported up to 290,000 U.S. jobs.

If we look more largely at the renewable energy sector, renewable energy is more labor intensive, creates more jobs than fossil fuel energy per dollar invested, creates more jobs than fossil fuel energy per megawatt generated, and the clean economy as a whole, including renewable energy and energy efficiency and environmental management, employs 2.7 million workers in this country. It is more than the fossil fuel industry, but the fossil fuel industry owns this town and they keep stepping on this larger, growing, clean energy industry.

We are seeing it, unfortunately, out there in real life. Americans invented the first solar cell in 1995. America had 40 percent of the global manufacturing volume. We are now down to 7 percent of the global manufacturing volume of solar cells.

China is investing $20 billion more in clean energy every year to accelerate ahead of us. European countries have feed-in tariffs so investors can know what their clean energy product will sell for and that is attracting capital and growth there, and we simply are not keeping up. We are now, in the United States of America, the home to only 1 of the top 10 wind turbine manufacturers. This is an unhealthy place to be and we need to get back into this fight. The mature industries that America leads have demonstrated the important role of government intervention at their early days. Our commercial aviation industry has been the envy of the world through its entire history. The United States of America subsidized airmail to help support this fledgling industry. They purchased planes for military purposes to help support it and supported it with aeronautics R&D.

The same thing should be happening in clean energy, and we need to work very hard to make sure this 1603 Treasury grant does not die on the cutting room floor as we come to the end of this year. If it does, jobs will go with it. There will be an immediate response. Projects will be terminated, people will be laid off, divisions of companies and smaller companies will close, and it is an unnecessary, self-inflicted injury we should avoid.

Let me bring it home. In Rhode Island this project has facilitated solar panel installation on three new bank branches. The TD Bank has opened in Barrington, East Providence, and Johnston, RI. Those projects created jobs, put people to work, and lowered the costs of their electrical energy. Step by step it gets us off foreign oil and these foreign entanglements to defend our supply.

The city of East Providence, RI, is in the middle of planning a 3-megawatt solar project on an old landfill, land that had gone out of use effectively but now will be generating power for that city. Construction has also begun on three wind turbines at the Fields Point wastewater treatment facility in Providence. The turbines will meet more than half of our big water utility's energy needs.

A company called Hodges Badge—if your child has ever won an award in a track meet, in a horse show, or in a school production, they probably got a ribbon for it, and that ribbon was probably made by Hodges Badge. It is a great Rhode Island company. It has 95 employees. They have gone completely clean energy, and they are doing that to protect those 95 jobs. They are doing it to lower their energy costs, and they are doing it to do the right thing.

I salute Senator SANDERS for his eloquence on the real problem of climate change and the campaign of lies and propaganda that has interfered with our ability to deal with what is a real and emerging problem, and also to

point out that the second step in this is that there are jobs and there is economic success behind the clean energy industry that will lead us out of the predicament we are creating for ourselves because people here are in the thrall of the polluting industries.

I thank Senator SANDERS very much.

I yield the floor.

Mr. SANDERS. Mr. President, I want to reiterate the very important point that Senator WHITEHOUSE has made. This struggle is not only to transform our energy system, to move away from fossil fuel, and to end the absurdity of importing over $300 billion a year in oil from Saudi Arabia and other foreign countries and move toward energy independence, this effort is to cut greenhouse gas emissions so that we save the planet. This effort also has to do with creating jobs in the midst of the worst recession since the Great Depression.

I hope that every Member of the Senate is on the side of the American workers in helping us to grow sustainable energy companies so we create the jobs we need in this country rather than let China and other countries dominate those industries.

Mr. President, I am very proud to give the floor over to the chairperson of the Environmental and Public Works Committee, certainly one of the great environmental leaders here in the Senate, Senator BARBARA BOXER of California.

Mrs. BOXER. Mr. President, what is the time remaining in Senator SANDERS' block?

The PRESIDING OFFICER. There is 36½ minutes.

Mrs. BOXER. Is the Senator satisfied if I take about 7 minutes?

Mr. SANDERS. That would be fine.

Mrs. BOXER. I want to say how proud I am of the Environment and Public Works Committee. To be chairman of the committee that has such incredible Senators, such as those you have heard from—Senator SANDERS, Senator WHITEHOUSE; we also have Senator CARDIN, Senator CARPER, Senator BAUCUS, Senator GILLIBRAND, Senator MERKLEY, and Senator LAUTENBERG. I hope I am not leaving anyone out. These are the environmental voices, the commonsense voices for jobs, for clean technology, for a bright future for our Nation, so to be the chairman of that committee is an honor beyond my every expectation.

It is not to say we don't work with Republicans; we do on public works matters. We work very well with Senator INHOFE and his team of Republicans on public works, but when it comes to the environment, there is nobody home over there. As a matter of fact, they do harm.

Today I am going to talk about the need to create jobs through this sector, but I also want to say, while my colleagues are here, an interesting development that has happened on the payroll tax cut bill that the House is about to pass. We have a kind of inside-the-Beltway term when extraneous provisions are added to a bill that will bring down the bill, and we call that a poison pill amendment. I have never said to you when I coined that phrase ''poison pill'' amendment that it is literal. In this case they have attached to the payroll tax cut—which is on the one hand giving a tax cut to the middle class—a literal poison pill by rolling back a Clean Air Act provision that will require a very small percent of the boilers in this country to cut back on the filthiest of all pollution, including mercury, arsenic, and lead. I will say that again: mercury, arsenic, and lead.

If I were to stop anyone in the street, they don't need a degree in science to know if those are good things or bad things for you. They didn't even have to see the movie ''Arsenic and Old Lace'' to know that arsenic is bad. Lead damages the brains of our kids. Mercury has horrible impacts, particularly on children. So they have attached a poison pill, literally, because it will kill 8,100 more people than otherwise would have been killed from pollution. They have attached that to the payroll tax cut. How is that for a Christmas gift? Hi, I am your Senator, here is a tax cut for you of about $1,000, but, sorry, you might die from breathing in too much poison in the form of mercury, lead, and arsenic.

That is what is going on here. Honestly, we have asked for a lot from Santa in our day, but we never asked for lead, arsenic, and mercury.

The reason Senator SANDERS took to the floor today—and the reason I am proud to be here—is because we all say here in this Chamber that we care about jobs. We all say here in this Chamber that we want to be energy independent. We should all add that we want less pollution. Our colleagues on the other side never mention it. We should add that we want less carbon pollution, which is leading us to extreme weather conditions, climate change, but they don't say that. We say that.

How do you do it? Well, there are many ways. One is to enforce the clean air laws we have, by the way, that will help get carbon out of the air. But a very easy way as we extend this payroll tax cut, which we all want for our middle class, is to say we should extend those clean energy tax breaks that allow us to move toward innovation. You hear a lot of talk from the other side about how solar energy is in decline and they talk about Solyndra and the problems there. Let me tell you something, that mindset would mean we never would have made it to the Moon because we know what happened to Apollo 1. It was not good. We didn't walk away from going to the Moon. We expected there would be problems with the program that we put together. That is why we had $2 billion to offset any companies that might not make it. Do we stop cancer research because a lot of the scientists' leads don't pan out? We don't walk away from cancer research. But our friends on the other side, the minute they can seize on something to walk away from clean energy, they do. I have come to the conclusion that there is only one reason for it, and that reason is they represent—and this is my opinion—big oil, big polluters, the people who, over the years, have tried to stop us from moving away from those fossil fuels.

All you have to do is read the history books to see how big oil teamed up with the auto industry to take out all the railroad tracks that they could to stop the competition. All you have to see is the movie ''Who Killed the Electric Car.'' You cannot even find those GM cars. They took them and literally flattened them and they bought time for the gas-guzzling cars until finally, with President Obama's leadership, we were able to influence the companies in Detroit to make them understand the very simple fact that if we move to cleaner burning fuels, if we move to fuel economy, they are going to make a lot more money because that is the future.

What we face here instead of seeing an extension of the clean energy provisions to help us move toward solar, to help us move away from fossil fuels, to help us get a better balance of payments, to move away from the Middle East dictators, we see nothing. What do we see? We see another poison pill in another one of their bills over there to repeal the standards for light bulbs. What are these people thinking? They need a light bulb to go off in their own head. We have to move toward energy efficiency. It is a win-win-win.

I am going to talk about California in my remaining time. We have seen great progress there. We have added 79,000 jobs in the clean energy sector in the past 7 years, and that clean energy sector remains one of the most promising industries in our State, and people are happy. We are going to put a million solar rooftops on in California. I know Senator SANDERS has been calling for this for years. California is doing it with Governor Brown leading the way with the legislature. Do you know what that means? It means that people are going to work in California. You cannot be in China unless you have an extremely long arm and put a solar rooftop on in Los Angeles or in Riverside County or San Francisco or San Diego. So we need to reauthorize 1603, the Treasury grant program, which allows developers to receive a grant in lieu of a credit, in lieu of a writeoff. That means they will get the funding and they can move forward with their front. It is leveraged by $22 billion in private sector investment. If we extend the program, we will be creating 37,000 jobs.

I have to ask rhetorically: What is wrong with the Republican Party that they don't understand that when you extend these kinds of tax credits, you move away from the dictators who control the oil supply and who would turn on us in a minute, and instead you create jobs here at home, the air is less

polluted, the kids have less asthma? There are very few things that we could come to the floor and say are such a win-win-win.

There is 48–C in the manufacturing tax credit, which provides a credit for facilities that make clean energy equipment components. We know there is a demand for these programs.

I want to say to my colleagues on the other side who are on the EPW Committee, I hope they will join me at 2:30 p.m. We are going to have a press conference to talk about the need for protecting the air that we breathe and for the need to see a payroll tax cut that doesn't come over here loaded down with things that are going to lead to riders that are unrelated, that are going to lead to the death of our people.

Simple message: No poison pills that poison the people, please. I hope they will join me there. But I want them to know, and I want to say, Senator WHITEHOUSE organized a letter that was critical to get all of us on this letter. I ask Senator WHITEHOUSE, through the Chair, how many signatures did you get?

Mr. WHITEHOUSE. We had over 30. The number is still climbing retroactively—but more than 30 Democratic Senators.

Mrs. BOXER. That is a very large number of Senators to have put their names on a letter. These letters are hard. People are busy. They do not have time. You get 30 names on a letter, and we say: Extend these tax cuts for jobs, for the environment, for all the good things. I ask unanimous consent to have the letter Senator WHITEHOUSE organized printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 7, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MAX BAUCUS,
Chairman, Senate Finance Committee,
U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington. DC.
Hon. ORRIN HATCH,
Ranking, Senate Finance Committee,
U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID, REPUBLICAN LEADER MCCONNELL, CHAIRMAN BAUCUS, AND RANKING MEMBER HATCH: We are writing to urge your support for the extension of key expiring clean energy and efficiency tax provisions that create jobs and protect our environment. Allowing these incentives to expire would harm the U.S. economy, eliminate tens of thousands of jobs, and sideline billions of dollars of private sector capital investments. In particular, the renewable energy industry would be negatively impacted by an expiration of provisions.

One of the most critical tax provisions set to expire this year is the 1603 Treasury Grant Program (TGP), which has provided a way to finance renewable energy projects despite the breakdown of tax equity markets and has proven a particularly effective job creation tool. Over the last two and a half years, the TGP has leveraged nearly $23 billion in private sector investment for 22,000 projects in every state and across a dozen clean energy industries, including solar, wind, biomass, fuel cell, combined heat-and-power, and hydropower projects. To date, the program has spurred the construction of sufficient new generation capacity to power more than one million American homes and has supported roughly 290,000 U.S. jobs. Allowing the TGP to expire would shrink financing available for renewable energy projects by 52 percent, according to a July 2011 survey by the U.S. Partnership for Renewable Energy Finance. This would kill tens of thousands of jobs across all clean energy industries and states.

We have seen what happens when these credits expire. The biodiesel production tax credit lapsed in 2010, and fuel production dropped dramatically, shuttering dozens of plants and putting thousands of people across the country out of work. Given our nation's urgent need for more transportation fuels from domestic sources that are both secure and environmentally sound, we cannot let that happen again. With the biodiesel tax credit in place again for 2011, domestic production has more than doubled, supporting more than 31,000 jobs and generating at least $3 billion in GDP and $628 million in federal, state, and local tax revenues.

We also support additional funding for the Advanced Energy Manufacturing Tax Credit (48C), which has leveraged timely private investments in new, expanded, or re-equipped advanced energy manufacturing projects throughout the country. The program has been able to leverage $5.4 billion in private investment, boosting growth and creating new U.S. manufacturing jobs producing components and equipment for the burgeoning global renewable energy industry. Applications to the program have far exceeded the program's original allocation, indicating a tremendous potential for continued investment and job creation in the manufacturing sector. Without funding for programs like this, we effectively forfeit clean energy manufacturing to countries like China.

The Production Tax Credit (PTC) has facilitated tens of billions of dollars in new clean energy generating capacity, particularly in the wind industry, which has created thousands of new manufacturing and construction jobs in many of the hardest hit parts of our country. Last year, new wind power represented over one-third of all new U.S. electricity generation capacity. This is an industry in which the United States currently has a trade surplus with China, Brazil. and other fast-growing developing economies. We need a timely extension of the PTC to keep these jobs in the U.S. and provide certainty to investors.

These expiring tax provisions have demonstrated their effectiveness in catalyzing private investment and job growth, spurring U.S. technological innovation, and diversifying our nation's energy mix. In light of the critical role these incentives and others have played in fostering U.S. economic growth, now is not the time to let them lapse, even temporarily. We believe it is important these critical tax provisions be part of any year-end tax legislation.

Sincerely,

John F. Kerry, Sheldon Whitehouse, Barbara Boxer, Jeff Bingaman, Maria Cantwell, Benjamin L. Cardin, Jeanne Shaheen, Robert Menendez, Bernard Sanders, Richard Blumenthal, Dianne Feinstein.

Mark Udall, Sherrod Brown, Ron Wyden, Daniel K. Akaka, Debbie Stabenow, Tim Johnson, Tom Udall, Jeff Merkley, Michael F. Bennet, Mark Begich, Amy Klobuchar.

Jack Reed, Patrick J. Leahy, Al Franken, Joseph I. Lieberman, Tom Harkin, Christopher A. Coons, Frank R. Lautenberg, Barbara A. Mikulski, Kirsten E. Gillibrand, Carl Levin, Bill Nelson, Daniel K. Inouye.

Mrs. BOXER. I would yield back to our leader on this important block of time. I would yield my time back to Senator SANDERS. We are determined to get this done right for the American people.

Mr. SANDERS. I thank Senator BOXER very much, not only for her words but for her leadership on the Environment and Public Works Committee.

I wish to reiterate a very important point Senator BOXER made. She reminds us of great moments in the history of this country. This country, with great difficulty but persistence, built a railroad ahead of the rest of the world that went from the east coast to the west coast. It was not easy. This country led the world in putting a man on the Moon. It was not easy, at great expense, difficulties, but we did it. Does anybody not think this country can lead the world in transforming our energy system away from polluting fossil fuels to energy efficiency, to sustainable energies such as wind, solar, geothermal, biomass, other technologies? Can we not lead the world in making our own country more energy efficient, making our air cleaner but also in creating large numbers of jobs as we weatherize our buildings, as we build the solar panels we need to build the wind turbines, as we put more engineers and scientists to work to help us in this energy transformation.

I wish to pick up on a point Senator WHITEHOUSE made a moment ago, which is that while we talk about energy transformation, while we all understand that over a period of years, the oil industry, for example, has received billions and billions of dollars of permanent tax breaks, what we are fighting for right now is to see that the 1603 renewable energy grant program is renewed. As Senator WHITEHOUSE indicated, 1603 allows renewable energy developers to get a grant instead of a tax credit. Since 2009, when this program was enacted, it has leveraged nearly $23 billion in private investment supporting 22,000 projects in all 50 States and supported approximately 290,000 jobs, according to the National Renewable Energy Lab. Since 1603 was enacted, solar jobs doubled to more than 100,000 jobs.

We have to make sure that before Congress adjourns for the Christmas holidays, we renew 1603. It is enormously important for the renewable energy industry, enormously important for jobs in our country.

With that, I would yield the floor to Senator WHITEHOUSE.

Mr. WHITEHOUSE. I thank Senator SANDERS. Senator CARDIN has arrived so I will hand off to him in a moment. But to the Senator's point about the imbalance between support for the fossil fuel energy industry and the renewable energy industry; the first being one that hurts our national security, pollutes our air and costs a fortune and

is phasing out and the second being one that is growing, that is clean, and that is the way of the future.

According to the Environmental Law Institute, the U.S. invested almost six times more in subsidies for fossil fuel from 2002 to 2008 than we did in renewable energy. So by a factor of six times, we have our thumb on the scales supporting the old dirty industry against the new, rather than supporting the new the way our international competitors are doing.

I ask unanimous consent that a response from Secretary Chu to a letter Senator SANDERS and I and other Senators wrote to him about the status of and success of our clean energy investments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, November 16, 2011.

Hon. BERNARD SANDERS, Hon. JEFF BINGAMAN, Hon. DEBBIE STABENOW, Hon. SHERROD BROWN, Hon. JOSEPH I. LIEBERMAN, Hon. CHRISTOPHER COONS, Hon. SHELDON WHITEHOUSE, Hon. RICHARD BLUMENTHAL, Hon. JON TESTER, Hon. PATTY MURRAY, Hon. MARK UDALL, Hon. PATRICK LEAHY, Hon. TOM UDALL, Hon. JOHN KERRY, Hon. CARL LEVIN, Hon. ROBERT P. CASEY, Jr., Hon. TIM JOHNSON, Hon. MICHAEL F. BENNET, Hon. JACK REED, Hon. DANIEL AKAKA, Hon. JEFF MERKLEY, Hon. KIRSTEN E. GILLIBRAND,
U.S. Senate, Washington, DC.

DEAR SENATORS: Thank you for your October 5, 2011 letter requesting an update on United States investment in clean energy technology and job creation. I strongly agree that the United States faces a critical decision point in our Nation's energy future if we hope to compete in and win the global clean energy economy. As President Obama has said, ''The country that leads the clean energy economy will lead the 21st century global economy.''

The annual global clean energy market is estimated to be worth more than $211 billion, up 32 percent from 2009. The global market for solar photovoltaic systems alone represents an $80 billion market this year. It is estimated that the global renewable energy market will grow to $460 billion by 2030, with a cumulative investment from 2010 to 2030 of approximately $7 trillion in new capital. This increased market is being driven by increased global demand and technological advances that are rapidly making renewable energy cost competitive with fossil energy.

The economic stakes are high. However, we are currently at risk of falling behind our global competitors who are seizing the opportunity by investing more heavily and establishing market policies that give them a strategic advantage. The United States currently ranks first in only one of the top ten clean energy benchmarks. Thanks to our world-class universities and national labs, we still hold an edge in technology innovation, but we are falling further and further behind in key areas such as manufacturing competitiveness and exports. Countries like China are moving forward with large investments.

There are some who say that we cannot compete with China. I respectfully disagree. However, time is of the essence. I would like to work with you to establish a comprehensive energy policy that targets all aspects of the energy value chain—innovation, manufacturing, deployment, financing, and markets—to provide the certainty American businesses and entrepreneurs need to compete with their global counterparts. Without a comprehensive, long-term energy policy framework focused on this full energy value chain, American business will continue to move capital and jobs overseas to take advantage of more business friendly policies.

The questions you have posed in your letter are very important to understand America's current position in the clean energy economy, including where we have been successful and where we need to improve. While these questions are very complex, I have attempted to succinctly answer each of them as directly as possible. I also have included additional background information related to each question you raise to provide a fuller understanding of our domestic clean energy landscape.

I know that you care deeply about these issues and that you understand the opportunity presented by the growing demand for clean energy technologies. There is a growing debate in Congress on issues relating to the clean energy innovation chain and the steps we can take to position America to win the clean energy technology race. I want to make sure you know that I am personally available, along with my senior staff and the full resources of the Department to assist you in gathering information and in providing technical assistance on these issues. I am fortunate to have a thoughtful team of professionals who wrestle with these issues every day, and I would be happy to make them available to you.

Thank you for the opportunity to respond and for your commitment to America's energy future. I look forward to working with you and your colleagues to help recapture our leadership role in clean energy by establishing smart policies to win the clean energy technology race.

Sincerely,

STEVEN CHU.

QUESTIONS AND ANSWERS

1. How have the investments that the United States has made over the last several years contributed to the growth in energy efficiency deployment and renewable energy generation, and what projections can you share for the near future?

Jobs: The clean energy sector directly employs nearly 1.6 million people in the U.S. The Recovery Act alone has already saved or created over 225,000 clean energy jobs and is estimated to add an additional 800,000 jobs by the end of 2012. As of August 2011, the U.S. had created over 100,000 solar-focused jobs and at least 75,000 jobs related to wind installation in 2010.

Renewable Energy: Through investments in clean energy, the United States is on track to double U.S. renewable energy generation in four years (from 71 TWh in 2008 to 178 TWh in 2012). For example, the highly leveraged 1603 grant in lieu of tax credit program has led to the deployment of more than 5,000 renewable energy projects across the country. These projects have enough capacity to power more than one million homes.

Energy Efficiency: Over the last two years, the Department of Energy's Weatherization Assistance Program has helped more than 750,000 low-income households save on average more than $430 per year on their energy bills. The program has supported over 14,000 jobs across the country and thousands of additional jobs throughout the supply chain. Residential efficiency standards are currently saving consumers about $25 billion per year in energy costs—a savings of approximately $250/year per household. A recent analysis estimates that appliance standards have created an industry supporting 340,000 jobs, with expected growth to 380,000 jobs by 2030.

Transportation: Three years ago, American businesses accounted for only two percent of the market for advanced batteries. We are now on track to establish annual production capacity for 500,000 plug-in hybrid electric vehicles, helping support a projected total of 1 million electric vehicles on the road by 2015. New fuel economy standards will save American families an average of more than $8,000 at-the-pump for cars in 2025 compared to those in 2010. These improvements will reduce America's dependence on oil by an estimated 12 billion barrels, and, by 2025, reduce oil consumption by 2.2 million barrels per day—enough to offset almost a quarter of the current level of our foreign oil imports.

Near-Future Projections: All the trends suggest that the cost of electricity from solar and onshore wind is either already or will soon be cost competitive without subsidies with electricity from natural gas in many parts of the country. This will result in sharp increases in renewable energy deployment. Between 2010–2030, estimates suggest a 7.9 million cumulative net job-years of direct and indirect employment to be created as a result of this electricity supply forecast. The renewable energy and energy efficiency sectors are estimated to see a 6.4 million net job-years increase (an 80 percent share of total increase) during this period, with the rest of the increase mostly coming from natural gas.

2. In particular, how is clean technology playing a role in rebuilding our manufacturing base, and creating jobs in construction and manufacturing supply chains?

Roughly 26 percent of all clean energy jobs lie in manufacturing. On average, clean energy manufacturing exports represent roughly twice the value of traditional exports on a per job basis ($20,000 versus $10,000). Between 2003 and 2010, technology manufacturing produced explosive annual job growth rates (e.g. 18.4 percent for solar thermal, 14.7 percent for wind, 10.7 percent for solar photovoltaics, etc.).

3. How do our policies and investments in clean technology compare to foreign competitors, how would proposed reductions in clean energy research and development funding impact American competitiveness, and do American manufacturers have a level playing field?

The table gives a global score card for clean energy investments. The U.S. has fallen behind China and other nations in total clean energy investments. Venture capital investments are largely focused on technology innovation, and the U.S. is the overwhelming leader. However, technology innovation is a lagging indicator of prior investments in science and engineering R&D, the majority of which is government sponsored. In 2008, the U.S. invested only 0.03 percent of its GDP on public energy R&D, which ranks behind China, Japan, and Canada and is tied with S. Korea. Finally, U.S. public energy R&D investments have declined by a factor of four since the late 1970s. While the U.S. is currently the leader in technology innovation, increases in Chinese investments in energy R&D suggests that U.S. leadership in the future is not guaranteed.

Categories (Year)	Top Rank	Number for Top Rank	US Ranking	US Numbers
Total Clean Energy investments (2010)	China	$54.48	3	$34B
Clean Energy Investments as Fraction of National GDP (2010)	Germany	1.40%	9	0.23%
Five Year Growth Rates in Clean Energy (2010)	Turkey	190%	11	61%
Venture Capital Financing (2010)	USA	$6B	1	$6B
Public R&D Investment as a fraction of GDP (2008)	China	0.11%	5	0.03%

In relation to China alone, the U.S. leads China in only 1 of the 6 key clean energy investment indicators. In particular, China is outpacing the U.S. by over 2 to 1 in clean energy asset financing, which typically produces the largest number of jobs.

Chinese trade practices are also having a significant impact on the ability of U.S. clean energy manufacturers to compete in the global marketplace.

4. How do current incentives for renewable energy compare to support for other energy technologies when those technologies were first emerging?

The success of fuels and technologies in the energy market depend on a wide range of factors, one being subsidies. The Environmental Law Institute found that between 2002 and 2009, fossil fuels received more than double the amount of subsidies (approximately $70 billion) than renewable fuels ($29 billion) over the same period. Moreover, their report suggests the most significant portion of the fossil fuel subsidies are in the form of Foreign Tax Credits, indirectly supporting the overseas production of oil.

Over the longer term, another report suggests that the historical average of annual energy subsidies is roughly $4.86 billion for oil and gas (1918–2009), $3.5 billion for nuclear (1947–1999), $1.08 billion for biofuels (1980–2009) and $0.37 billion for renewables (1994–2009). Accordingly, for the first 15 years since the birth of each technology, non-hydro renewables for electricity generation seem to have received lower subsidies in equivalent dollars than the other technologies.

In energy R&D alone, federal spending since 1978 on fossil fuel and nuclear energy sources has significantly outpaced spending on energy efficiency and renewable energy: nuclear energy (37 percent); fossil energy (26 percent); renewable energy (16 percent); energy efficiency (14 percent).

5. What is the potential for continued growth in energy efficiency deployment and renewable energy supply, and job creation in these sectors, over the next 10 years and beyond?

The current world market for renewable energy is projected to grow from approximately $195 billion in 2010 to approximately $395 billion in 2020 and $460 billion by 2030. The cumulative investment from 2010 to 2030 will be approximately $7 trillion in new capital. The potential growth for energy efficiency is also significant. McKinsey and Company estimates that the U.S. economy has the potential to reduce annual non-transportation energy consumption by roughly 23 percent by 2020, eliminating more than $1.2 trillion in energy waste. This would also result in the abatement of 1.1 gigatons of greenhouse-gas emissions annually—the equivalent of taking the entire U.S. fleet of passenger vehicles and light trucks off the roads for one year. The Center for American Progress estimates that retrofitting just 40 percent of the residential and commercial building stock in the United States would:

—Create 625,000 sustained full-time jobs over a decade;

—Spark $500 billion in new investments to upgrade 50 million homes and office building;

—Generate as much as $64 billion a year in cost savings for U.S. ratepayers, freeing consumers to spend their money in more productive ways.

FACT SHEET

The U.S. imports roughly 50 percent of the oil we use, much of it from countries that are not always friendly to the U.S., and we pay an estimated $1 billion per day. Our economy and our people are vulnerable to fluctuations and steady rise in global oil prices, and we do not have much control over them. We are more dependent on foreign oil today than we were at the time of the first ''energy crisis'' nearly 40 years ago.

We urgently need to develop alternatives for transportation energy that are based on domestic, clean and sustainable resources. The U.S. invented the lithium ion battery that is used in plug-in hybrid cars, and in 2009 it had only about 2 percent of the world's manufacturing volume. We need to innovate to regain our lead; otherwise we will become importers of batteries instead of oil.

Between 2003 and 2010, the technology-focused ''cleantech'' sector produced explosive job gains in the U.S. and the clean economy has outperformed the overall nation's economy. Roughly 26 percent of all clean energy jobs lie in manufacturing, compared to just 9 percent in the broader economy. On average, clean energy manufacturing exports represent roughly twice the value of traditional exports, on a per job basis ($20,000 versus $10,000). The renewable energy sector is estimated to see a 5.7 million net job-years increase (a 72 percent increase) between 2010–2030, with the rest of the increase mostly coming from natural gas (1.6 million job-years). This is a fast-growing sector to create new jobs in the U.S.

The cost of renewable energy has fallen dramatically (solar over 70 percent in the last three years) and these costs will continue to decline. Renewable energy costs are competitive with conventional energy costs in many parts of the world and will be in the U.S. within several years. Therefore, the current world market for renewable energy grew 30 percent between 2009 and 2010, and is projected to grow from approximately $200 billion in 2010, to approximately $400 billion in 2020 and $460 billion by 2030. The cumulative investment from 2010 to 2030 will be approximately $7 trillion in new capital. Other nations are positioning themselves to avail of this massive opportunity because this will create new domestic jobs.

The U.S. invented the modern solar cell, and had more than 40 percent of the global manufacturing volume in 1995. Today, it has about 7 percent of the manufacturing volume. This is a rapidly growing industry, and we are falling behind.

The global competition for clean energy jobs is fierce. China ranks first among all nations in overall investment, clean energy asset financing, and the use of public markets to invest in clean energy. The United States currently ranks first in only one of the top 10 clean energy benchmarks—3rd in overall investments, and 9th when it comes to investment as a percentage of GDP. Trends in 5-year investment growth rates in clean energy show that U.S. does not appear among the top 10 countries.

America faces a choice about what to do with the opportunity presented by the global clean energy race. We can compete in the global marketplace—creating American jobs and selling American products—or we can buy the technologies of tomorrow from abroad. I believe all Americans would agree that the U.S. should compete to win the future.

How can we win the future? We must leverage our Nation's strengths and core competencies to simultaneously address the five components of our energy value chain—innovation, manufacturing, deployment, finance and markets.

1. We have the world's best and most innovative universities, national labs and small businesses in clean technologies. We must double down with smart and sustained investments in R&D to unleash our unique capacity to innovate clean energy technologies.

2. We must provide long-term predictable support for American entrepreneurs and businesses so that they can catalyze private sector investments to translate these innovations into manufacturing and jobs. This will enable these technologies to become globally competitive, affordable worldwide, and to be sold without subsidies.

3. American entrepreneurs and businesses need access to low-cost, long-term, and large-scale capital if they are to be globally competitive. We have the world's largest capital markets. We must find ways to leverage this strength by unlocking this capital to finance clean energy investments for both manufacturing and deployment.

4. Finally, innovation, manufacturing and deployment occur only if there is a demand for these technologies here in the U.S. Just like the new fuel efficiency standards are creating a market for domestic innovations in transportation, policies such as the Clean Energy Standard can create demand for clean electricity from renewables, nuclear and clean fossil fuels produced in the United States, and provide certainty for American entrepreneurs.

The stakes are too high to wave the white flag and surrender. It is a fight we can and must win.

Mr. WHITEHOUSE. I yield to Senator CARDIN.

Mr. CARDIN. Let me thank my colleague for yielding. I wish to thank Senator SANDERS, Senator WHITEHOUSE, and Senator BOXER, who were on the floor on this issue.

I just wish to underscore the point that was just made about having a level playing field, where we have tilted the scales in favor of fossil fuels over renewables. My colleagues have already talked about the direct difference in our subsidies. I would like to add an additional element; that is, when you look at the subsidies we give to the fossil fuel industries, they are permanent. They are in the Tax Code. They do not go through the annual exercise of an extender.

What does that mean? That means the lack of predictability in sustainable energy means there is a higher cost for investment. It tilts the scale in favor of oil and gas, rather than on sustainable, renewable energy sources. I would just mention three. The Congressional Research Service did a report on this, just three of the provisions that benefit the oil industry: the excess of

percentage over cost depletion, the expensing of exploration and development costs, and the amortization of geological and geophysical expenditures. Just those three provisions that are permanent in our Tax Code, between 2010 and 2014, will cost the taxpayers over $10 billion.

We are subsidizing the oil industry, and we should not be doing that. We should be encouraging a transformation to sustainable energy issues as my colleagues have pointed out for the purposes of national security. It is good for our environment and it is good for jobs. This is about jobs. That is why we cannot go home until we have extended the tax provisions, particularly 1603 but others of the energy-related, sustainable energy provisions.

I wish to talk for one moment, if I might, about the production tax credit we need to extend because I want to talk about one specific project in Maryland, on a brownfields site that we are dealing with that relates to energy. Some might say: OK. That does not expire until 2013. But here is the problem. You have to have it in production by that date. Our waste-to-energy projects—it is not going to be in production by that date. So if we do not extend it this month, the project will be at a standstill in Baltimore.

There are 1,900 jobs at stake—1,900 jobs are at stake on just that one project which, by the way, helps our environment, helps our energy, and also helps our economy. That is why it is critically important that before we leave, we extend these sustainable energy tax credits, so we can get the investment.

Quite frankly, I would like to see us make some of these permanent. We make them permanent, we get predictability. We get predictability, it is less cost, it encourages more activity in this area. That is what we should be about, creating jobs for our country. The wind energy credit alone would allow us to create another 54,000 jobs. So this is about job growth for America. It is about our energy security, and it is about a cleaner environment. It is about America's future.

That is why we have taken the time to point out to the American people that Congress needs to make sure it is active on these areas before we adjourn for the year. We owe that to the people of this country.

With that, I will yield to my friend from Vermont.

Mr. SANDERS. Mr. President, I wanted to thank the Senator from Maryland not only for his important remarks now but for, year after year, the strong work he is doing in trying to create jobs in America in sustainable energy.

I would like to yield to the Senator from Rhode Island for his thoughts.

Mr. WHITEHOUSE. I thank Senator SANDERS. I wish to go back to this question of the jobs and the economic value we get from clean energy. The Department of Energy reports that the clean energy sector alone directly employs nearly 1.6 million people in the United States. So nearly 1.6 million families are depending on the paychecks they get from the clean energy sector.

Within that, it is growing. The United States has created over 100,000 solar-focused jobs—100,000 solar-focused jobs—and at least 75,000 jobs related to wind energy installation in 2010. In Rhode Island, we are seeing that coming on. The newspaper today, the Providence Journal, reported on a permit application for the cable that will connect an offshore wind facility that is going in off Block Island back to the grid onshore to bring the power from that installation back and into the New England energy grid.

But when it gets going, think of the jobs that are going to be involved in that. Senator REED and I worked very hard to shore up—get money to shore up the waterside, the side of the pier at Quonset so it would be capable of dealing with very heavy-duty installation barges and things such as that.

So the Quonset Point facility is now ready for this construction. We have the trains and new highways that bring in the pieces of those big turbines. The turbines are so big you cannot build them in China, in Europe. We have to assemble them onshore and put them right on the barge. So the assembly of them will take place in Rhode Island, right at Quonset, and that will mean a lot of jobs.

Then we have to barge them out and we have the barge operators and the barge captains and the tugs. Then we sink the base, and we have to have divers and builders and people who are experts in that kind of marine construction.

Then we put them up. We have to operate them. We have to maintain them. What they do is they contribute clean energy to the grid. They are a constant supply because of the wind over the Atlantic being such a powerful resource, and it is kind of a win-win situation. So we see the need to get behind this in an immediate way in Rhode Island.

It would be one of the great tragedies if we let the Chinese and the Belgians and the French and the Dutch and whoever else get ahead of us in this competition. We do not need to. It is wrong. We are taking ourselves out of a race we should be winning when we do that. I commend Senator SANDERS for his effort to bring us together to continue to make this point. There are jobs here. There is an energy industry that is going to lead the economy of the next decades of this world, and we want America to be at the front of it and not to have sand thrown in our gears by the dirty, polluting energy industry that is on its way out as its last contribution to the damage it is now doing to our economy and to our environment.

Mr. SANDERS. I wish to thank my friend from Rhode Island for his remarks and for his extraordinary effort in fighting for jobs and protecting our environment.

If we read some headlines today in the media, we might think, especially the rightwing media, that renewable energy in America is on the verge of collapse. Quite literally—this is quite literally the case. A recent headline from FOX News said: ''Entire solar industry on brink of collapse.''

The reality is quite the contrary. The fact is, not only is the solar industry not on the verge of collapse, the reality is the American solar energy industry is thriving, as is the renewable energy industry more broadly. We have doubled the number of solar jobs in America since 2009. It does not sound to me like that industry is collapsing. It sounds to me like it is doing extraordinarily well.

Today, more than 100,000 Americans work in the solar industry, at more than 5,000 companies in every single State in our country, and that includes manufacturing, installation, and supply chain jobs.

Mr. President, last year we installed nearly 1,000 megawatts of solar power in the United States—more than double the amount installed in 2009. That doesn't sound like an industry that is collapsing to me. With the solar industry growing at a rate of 69 percent annually, it is one of America's fastest growing industries and is creating jobs all over our country. The cost of solar panels has fallen 30 percent over just the last 2 years, continuing a long-term decline in the price of solar and making it more and more competitive with other energy technology.

(Mrs. HAGAN assumed the Chair.)

Madam President, everyone, from Walmart to the U.S. Marine Corps, is looking toward a future in solar. Walmart is installing solar panels at 130 stores in California, and they say:

> Walmart has reduced energy expenses by more than a million dollars through our solar program.

The military—the U.S. Department of Defense—is using solar energy with battery storage to fully power forward operating bases in Afghanistan.

Marine COL Bob Charette said:

> For the Marines, renewable energy is about saving lives by reducing the number of dangerous fuel convoys needed for resupply.

The reason I am making these points is that many people don't know the extent to which we are already making progress in sustainable energy. We are on the verge of something extraordinary. But it is important to understand where we are today and to refute those people who suggest that solar and wind are not the technologies for the future.

In terms of wind, that technology is growing rapidly. Texas alone has more than 10,000 megawatts of wind energy installed. That is equal in capacity to 10 nuclear powerplants—in Texas alone. Iowa now gets 20 percent of its electricity from wind. There are 75,000 wind energy jobs in America today and more than 400 manufacturing facilities

in 43 States. The price of wind energy has dropped by 90 percent since 1980, and wind electricity today is competitive with fossil fuels at 5 to 6 cents per kilowatt hour. At the same time, we are increasing American manufacturing of wind turbines, and now 60 percent of turbine components installed in the United States are made in America, up from 25 percent in 2005.

In the midst of this horrendous and painful recession, the story of renewable energy in the United States is actually a rare good news story. It is a good news story. Renewable energy is helping to cut pollution and greenhouse gas emissions, it is making our country more energy independent, and it is creating hundreds of thousands of jobs.

But all of this could be significantly slowed down if we do not continue Federal support for the renewable energy industries at a fraction of the kind of support we are giving to fossil fuels. It is absurd that we even have to fight to extend renewable tax credits and grants when fossil fuel industries enjoy permanent subsidies. Mature industries, such as oil and gas, continue to reap billions every year in Federal subsidies and massive tax breaks that never expire, despite the fact that the top five oil companies earned nearly $1 trillion in profits over the last 10 years. So here we are struggling to help wind and solar—new technologies—and we are giving massive tax breaks to mature industries that are incredibly profitable.

Contrast what we do for renewable energy to what we do with fossil fuel and specifically with regard to the production tax credit for wind energy, which was allowed to lapse three times in recent years—1999, 2001, and 2003—leading to an average dropoff of 81 percent in new wind energy installation each time the credit expired. The wind credit is set to expire again in 2012.

The point here is the one Senator CARDIN made a moment ago. Unless there is predictability, unless the industry knows these tax credits will be there, they are not going to start investing or working on new projects only to have the rug pulled out from underneath them. They need stability and predictability, which is why we have to move not only to extending these tax credits but to making them permanent.

I also want to say a word about the Keystone XL Pipeline, and that is to say there are some in the House and some in the Senate who want to use year-end legislation to tack on a rider that says to the State Department: You have to approve the Keystone XL Pipeline within 60 days.

Let's be clear about what we are talking about in terms of the Keystone XL Pipeline. What we are talking about is a 1,700-mile oil pipeline from Canada to the gulf coast that would carry tar sands oil. Tar sands oil is not like regular oil. It requires an energy-intensive process to get it out of the ground, extract it, and, in fact, to refine it. That means it emits approximately 82 percent more carbon emissions when produced compared to regular oil, according to the EPA.

Tar sands oil is also hard to clean up when it spills. Refining tar sands also produces more toxic air pollution compared to conventional oil. A tar sands spill in the Kalamazoo River in Michigan that happened in 2010 is still being cleaned up, at a cost now exceeding $700 million.

In my view, the last thing we need is to eliminate the environmental and safety reviews now taking place and fast-track approval of this pipeline.

I also note to my colleagues who want to fast-track Keystone XL that I, along with several other Senators and Congressmen, asked the State Department inspector general to look into allegations of conflicts of interest in the preparation of the environmental impact study of Keystone XL. The contractor the State Department used for the impact study, Cardno Entrix, has financial ties to the project developer, TransCanada. Those ties need to be investigated to ensure that the Federal environmental and safety reviews were done correctly and without bias. That inspector general special review is under way right now. I think it is completely inappropriate to try to fast-track this pipeline when we have not even heard back from the inspector general about potential conflicts of interest. I urge my colleagues to allow that special review to play out before any decisions are made.

I will conclude my remarks this morning by thanking my colleagues for joining me—Senators WHITEHOUSE, BOXER, and CARDIN—who speak for many other Members of Congress and I think who speak for tens of millions of Americans, who see an energy future in this country in which we break our dependence on foreign oil, in which we no longer spend over $300 billion a year for oil from Saudi Arabia and other foreign countries; who see a future in this country where we move toward energy independence; who see a future in this country where the United States is a leader in reversing global warming by not only cutting greenhouse gas emissions in America but providing technology and expertise for countries all over the world, for them to do the same; and also understand that, as we move to energy efficiency—and I have to tell you that in Vermont we are leading the country in energy efficiency. What we are seeing as we weatherize homes is fuel bills going down for the middle-class, working-class people by 30, 40, 50 percent. We are investing in weatherization, and the payback is pretty good. It takes place over a very few years, when you cut fuel prices 30 to 50 percent.

In Vermont, we are probably doing as well as any other State in that area, but we can and will do a lot better. Tens of thousands of homes in our State can be weatherized. When we do that, we not only cut greenhouse gas emissions, we not only reduce the need to import foreign oil, we also create jobs. We create jobs for those people who are producing the insulation, the new doors, the windows, and the new roofing that makes homes and buildings more energy efficient.

Furthermore, in our State and around the country, we are seeing, as I indicated a moment ago, significant progress in moving to sustainable energy—the solar industry, growing very rapidly; wind energy, growing very rapidly; other technologies, growing very rapidly. As a nation, we should be proud of the change that is taking place. But understand that we have a long way to go to be the kind of energy efficient and sustainable energy Nation we know we can become and to help lead the world in a new energy direction.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10

The PRESIDING OFFICER. Under the previous order, the Judiciary Committee is discharged from further consideration of S.J. Res. 10 and S.J. Res. 24, and the Senate will proceed to the consideration of the resolutions en bloc, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 24) proposing an amendment to the Constitution relative to requiring a balanced budget.

A joint resolution (S.J. Res. 10) proposing an amendment to the Constitution of the United States relative to balancing the budget.

The PRESIDING OFFICER. Under the previous order, there will be 8 hours of debate on the resolutions, equally divided and controlled between the two leaders or their designees.

Under the previous order, the title of the joint resolutions is amended.

The amendments (Nos. 1459 and 1460) are as follows:

AMENDMENT NO. 1459

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

AMENDMENT NO. 1460

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

RECESS

Mr. DURBIN. Madam President, I ask unanimous consent to recess under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24—Continued

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10—Continued

The PRESIDING OFFICER (Mr. WEBB). The Senator from Vermont.

Mr. LEAHY. Mr. President, it occurs to me that all Senators swear an oath to support and defend the Constitution of the United States. I carry a copy around with me. It is our duty. It is our responsibility. But the pending amendments to the Constitution that are on the floor of the Senate threaten the constitutional principles that have sustained our democracy for more than 200 years.

In addressing the Nation's debt and deficit, what is lacking are not phrases in our Constitution. What is lacking is the seriousness within today's Congress to act, and the willingness in Congress to cooperate in forgoing solutions that meet the real needs of our country and its people. These are human failures, not the failure of our constitutional framework. Nor are these failures insoluble or inherent. We balanced the budget and even created budget surpluses less than two decades ago.

Now we are being asked to put the problem once again under the pillow for another day—this radical partisan proposal would be out of place in our national charter.

Never in our history have we amended the Constitution—the work of our Founders—to impose budgetary restrictions that require supermajorities for passing legislation. Yet now it seems every Member on the other side of the aisle has joined to put forth a radical proposal to burden our Constitution with both of these kinds of strictures.

The Hatch-McConnell proposal is different in kind than any other amendment to our Constitution. It is not consistent with the design of our founding document or the stance taken by our Founding Fathers.

It is a bad idea to write fiscal policy into our Nation's most fundamental charter. It is simply unnecessary. We do not need a balanced budget amendment to balance a budget. A vote for this amendment does absolutely nothing to get our fiscal house in order. Congress can work to continue our economic recovery. We can pass the appropriate legislation that leads to a Federal balanced budget, just as we did in the early 1990s.

I remember that very well because I was here. I remember, in this body, not a single Republican voted to balance the budget. It took the Democrats in the Senate and the Vice President of the United States to pass that balanced budget. Not a single Republican voted for a balanced budget in the House. They gave a lot of speeches on the floor that if we passed that balanced budget amendment, everything would come to a screeching halt. Actually, what happened was we passed it, and President Clinton was able to leave his successor a huge surplus.

With a growing economy, with what we did by votes in the House and the Senate—not by a constitutional amendment—we were able to create significant budget surpluses and pay down the debt until those surpluses were squandered. We have done it before. We can do it again. We need only work together to make the tough decisions, not to pass something that is a feel-good, bumper-sticker kind of item which kicks the can down the road and binds future Congresses to a fiscal proposal that is fundamentally unsound and the consequences of which are not understood.

The Republican proposal in the Senate is significantly more radical than the version the House of Representatives rejected in a bipartisan vote last month. In fact, the Hatch-McConnell constitutional amendment is the most extreme of all the pending proposals. The proposal, by its terms, will neither balance the budget nor pay down the Nation's debt, something everybody says they want. Instead, at a time of partisan brinksmanship that has led to the first-ever downgrading of our country's credit rating this summer and when ideological gridlock is the Republicans' operating principle, it would require supermajorities to pass legislation for the first time in our Nation's history. It would require a supermajority to raise the debt ceiling in times of economic crisis. Did we learn nothing from the disaster we went through last summer, which should have been a routine lifting of the debt ceiling and became a political free-for-all for weeks and months, cost the American taxpayers billions of dollars and caused people to lose their retirement money in the stock market? Do we want to do that again? I hope the Senate rejects this proposal.

Two weeks ago, the Judiciary Committee's Subcommittee on the Constitution held a hearing to examine the Hatch-McConnell proposal. All those witnesses, including those who were invited by the measure's cosponsors, presented thoughtful critiques of this extreme proposal and voiced serious concerns about its wording. Even Republican cosponsors discussed possible changes to the language in order to better achieve their goals. This is not the proposal that Senator HATCH previously favored. This is one of more than two dozen pending versions. In fact, we were not told which of the many versions of the proposal would be pending until yesterday. This proposal has not been considered by the Constitution Subcommittee or the Judiciary Committee. The House of Representatives has already voted down a less-extreme version of this proposal by a bipartisan majority. Yet here is the Senate of the United States, being forced to vote on some proposal for a constitutional amendment without doing any of the hard work or the votes that are expected to accompany an amendment to America's Constitution. This is no way for the Senate to proceed on a proposed constitutional amendment. This is not some feel-good resolution. We are talking about amending America's charter.

The Hatch-McConnell proposal contains many problematic provisions and it leaves many significant questions unanswered. Section 10 of this proposal relies on estimates for outlays and receipts. We know that economists' estimates and recommendations do not always agree. So what do these proposed constitutional provisions really mean? We know that estimates are not static but ever changing. What if during the course of a fiscal year, there was a natural disaster, a terrorist attack, or a shift in the economy? What then? What if estimates were recalculated or revised, as employment statistics are every month? Would that make every penny expended by the Government over a revised estimate unconstitutional? Would that mean we could not help disaster victims or could not respond to a terrorist attack?

Another provision would limit total outlays for each fiscal year to 18 percent not 16, not 20, not 17.9 of the previous year's Gross Domestic Product (GDP). But who is to decide what the ''GDP'' was for a particular time period? What is to be included and what is not? How often do those estimates and artificial constructs get revised? Since when do economic surveys and shifting estimates belong in the Constitution? And what policy decision justifies the constitutional permanence of the number 18? I note that not even the budget proposed this year by Representative RYAN and the House Republicans, with all its draconian cuts and the end of Medicare as we know it, would satisfy this arbitrary 18 percent of GDP limit. None of the budgets proposed by or passed under President Reagan, not one, would have satisfied this proposal. At the end of the Bush

administration we survived the worst economic downturn since the Great Depression and are now in economic recovery. This is not the time to enact such a measure which would take us in the wrong direction. We cannot ''cut'' our way to a balanced budget without imposing great suffering. It would tank the economy rather than aid our continuing recovery.

Besides its arbitrary nature, limiting outlays to 18 percent of the previous year's GDP would leave Congress unable to respond swiftly and effectively to economic downturns and natural disasters. The Hatch-McConnell proposal would require a two-thirds supermajority to spend in excess of 18 percent of the previous year's GDP for a specific purpose. Filibusters and requirements for supermajorities have become routine to the detriment of the American people. They have stymied congressional action on behalf of the American people. This proposal would give a minority in Congress even more power to hold the country and our economy hostage. Have we not seen what that can mean? Have the lessons of the last year been lost on the Senate?

The Hatch-McConnell proposal would make permanent bad policy choices. Section 4 is a transparent attempt to enshrine tax breaks for millionaires and wealthy corporations by requiring a two-thirds supermajority to impose any new tax or even to close existing tax loopholes. We need a balanced approach to fix the deficit problem. And the wealthiest among us are those who least need a heavy hand on the scales in favor of their interests.

Let's look at what has happened. We have fought two unfunded wars. It is the first time in our history that we not only did not pass a tax to pay for a war we are in but actually passed a tax cut and borrowed money to pay for these wars. We squandered the surpluses the last administration inherited, ran up deficits and the national debt.

I would remind everybody, we can achieve a balanced budget. We have done it before. Working with President Clinton, Democrats in Congress voted for a balanced budget. But I don't want to hear lectures from the other side, when every single Republican voted no the last time we had a successful balanced budget. Our strong economy in the Clinton years led to budget surpluses. If we are serious about reducing the deficit and paying down our debt, we need to get to work improving our economy, getting Americans back to work, and continuing to recover from the worst economic conditions since the Great Depression.

One of the most glaring problems with this proposal is it provides no clear enforcement mechanism or standards for enforcement. Section 8 of the Hatch-McConnell proposal expressly prohibits courts from increasing revenues to enforce the amendment, but remains silent on judicial enforcement of the amendment by cutting spending. This proposal assumes our Federal courts are equipped to enforce this amendment. Do we want to say we will simply relinquish Congress's constitutional power of the purse to an unelected judiciary with no budget experience—something no Congress, Republican or Democratically controlled—has ever done before? Do we want judges deciding fiscal policy? Do we want judges to decide whether we cut Social Security or Medicare?

I recently asked Justice Scalia at a hearing before the Senate Judiciary Committee whether the Federal judiciary was equipped to handle such a task—the same task my friends on the other side of the aisle want the Federal judiciary to do. Do you know how he answered? He laughed. He indicated that budget issues and determining the allocation of resources is not the judiciary's proper role. Of course he is right, and I expect this is one area where all nine members of the Supreme Court would have answered the same. The proponents of this effort to transform courts into budget-cutting bodies are wrong. The Republican proposal does not even make clear who, if anyone, has standing to bring such challenges in court. None of these questions has been adequately debated or considered. Such a drastic change to the time-honored role of the judicial branch of our government should not be written into our Constitution presumptuously.

In addition to all these concerns, the American people need to understand what the real-world effect of such an amendment would be on their daily lives. In the Senate Judiciary Committee, we received alarming testimony from the president-elect of AARP, warning of the damaging effects such a constitutional amendment would have on Social Security, Medicare, and Medicaid. He testified that if such a constitutional amendment were in place today, the average Social Security benefit would be cut by 27 percent. Maybe that is what Members of this body want to do, cut Social Security by 27 percent. I do not. Do they want to balance the budget on the backs of hard-working, lower income, and elderly Americans by drastically cutting the safety net? I would say that is not the answer to our economic challenges, especially as we continue to give tax breaks to millionaires and continue to fight unfunded wars.

The notion of amending the Constitution to require a balanced budget is not new. The Senate rejected balanced budget amendments in 1995, 1996, and 1997. We proved after the Reagan and Bush administrations had tripled the national debt that we could through hard work and legislation, balance the budget. That is what Congress did in the late 1990s. We helped create hundreds of millions of dollars in surpluses that were paying down the national debt. Those surpluses were squandered by tax cuts for the wealthy and two unfunded wars. That is the cause of our budget imbalance.

We should not, for the first time in American history, amend the Constitution to set fiscal policy. It is a bad idea. It is even more irresponsible to consider doing so when we do not yet understand the full weight of the consequences of who is going to bear the burden.

I have never seen the solemn duty of protecting the Constitution treated in such a cavalier manner as it is today. I have heard many say they revere the Constitution. Let us show it the respect it deserves rather than treating it like a blog entry or a bumper-sticker slogan. Let us not be so vain in this body to think we know better than our Founders and better than the constitutional Framers who preserved our liberties for more than 200 years.

Our constitutional principles have served the test of time. They deserve protection. I will stand with the Constitution. I will stand with the Constitution of this country, and I will oppose this ill-conceived proposal to amend it.

I ask unanimous consent to have printed in the RECORD my full statement, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have the good fortune of serving with Senator LEAHY on the Senate Judiciary Committee. He is the chairman; I am the ranking Republican. In that capacity, we have jurisdiction over constitutional amendments. So I rise to support S.J. Res. 10, which is cosponsored by all 47 Republicans.

I am very pleased we are taking up a balanced budget amendment. The Senate has passed a balanced budget amendment in the past. More recently, it has come close to passing a balanced budget amendment.

I regret that this amendment has not become law. I believe that had the Constitution been amended to require a balanced budget, we would not be faced with the dire budgetary situation that is before us—a $1.5 trillion deficit for each of the last 2 or 3 years, and maybe as far as we can see into the future if we don't get things under control.

The balanced budget amendment before us is very straightforward. It provides that total outlays shall not exceed total receipts unless each House of Congress, by a two-thirds vote, agrees to do otherwise. It provides spending discipline. Total outlays cannot exceed 18 percent of gross domestic product unless two-thirds of both Houses of Congress vote to waive the cap. The President will be required to submit a balanced budget to the Congress.

To avoid balancing the budget by imposing tax burdens, new taxes or increases in total revenue can be imposed only by a two-thirds vote of both Houses, and the debt limit will be able to be raised only with concurrence of three-fifths of both Houses.

To provide a level of flexibility in wartime—and that would call for considerable flexibility because wars are

never predictable—the provisions on outlays and receipts, total outlays, and the debt limit can be overcome by less than the normal two-thirds vote by a three-fifths vote.

To minimize disruption, the amendment will not take place for 5 years.

Finally, the courts cannot enforce the balanced budget amendment by ordering a tax increase.

Reverence for the Constitution is a sentiment we all share. But the Constitution provides for an amendment process. When it is necessary, each generation has amended the Constitution when a guarantee of free speech or the abolition of slavery or giving women the right to vote required a constitutional amendment. No one has said reverence for the Constitution was the end of the matter.

We have reached that point of necessity with the balanced budget amendment. The Congressional Research Service reports—and I wish to quote a fairly long quote:

> The budget deficit each year from 2009 to 2011 has been the highest ever in dollar terms, and significantly higher as a share of GDP than at any time since World War II. Under current policies, the Federal debt is projected to grow more quickly than the GDP, leading observers to term it unsustainable.

That is the end of the quote from the CRS.

The very purpose of the Constitution, according to its preamble—and I know the preamble is not governing on anything we do or what the Supreme Court does, but it shows intention—the preamble was meant to extend the blessings of liberty to ourselves and our posterity—and I want to emphasize that word ''posterity.'' It is because the growth in the national debt is unsustainable, as I read from the Congressional Research Service, that our posterity may not receive the blessings that several generations of Americans so far have received. It is hard to imagine an amendment more in keeping with the goals of the Constitution than this one. Otherwise, runaway debt will expand exponentially. A permanent spiral can be created in which the debt feeds on itself. We are kind of in that spiral right now. Is it permanent? I sure hope not.

Take a look at Europe today, where we ought to learn lessons about the lack of fiscal soundness. Nations there risk default when they overspend, and they are in that position of almost default now. If we are not careful, our country, the United States, at some point will face the same crisis. It is frightening to contemplate, and particularly frightening as a threat to the blessings we ought to give to generations after us.

We hear from opponents that Congress can balance the budget now without a balanced budget amendment, but the fact is it cannot. For more than 40 years, Congress has been unable to summon the ability to balance the budget. Statutes that sought to provide a path to a balanced budget failed.

Let me speak here about a personal involvement I had when I was a Member of the other body, working with Senator Harry Flood Byrd of Virginia. The Byrd-Grassley amendment was adopted in either 1979 or 1980. It was a statute that was just a few words. It said Congress can't spend any more money than it takes in.

Do you know what happened? For several years after that until it was finally repealed in the early 1990s, Congress delayed it for a year at a time as part of the appropriations process. So statutes are not a good way of making this happen. Gramm-Rudman was probably a little more successful, at least once or twice, but it soon was repealed. By putting something in the Constitution requiring a balanced budget, it is going to discipline Congress in a way that statutes cannot provide discipline; in other words, a constitutional amendment will succeed where statutes have been proven to have failed based upon the examples I gave and other examples that can be given.

The only exception was when we had 3 years going into this century when a financial bubble provided windfall revenues. We all know about that. I believe it is $568 billion we paid down on the national debt for 4 fiscal years after a Republican Congress was elected in 1994.

Anyway, except for that, we have not been able to have very sound fiscal policy. Then because Congress has been unable to control spending, the budgets have been in deficit and the national debt has increased. The only way Congress will exercise the discipline to balance the budget is if the Constitution forces it to do so.

We can say this from some experience, particularly if you believe the States are the laboratories of our political process and of government policy, because 46 State constitutions require their budgets to be in balance. They meet that requirement. As Members of Congress, we do take an oath to adhere to and defend the Constitution. We take that oath seriously. If the balanced budget amendment became part of the Constitution, we would adhere to it or face the consequences from the voters.

This amendment wisely contains effective tax limitations as an integral part. I have favored a balanced budget with tax limitations for more than 20 years. For decades, Federal spending has far outpaced even the steady and sizable growth in taxes and revenues. Raising taxes does not produce surpluses. The historical fact is they spur more spending. For every additional dollar in taxes Congress has raised since World War II, it seems as though it has given us a license to spend about $1.13 for every $1 that has come in for additional taxes.

Don't take my word for that. A person who studied that for a long period of time, Professor Vedder, of Ohio University, has written about that. You will find his figures just about the same. I think he said on average since World War II, $1 coming into the Treasury was a license to spend $1.17 instead of the $1.13 I give here.

Raising taxes, then, would make balancing the budget harder, not easier. Bring a dollar in here, spend $1.13. You hardly get ahead. It seems we cannot ever reach an agreement of how high taxes have to be in this body to satisfy the appetite of Congress to spend money. That is not just a Democratic problem, that is a problem on both sides of the aisle here in Congress.

That brings us to this issue about a supermajority requirement for tax increases. A balanced budget amendment may well encourage tax increases, fueling greater spending and the continuation of additional debt and costs in servicing that debt. The failure to balance the budget is a fiscal issue of greatest importance.

But getting back to our obligations to posterity under our Constitution, it is also a moral issue. Maybe the moral aspects of it are more important than the economic aspects of it. Without a balanced budget amendment, our children and grandchildren will pay for this generation's chronic inability to live within its means. We live high on the hog and worry about our children and grandchildren paying for it.

In the absence of an amendment, the standard of living of future generations will likely decline. The fears of many Americans that the next generation will not live as well as this one are in many respects traceable to decades of fiscal irresponsibility on the part of Congress. This balanced budget amendment would mean a stronger economy. It would surely mean good government, as fiscal responsibility ought to be a part of good government. Obviously people are concerned now about the problem of jobs. Employers are particularly concerned that Congress does not have a sound fiscal policy. That leads them not to hire anybody. A balanced budget is going to mean more jobs.

I believe the American people are willing to do their part to prevent future generations from being saddled with an unconscionable level of debt. They are willing to do so even if it means that some Federal spending they support would be affected. This is especially true if our budgeting is done fairly.

I believe if one listens closely to the arguments of the opponents of this measure, one will hear more arguments against a balanced budget than against a balanced budget amendment. There will need to be difficult actions taken. It is those difficulties that have prevented Congress from balancing the budget. Those difficulties are, therefore, reasons for a constitutional amendment, not reasons against a constitutional amendment. But balancing the budget is necessary and it will take an amendment to the Constitution of the United States of America to make sure it is done consistently.

We also hear arguments about the need to run deficits when the economy is in a recession. That kind of brings us to where we are right now. We have been in a recession for 3 years. The amendment before us permits Congress to vote to run a deficit in that situation, but be skeptical of that argument. If deficits and debt gave us a strong economy, right now we would be in the midst of the greatest economic boom in our history. Obviously we are not in that economic boom. Deficits of $1 trillion-plus and a national debt of $15 trillion are not stabilizing the economy in the way that people who argue that maybe in a time of recession you ought to have a lot of deficit spending have claimed.

In fact, I believe the size of the deficit and debt is one reason the economy is not performing well. The size of looming deficits and debt is another. The markets are not viewing the debt as stabilizing a weak economy. Rather, they view it correctly as a drag on the economy. That is why jobs are not being created. That is why corporations have $1 trillion in their treasuries in the United States, $1 trillion in their treasuries overseas, $2 trillion that is not being spent, that is not making corporations any money. It is lying there. They want to invest it in jobs and machinery and get the economy going and make more money.

On the issue of enforcement, the opponents attack straw men. They say either that the amendment cannot be enforced, so it is toothless, or they say the courts will enforce it, leading to chaos. Both of these arguments cannot be true. This amendment will be enforced by the President submitting a balanced budget and Congress complying with the amendment, as do State legislators all over the country. Members take an oath and voters will punish those who do not obey the constitutional command.

With respect to the courts, the text of the amendment prohibits courts from raising taxes. Of course, judicial standing requirements, ripeness, and the doctrine of political questions will mean that the courts will continue to lack the power of the purse, as has been the case throughout 225 years of history of our country.

In the past dozen years, Congress has been unable to balance the budget even when times are good. Had we passed a balanced budget amendment when it was before us in the past, we would not have racked up the huge deficits that now confront us.

We have heard in the past that a balanced budget amendment was not necessary because Congress could balance the budget on its own. We know how successful Congress has been doing that. Those arguments were wrong. Today we face one of the worst debt pictures in our history. If nothing is done, the future will be even worse. We owe a responsibility to the American people and to future generations to maintain the fiscal discipline that has allowed us to be the world's biggest economy.

Our pleas for a balanced budget amendment have been denied by its opponents in the past. We warned at that time what road lay ahead if we failed to pass a balanced budget amendment. Time has unfortunately proved us right. It is not too late if we act now, but time is growing shorter each year.

I urge my colleagues to do the right thing and enact a constitutional requirement that the budget be balanced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise to speak in favor of legislation I have authored to amend the United States Constitution to require that Congress balance the Federal budget. The Senate's debate on the balanced budget amendment, which will occur over the next few days, is an incredibly important debate. It is a debate that will spark a wide range of emotions and it will test our policies, goals, and philosophies. Thus, I want to recognize at the outset that we hold strong and differing opinions about the wisdom of adding a balanced budget amendment to our U.S. Constitution. Amending the Constitution is not something any of us in the Senate takes lightly. In fact, we have only amended our Constitution some 27 times in the history of our Nation. Our Founding Fathers in their wisdom designed the Constitution to discourage amendments. They created a high hurdle to clear before an amendment can be passed by the Congress and ratified by the States.

I intend today to make a case for why my proposal, which has been cosponsored by several of our colleagues, meets that elevated standard. Today I aim to explain why this balanced budget amendment will help restore the fiscal health of our Nation, protect our national security, and spur our future competitiveness in the global economic race.

Let me start by discussing some basic facts that color this debate. First, our government debt now totals over $15 trillion. That is $48,000 for every man, woman, and child in our country. Let me say that again: $48,000 for every man, woman, and child. Moreover, we borrow 40 cents of every dollar that the Federal Government spends. The total amount of public debt now held by us equals 68 percent, almost 69 percent, of our gross domestic product. That reflects a level rarely seen in our country's history.

Finally, in August of this year, one of the major credit agencies downgraded our Nation's credit rating because of Congress's inability to work in a bipartisan manner to reduce our debt. I don't think I have to tell the viewers that the last thing our struggling economy or job creation efforts needed was that downgrade. It is little wonder that Americans hold us in such low regard or that other countries wonder what we are doing in the Nation's Capitol.

I could go on and on, but I will not. These facts are appalling enough to most Americans. These are hard-working Americans who balance their checkbooks on a weekly and monthly basis. It is appalling to me that Congress is so unable to resist the temptation to spend without limit while also trying to keep taxes as low as possible. We have even been willing to watch the debt grow to a level where national security experts are telling us that our own self-created problem is a bigger threat than any of our enemies.

In the last several years Congress has taken steps to try to reach an agreement on how to reduce our deficit and pay down our debt. Many of us have spent countless hours working in bipartisan groups to chart a commonsense balanced debt reduction plan. I have not given up hope that we may eventually reach a comprehensive plan to cut spending, reform the Tax Code, and shore up programs such as Social Security and Medicare which are critical to our Nation's middle class. To give up on that goal would be to say to hard-working Americans, we are not serious about ensuring that the American dream is within everyone's reach. After watching Congress struggle to reach even a basic plan to cut spending or reasonably raise new revenues to pay our bills, I am convinced we need additional tools that force fiscal discipline. If we don't put limits on how Congress does its budgeting, the question won't be whether we can stop the bleeding, it will be how much do we cut to the bone or even into vital organs the programs that we value. In other words, without some fundamental reforms now, the foundations of our government will be severely weakened later.

To be sure, a balanced budget amendment will not solve the problem on its own, but a reasonable balanced budget amendment would help us ensure we never get into this position again. Passing my middle-ground, commonsense balanced budget amendment would send a strong signal to the financial markets, U.S. businesses, and the American people that we are serious about stabilizing our budget for the long term. That is the signal they want to see to give them the confidence to expand and create jobs.

Before I move to making the case for specifics in my balanced budget proposal, I want to make a few points about exactly how our skyrocketing national debt affects all of us. As a start, our debt threatens investments we need to make. It harms our ability to compete with countries around the world, it inhibits job growth here at home, and it dampens our innovative spirit. If we don't address our debt now, it would sap the economic power that has enabled our Nation to become the most powerful force on the globe.

Throughout most of our history—perhaps aside from the Great Depression—our economic strength has enabled the

United States to create an environment that is good for business. This strength has then helped our own people on our Main Streets thrive in communities all over Colorado and across our Nation, and it has meant that every generation has been able to build on their parents' success, seize opportunity, and live the American dream. We all know this is what has made the United States exceptional. But today across our great country, families are wondering whether the American dream is still within their reach. Whether you are a college graduate and living at home because you are unable to find a job or a middle-aged factory worker laid off for the second or the third time struggling to pay your bills, our economic future seems a bit tougher.

Our country has endured a terrible economic slump for over 3 years now. In order to move quickly to turn things around, we need businesses to hire again. Business and community leaders across Colorado and elsewhere have told me that in order to have the confidence to do that, they need to know our national debt is not poised to send our economy off a cliff. The cochairman of President Obama's bipartisan commission on debt reduction tapped into that sentiment and called our debt a cancer that is eating away at our economic health. Beyond pure economic factors, our growing debt burdens us more broadly.

The former Chairman of the Joint Chiefs of Staff, for whom we all have enormous respect, ADM Mike Mullen, warned that our national debt is ''the single biggest threat to our national security.'' By now these are familiar arguments here on the floor of the Senate. We know the challenges that confront us. The problem is Congress is not doing what every economist and every one of us in this body acknowledges we must do, and that is get our out-of-control budget under control. We all have our theories for why this is the case. I personally believe that part of the problem is the nature of Congress itself. We are all temporary single Members of a greater body. We each have our own constituents, goals, and responsibilities. It is sure tempting to come to Washington, fight like hell for our corner of the Nation, and lose sight of or willfully ignore the bigger picture. As Members of Congress, it seems as if we are hardwired to fight for results that are important to our constituents and our political ideologies.

Let me give you a couple of examples. Democrats are reticent to support meaningful adjustments in entitlement spending, and many of my Republican friends turn a blind eye to the revenues needed to support retiring baby boomers and our national security needs.

My father, who had the great privilege of serving for 30 years in the House of Representatives as a Congressman from southern Arizona, witnessed this same phenomenon several decades ago, and he used to recall the advice that was given to freshmen House Members. That advice was: ''If you want to get ahead in Congress, do two things—vote for every appropriations bill and against every tax bill.''

In many ways the Federal budget deficits we face are so daunting today because too many Members of Congress have taken that advice literally over the past decades, but also because it is what Americans expected of us. It is only natural that people want the best of both worlds. We cannot continue down this budgetary path and hope that the results will be any different than they have been in the past.

In fact, the results get worse by the day. Based on what I hear from Coloradans, our constituents are now ready to make a little sacrifice. They are ready for us to make some tough decisions that may cause a little budget pain. Americans now get it, and that is why it is time for some serious action. A balanced budget amendment to our Constitution is serious action. It would require us to consider our larger, collective obligation to the national economy.

I will admit that my support of the balanced budget amendment has not made me particularly popular with some of my Democratic colleagues. Democrats traditionally have not been big fans of the balanced budget amendment idea. These days Democrats are suspicious that balanced budget proposals are a Trojan horse. They look good on the surface, but actually they are designed to further dismantle government programs that most Americans value. But a few decades ago Democrats were leading the charge for a reasonable balanced budget amendment.

Most notably, Senator Paul Simon of Illinois—a progressive and serious-minded legislator—was perhaps the greatest champion of a balanced budget, and I want to share with my colleagues some of his words. In debating the balanced budget amendment in 1993, Senator Simon said the following, which he addressed to his fellow progressives:

> I am here to tell you that the course we are on, unless it is changed soon, absolutely threatens all of the programs that you and I have fought for and believe in so strongly. The fiscal folly that we followed for more than a decade has brought us to a crossroads. We face a basic decision, whether through default or through our actions to choose wisely the course that will lead us away from the brink.
>
> If we do not act, interest payouts will spiral upward until they consume not only Social Security but health care, education, transportation investments—every need on our national agenda. My warning to you today is that a rising tide of red ink sinks all boats.

That is a powerful warning from a very wise and respected colleague. His warning is even more serious in December of 2011 than it was in 1993.

There are not any easy answers here, especially since our aging population and the post-9/11 national security needs have squeezed our Nation's budget in ways we have seldom seen in our country's history. But it is time for us to listen to hard-working Americans who are telling us loudly and clearly, make the tough decisions necessary to get our national debt under control. So I say to my colleagues here today, it is time to put aside our political differences, check ultimatums at the door, work across the aisle, and challenge ourselves to put our country first.

I want to reiterate a point I made earlier, which is that a balanced budget amendment is not the sole answer to the problems we face. It is not a perfect solution, and I recognize that. For example, it will not help us deal with our current debt, much less reduce it. For that we need a comprehensive plan along the lines of the recommendations of President Obama's bipartisan commission. It has been headed by former Clinton Chief of Staff Erskine Bowles and former Senator Al Simpson.

Two years ago I helped create the Bowles-Simpson Commission, and I continue to believe its recommendations, which would lower the debt by more than $4 trillion over the next decade, are the best place to start on a path toward fiscal soundness. Let's own up to the mistakes of our past and take charge of the opportunity staring us in the face by passing the Bowles-Simpson debt reduction plan. That plan would require all of us to put some skin in the game, and it represents our best path to balance our books.

I have also fought for bipartisan proposals to create a Presidential line-item veto to ban earmarks and to enforce pay-as-you-go budgeting. These should all be and could be and must be tools in our responsible budgeting toolbox. Even though we have to find the courage to get our current fiscal house in order, we also need to have stronger rules in place to ensure Congress is not tempted to fall off the wagon in the future. In my view, passing a balanced budget amendment to prevent us from ever again trading fiscal responsibility for political expediency is a critical step we must take.

That long windup brings me to the balanced budget amendment proposals under debate in the U.S. Congress today. Let me start by saying that I was pleasantly surprised to see last month the U.S. House of Representatives pursue a balanced budget amendment that was more realistic than what some of my Republican colleagues here in the U.S. Senate have proposed. The House proposal required a balanced budget unless three-fifths of the House and Senate agreed there was an economic downturn, a national disaster, or another emergency that required temporary expenditures and increases thereon.

It was a straightforward measure, and it was designed to garner a broad range of support. However, the House

proposal fell short by nearly two dozen votes, largely because it did not win enough support from Democrats. As we know, in order for a balanced budget amendment to succeed, it must be bipartisan. So I was surprised to see that after the House balanced budget amendment failed, instead of seeking to find consensus with those who could bring along additional Democratic votes like me, my colleagues in the Senate on the other side of the aisle, led by my dear friend Senator HATCH, have taken an altogether different route.

There are important differences between the two approaches the Senate will vote on this week, my amendment and Senator HATCH's amendment. So I want to spend some time differentiating between the two proposals because they represent two philosophically different ideas. We will have a vote on both of these proposals later this week.

Balancing our books is a simple equation based on the principle that our Nation is healthier without an unreasonably large debt load. Members of both parties can agree on that. Yet Senator HATCH's proposal goes a number of steps further and seemingly seeks to shrink government altogether. Not only does it require an unwieldy two-thirds majority to waive it in case of national emergencies, it also locks in special interest tax breaks and could weaken Social Security, Medicare, and other important programs that are supported by a vast majority of Americans.

Ironically, Senator HATCH's proposal—at least by some analyses—could jeopardize our national defense as well. Why do I say that?

I see my dear friend on the Senate floor. I look forward to engaging with him over the course of this important debate.

The Republican proposal prevents government from spending more than 18 percent of gross domestic product, which is less than the historical average, less than what George W. Bush spent, less than what Ronald Reagan spent, and less than what is required to care for our Nation's seniors and protect our homeland against terrorist attacks. Quite simply, to my way of looking at this, Senator HATCH's alternative proposal goes too far and has the potential to harm our middle class and future economic growth.

So what am I proposing? Well, let me tell you what I think my proposal would do, and I would note that it is cosponsored by a number of my colleagues from across the country.

My amendment would allow us to avoid the mistakes of the last decade without locking ourselves into a requirement that could tie our hands in an emergency. In such a case, if we tie our hands, we could make our economy worse for the middle class and small businesses and therefore for all of us.

My balanced budget amendment proposes and incorporates a big dose of Colorado common sense. It is aimed at finding common ground that both parties and a big majority of Americans can support. It starts with a strict requirement for balancing our books. My proposal would then allow deficits only when three-fifths of the House and Senate vote to address serious economic downturns or a war or other emergencies. However, it would also prevent some of the worst mistakes Congress has made in the past 10 years. For example, it would prevent deficit-busting tax breaks for Americans who earn $1 million or more per year. I think the Presiding Officer and I have a fundamental question. We wonder why we should continue to give tax breaks to the wealthiest among us during times when we are running huge deficits and aggregating debt like never before.

My amendment would also create a Social Security lockbox to keep Congress from raiding the trust fund to hide the true size of our annual deficits. Right now, the Treasury Department owes close to $3 trillion to the Social Security Administration. What I want to do is to see that never again is Social Security used as a slush fund to remedy our budgeting problems.

In sum, my proposal upholds the principle that we should pay for our government in a responsible manner, with waiver authority to be used only in exceptional circumstances. I think most Americans could agree to that. Coloradans certainly do.

I encourage all of my colleagues to acknowledge that passing a balanced budget amendment will require some flexibility and cooperation, and my version is designed to do just that. It is meant to bridge the divide between us.

The American people are demanding that we get our fiscal house in order. As usual, they are a few steps ahead of us. We have an opportunity to catch up to the American people. So I am here on the floor of the Senate today to ask my colleagues of both parties and both Chambers to support my proposal. As I have said, amending the Constitution may not be the solution desired by many in this Chamber. It is not something to be done without great thought. I, therefore, look forward to an honest and spirited dialog about the balanced budget amendment. I look forward to discussing the best ways to dig ourselves out from under our suffocating debt in a way that will encourage investment and job creation and help Americans and small businesses feel secure about their economic future. Our children's future depends on it.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Utah.

Mr. HATCH. Mr. President, I care a great deal for my colleague from Colorado, and I appreciate his explanation of his amendment. Unfortunately, as I view his amendment, it might work as long as you accept the rachet up of spending and taxing. That is what we are trying to stop around here. His S.J. Res 24 would be a band-aid on the system. It does not address the cause of our unbalanced budgets. An amendment that does not limit spending and does not limit taxes will never solve this crisis. It is just that simple. And to work, they have to use budget gimmicks.

I wish to begin by thanking my friend, the ranking member of the Judiciary Committee, Senator GRASSLEY. In his service on the committee, he has always been a champion of our limited government, and with his remarks today he has again proven himself a strong advocate of constitutional government. So, too, my good friend and collaborator on a balanced budget amendment, Senator CORNYN, deserves recognition, as well as my partner in the Senate, MIKE LEE, and a whole raft of others—47, to be exact. Earlier today, Senator CORNYN highlighted admirably the threat our debt poses to the liberty and prosperity of all of America's citizens. And although he has not spoken yet, I know in advance that my friend and colleague from Utah, Senator MIKE LEE, with whom I worked closely in drafting S.J. Res 10, will deliver powerful remarks later today in support of this amendment and about the importance of restoring meaningful limits on the power of the Federal Government.

Today we are engaged in a historic debate. You might not know it from the amount of time dedicated to the subject, but I am confident that when the history of our country is written, today will be marked as a turning point.

Today is the day that every Republican in the Senate stood up for a strong balanced budget amendment that will begin to restore this Nation's fiscal integrity. It is the day that conservatives stood up and supported a constitutional amendment that would reset the limit on the size and power of a federal government that has grown far too large. It is the day that the people of this country stood up for serious constitutional limits on Congress and the President, who have spent with impunity for far too long.

We are having this debate for a simple reason: Our Nation is now $15 trillion—actually more than $15 trillion and going up every day—in debt. This chart shows just how much it was just a few minutes ago. It is important to put this number in perspective.

The Nation achieved the ignominious landmark of a trillion-dollar deficit in President Obama's first year in office. We are now in our third straight year of trillion-dollar deficits. The Federal Government is now borrowing more than 40 cents of every dollar it spends. The burden of this debt is more than $48,000 for every man, woman, and child in America.

The Congressional Budget Office projects that interest payments alone on all of this debt will total $4.5 trillion, crowding out many other national priorities. For 2010, spending on interest on the national debt is greater than

the funding for most other Federal programs. Let's look at that. As you can see, in 1 year, spending on interest on the national debt is greater than funding for most programs—$656.7 billion for the Department of Defense; $414 billion for interest expense; $173 billion for the Department of Labor; $129 billion for the Department of Agriculture; $108 billion for the Department of Veterans Affairs; and just one other I will mention, $92.9 billion for the Department of Education.

Well, the impact of this quickly escalating debt burden could prove catastrophic for economic growth and for American families. In a letter to the then-ranking member of the House Budget Committee, PAUL RYAN, the Congressional Budget Office determined that ''beyond 2058, projected deficits in the alternative fiscal scenario become so large and unsustainable that CBO's model cannot calculate their effects.'' That ought to tell you something. In other words, the CBO model crashes when it even attempts to calculate the impact of all of this debt on economic growth. Yet all of these numbers might be understating the Nation's debt burden. What happens if interest rates rise? Right now they are at historic lows, but that will not always be the case, and we are figuring on historic lows right now as though they are going to continue.

According to CBO's alternative fiscal scenario, which is our most realistic fiscal scenario, debt held by the public will reach 82 percent of GDP by 2021. Now, that is if they are right, and they have never been right yet over the long term; they are always low. Absent real fiscal reforms, it will reach 100 percent of GDP by 2035. But this does not tell the whole bleak story. The fact is, when you include the IOUs the government has issued to itself, intergovernmental holdings, our debt is already at 100 percent of GDP—larger than our entire economy.

When are our friends on the other side going to start thinking about these things and start realizing that they are taking us right down into bankruptcy in this country? This debt burden we have is simply not sustainable. If interest rates go back to their average in the 1990s, our public debt will increase by 77 percent over even these grim estimates I have just mentioned. We are spending at historical highs and going higher, and with interest on the debt taking a larger and larger share of spending, we need to be very concerned as a nation that we are entering a debt spiral from which we will have a difficult time extricating ourselves.

For these reasons, ADM Mike Mullen, former Chairman of the Joint Chiefs of Staff, concluded that our national debt is the ''biggest threat we have to our national security.'' For these reasons, Standard & Poor's issued its historic downgrade of U.S. Treasuries this past summer.

The impact of this debt is more than academic; it will eventually lead to higher interest rates for all Americans, undermining the ability of people to purchase a home, buy a car, or even start a business. Most importantly, it will fundamentally alter the relationship of citizens to their government. It will further undermine personal liberty. It will lead to more government control of the economy. And it will jeopardize the livelihoods of American business owners and workers as ever-escalating debt and government spending embolden those who seek higher taxes to finance this leviation.

The solution to this problem is S.J. Res. 10, the balanced budget amendment supported by every Senate Republican, all 47 of us.

In the time I have been fortunate enough to serve the people of Utah, I have sponsored 5 balanced budget amendments and have been an original cosponsor of 18. These amendments have not been identical. Their provisions have been honed over time. I am confident this version strikes just the right balance.

It is the right amendment for the right time. We face a crisis of spending and a government that has clearly exploded in size. This constitutional amendment is the only one that will be debated this week that will address that crisis and would reduce the size of this Leviathan government.

The President has strongly opposed not only this balanced budget amendment but any balanced budget amendment. As he said: ''We don't need a constitutional amendment to do our jobs.'' My goodness. That is what he said on July 15 of this year.

I wish to spend a few moments considering the President's claim. The President claimed that a balanced budget amendment is not necessary because ''the Constitution already tells us to do our jobs—and to make sure that the government is living within its means and making responsible choices.''

The President's spokesman, Jay Carney, elaborated in greater detail on why a balanced budget amendment is not necessary. According to him, balancing the budget is ''not complicated.'' All that is needed is that we put politics aside, quit ducking responsibility, and roll up our sleeves and get to work. Yet all I hear from the White House is that we have to have more taxes and more spending.

This is the lament of the tough chooser, a term coined by the journalist Andrew Ferguson. The tough chooser talks a lot about making tough choices. But when it comes to actually making them, the tough chooser goes missing.

Tough choosers, concerned about our deficits and debt, voted for ObamaCare, even though it increased spending by $2.6 trillion and taxes by over $1 trillion.

Tough choosers reject a balanced budget amendment because all that is required, in their view, is some tough choosing by legislators. The problem with this theory is that the so-called tough choosers never step up.

The past history of the balanced budget amendment is all the evidence we need that a constitutional amendment is required to force legislators and the White House to make these tough choices. But given President Obama's rejection of the balanced budget amendment, it is worth considering his own actions this year and his personal contributions to deficit reduction. That record is a weak one of denial and avoidance.

Following the clear statement of the American people last November that Washington needed to address deficits and debt, the President had an opportunity to lead with his fiscal year 2012 budget. Yet this is how the Washington Post described the impact of that budget. After next year, ''the deficit will begin to fall, settling around $600 billion a year through 2018, when it would once again begin to climb as a growing number of retirees tapped into Social Security and Medicare.''

So the President, who today is telling us that he and Congress are willing to buckle down and make tough choices to balance the Nation's books, gave us a budget that did little to put this country on a path toward long-term fiscal sustainability.

The President's budget landed with such a thud and was so unresponsive to the desire of the American people to tackle the debt, that he took a mulligan and attempted a budget do-over in the Spring. In an April 13 speech at George Washington University, President Obama offered a revised budget. True to form, he did not stick his neck out and actually offer anything that could be scored by the CBO. Yet Republicans did analyze the President's speech, and after stripping out the gimmicks and the rosy scenarios, they found that far from making any tough choices, his do-over actually added $2.2 trillion to the deficit.

This avoidance of tough choosing by Washington's tough choosers is, unfortunately, the norm.

We have heard the President's argument before. I have heard it now for 35 years, maybe not just from him but from others as well. We hear it every time a balanced budget amendment comes to the floor and is debated in the Senate. The opponents claim there is no need for a balanced budget amendment; all that is necessary is that we put politics aside and make the tough choices.

So how is that working out for our country?

When I introduced my first balanced budget amendment in 1979, the national debt was $827 billion. We thought that was astronomical. In 1982, when the Senate passed a balanced budget amendment that I cosponsored, the national debt had risen to $1.1 trillion. In 1986, when the Senate failed by one vote to pass a balanced budget amendment that I cosponsored, the national debt topped $2.1 trillion. By 1997,

when this body voted on a balanced budget amendment that I introduced, the national debt had passed the $5 trillion mark. Today, it is three times that amount—over $15 trillion.

The record is clear. Absent the constitutional restraint of a balanced budget amendment, Congress and the President do not make the tough choices. Instead, they take the path of least resistance. They gladly disperse Federal dollars today—to grateful special interests—and then figure out a way to pay for it tomorrow, except they never figure out the way.

This is not the political and economic philosophy of the Founders, who warned at the birth of our Republic against debt and overspending. That is the political philosophy of J. Wellington Wimpy, who would ''gladly pay you Tuesday for a hamburger today.''

A balanced budget amendment is not an abdication of Congress's responsibility. On the contrary, it would force Congress to live up to its responsibilities. It would force Congress and the President to make the choices about national spending priorities they have thus far been unwilling to make.

I don't think there are many Americans who question whether our fiscal situation would be better today if we had enacted and the States had ratified a constitutional amendment when Ronald Reagan was President.

This is where we are headed as a country if we don't get our fiscal house in order. We are headed off a cliff. I could have put up a map of Greece, but that might have understated our predicament.

Yet to hear the opponents of a balanced budget amendment talk, one would think the problem we face as a country is the amendment, not the out-of-control spending that demands such an amendment.

These misplaced priorities fundamentally understate how much government spending is accelerating in this country and the threat this spending poses for personal liberty, constitutionally limited government, and free enterprise.

As I noted earlier, our true debt burden is already 100 percent of GDP. This is very dangerous territory. According to the economists Carmen Reinhart and Kenneth Rogoff, public debt burdens above 90 percent of GDP are associated with 1-percent lower economic growth.

I ask unanimous consent that a short article outlining their thesis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bloomberg.com, July 14, 2011]

TOO MUCH DEBT MEANS THE ECONOMY CAN'T GROW: REINHART AND ROGOFF

(By Carmen M. Reinhart and Kenneth S. Rogoff)

As public debt in advanced countries reaches levels not seen since the end of World War II, there is considerable debate about the urgency of taming deficits with the aim of stabilizing and ultimately reducing debt as a percentage of gross domestic product.

Our empirical research on the history of financial crises and the relationship between growth and public liabilities supports the view that current debt trajectories are a risk to long-term growth and stability, with many advanced economies already reaching or exceeding the important marker of 90 percent of GDP. Nevertheless, many prominent public intellectuals continue to argue that debt phobia is wildly overblown. Countries such as the U.S., Japan and the U.K. aren't like Greece, nor does the market treat them as such.

Indeed, there is a growing perception that today's low interest rates for the debt of advanced economies offer a compelling reason to begin another round of massive fiscal stimulus. If Asian nations are spinning off huge excess savings partly as a byproduct of measures that effectively force low-income savers to put their money in bank accounts with low government-imposed interest-rate ceilings—why not take advantage of the cheap money?

Although we agree that governments must exercise caution in gradually reducing crisis-response spending, we think it would be folly to take comfort in today's low borrowing costs, much less to interpret them as an ''all clear'' signal for a further explosion of debt.

Several studies of financial crises show that interest rates seldom indicate problems long in advance. In fact, we should probably be particularly concerned today because a growing share of advanced country debt is held by official creditors whose current willingness to forego short-term returns doesn't guarantee there will be a captive audience for debt in perpetuity.

Those who would point to low servicing costs should remember that market interest rates can change like the weather. Debt levels, by contrast, can't be brought down quickly. Even though politicians everywhere like to argue that their country will expand its way out of debt, our historical research suggests that growth alone is rarely enough to achieve that with the debt levels we are experiencing today.

While we expect to see more than one member of the Organization for Economic Cooperation and Development default or restructure their debt before the European crisis is resolved, that isn't the greatest threat to most advanced economies. The biggest risk is that debt will accumulate until the overhang weighs on growth.

HISTORICAL PRECEDENTS

At what point does indebtedness become a problem? In our study ''Growth in a Time of Debt,'' we found relatively little association between public liabilities and growth for debt levels of less than 90 percent of GDP. But burdens above 90 percent are associated with 1 percent lower median growth. Our results are based on a data set of public debt covering 44 countries for up to 200 years. The annual data set incorporates more than 3,700 observations spanning a wide range of political and historical circumstances, legal structures and monetary regimes.

We aren't suggesting there is a bright red line at 90 percent; our results don't imply that 89 percent is a safe debt level, or that 91 percent is necessarily catastrophic. Anyone familiar with doing empirical research understands that vulnerability to crises and anemic growth seldom depends on a single factor such as public debt. However, our study of crises shows that public obligations are often hidden and significantly larger than official figures suggest.

CREATIVE ACCOUNTING DEVICES

In addition, off-balance sheet guarantees and other creative accounting devices make it even harder to assess the true nature of a country's debt until a crisis forces everything out into the open. (Just think of the giant U.S. mortgage lenders Fannie Mae and Freddie Mac, whose debt was never officially guaranteed before the 2008 meltdown.)

There also is the question of how broad a measure of public debt to use. Our empirical work concentrates on central-government obligations because state and local data are so limited across time and countries, and government guarantees, as noted, are difficult to quantify over time. (Until we developed our data set, no long-dated cross-country information on central government debt existed.) But state and local debt are important because they so frequently trigger federal government bailouts in a crisis. Official figures for state debts don't include chronic late payments (arrears), which are substantial in Illinois and California, for example.

PUBLIC AND PRIVATE DEBT

Indeed, it isn't unusual for governments to absorb large chunks of troubled private debt in a crisis. Taking this into account, chart 1, attached, shows the extraordinarily high level of overall U.S. debts, public and private.

In addition to ex-ante or ex-post government guarantees and other forms of ''hidden debts,'' any discussion of public liabilities should take into account the demographic challenges across the industrialized world. Our 90 percent threshold is largely based on earlier periods when old-age pensions and health-care costs hadn't grown to anything near the size they are today. Surely this makes the burden of debt greater.

There is a growing sense that inflation is the endgame to debt buildups. For emerging markets that has often been the case, but for advanced economies, the historical correlation is weaker. Part of the reason for this apparent paradox may be that, especially after World War II, many governments enacted policies that amounted to heavy financial repression, including interest-rate ceilings and non-market debt placement. Low statutory interest rates allowed governments to reduce real debt burdens through moderate inflation over a sustained period. Of course, this time could be different, and we shouldn't entirely dismiss the possibility of elevated inflation as the antidote to debt.

EXTREMELY RARE

Those who remain unconvinced that rising debt levels pose a risk to growth should ask themselves why, historically, levels of debt of more than 90 percent of GDP are relatively rare and those exceeding 120 percent are extremely rare (see attached chart 2 for U.S. public debt since 1790). Is it because generations of politicians failed to realize that they could have kept spending without risk? Or, more likely, is it because at some point, even advanced economies hit a ceiling where the pressure of rising borrowing costs forces policy makers to increase tax rates and cut government spending, sometimes precipitously, and sometimes in conjunction with inflation and financial repression (which is also a tax)?

Even absent high interest rates, as Japan highlights, debt overhangs are a hindrance to growth.

The relationship between growth, inflation and debt, no doubt, merits further study; it is a question that cannot be settled with mere rhetoric, no matter how superficially convincing.

In the meantime, historical experience and early examination of new data suggest the need to be cautious about surrendering to ''this-time-is-different'' syndrome and decreeing that surging government debt isn't as significant a problem in the present as it was in the past.

Mr. HATCH. Mr. President, while one might quibble with the particulars of Reinhart's and Rogoff's assessment, failure to take it seriously, given the recent struggles of the eurozone, amounts to whistling past the graveyard.

To be clear, the long-term source of our fiscal problem is overspending, not a lack of revenue. Our friends at the Heritage Foundation have done an excellent job of putting all this spending into historical perspective.

I will run through some charts highlighting just how unusual and unsustainable recent levels of Federal spending have become. Any way we cut it, spending is up. Federal spending per household is skyrocketing, even with the $2.1 trillion in deficit reduction achieved by this summer's Budget Control Act.

In 1965, Federal spending per household was $11,431. In 2010, it was $29,401. It is projected to hit $35,773 in 2020. That is per household.

Federal spending is growing faster than median income. Between 1970 and 2009, total Federal spending rose by 299 percent, while median household income has gone up 27 percent in the same time period.

Federal spending that is far out of line with historical averages is the cause of our annual deficits and total debt—not the much reviled 2001 and 2003 tax relief extended by President Obama and a Democratic Congress.

Historically, revenues have averaged around 18 percent of GDP. As the economy recovers, CBO projects revenues to return to that historical average. Yet spending is going higher and higher.

The end result of all this spending is not pretty to look at. Our national debt is going to skyrocket. Up to 344 percent by 2050.

The problem the Senate Republican balanced budget amendment is meant to address is reckless spending. We will hear many arguments against this amendment. We will hear it prevents tax increases. We will hear it prevents deficit spending in an economic downturn. We will hear it hamstrings the Nation in times of military emergency and that it prevents spending in excess of 18 percent of GDP.

It does no such thing. What it does do is require a broad national consensus before Congress spends beyond its means. It makes certain that there is deep bipartisan agreement before raising taxes—a provision the Nation would have benefited from prior to the decision of the President and congressional Democrats to drive through $1 trillion in ObamaCare tax increases on nearly party-line votes, and it demands wide support for spending in excess of 18 percent of GDP.

As my friends at Americans for Prosperity put it in their letter of support for the Republican proposal, the amendment ''strikes a balance between allowing flexibility for some deficit spending in times of national emergency, while requiring supermajorities in both Chambers to do so. This assures citizens that the Federal Government will only run a deficit when there is broad consensus that a genuine crisis demands it.''

That sounds like pretty good language to me.

I ask unanimous consent that that letter from Americans for Prosperity be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

AMERICANS FOR PROSPERITY,
March 31, 2011.

DEAR SENATOR HATCH AND COSPONSORS: On behalf of more than 1.7 million Americans for Prosperity (AFP) activists in all 50 states, I applaud you for proposing a balanced budget amendment to the United States Constitution that includes a strong limit on total federal spending. Over the past decade or so, it has become increasingly clear that unless there are firm constitutional guardrails to constrain federal spending elected officials are either unable or unwilling to overcome the institutional forces that facilitate endless profligacy. Your proposed amendment seeks to establish those guardrails in a responsible and, hopefully, effective way.

One of the most important provisions in your proposed amendment is a spending cap that would limit federal outlays to 18 percent of GDP. This limitation reflects a proper vision of limited government and the relationship of spending to GDP in the post-WWII period. Additionally, by insisting that spending is restrained in order to balance the budget you guard against the amendment being hijacked and distorted to advance economically-destructive tax increases.

Your amendment also strikes a balance between allowing flexibility for some deficit spending in times of national emergency, while requiring supermajorities in both chambers to do so. This assures citizens that the federal government will only run a deficit when there is a broad consensus that a genuine crisis demands it.

Several other provisions nicely round out your balanced budget amendment. Your insistence on two-thirds majority vote to approve tax increases or spending above 18 percent of GDP is laudable. Your measure to prohibit courts from legislating tax increases from the bench is important and prescient. Finally, a five-year transitionary period from ratification to legal efficacy will give budgeteers enough notice to take meaningful action without the politically-contentious transition that could otherwise be used as a pretext to oppose the amendment.

While it is always difficult to predict how the Judicial Branch will interpret any portion of the Constitution, the mere presence of a balanced budget amendment will serve to compel the tough decision making that is often skirted in today's federal budget process. It's time for the federal government to balance its books, and AFP is proud to support your amendment. I urge your colleagues to support its passage and I look forward to working with you in the future.

Sincerely,

JAMES VALVO,
Director of Government Affairs.

Mr. HATCH. Mr. President, we will hear there is a reasonable alternative being offered. But we need to understand this for what it is. It doesn't put any spending limitations on Congress. It leaves wide the door for massive tax increases to pay for levels of spending that are far outside our constitutional traditions. Even the requirement for balance—that outlays not exceed revenues—lacks strength, if we read it carefully.

The bottom line is that there is no substitute for the strong balanced budget amendment being offered by the Senate Republicans.

A number of protaxpayer groups committed to liberty and constitutionalism have written in support of our balanced budget amendment—Let Freedom Ring, Americans for Tax Reform, the National Taxpayers Union, the 60 Plus Association, Americans for Limited Government, and the Council for Citizens Against Government Waste, just to mention a few.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 30, 2011.

Hon. JON KYL,
Hart Senate Office Building, Washington, DC.
Hon. ORRIN HATCH,
Hart Senate Office Building, Washington, DC.
Hon. PAT TOOMEY,
Dirksen Senate Office Building, Washington, DC.
Hon. MIKE LEE,
Hart Senate Office Building, Washington, DC.
Hon. JOHN CORNYN,
Hart Senate Office Building, Washington, DC.

DEAR SENATORS: We write to encourage your colleagues to support your Balanced Budget Amendment to the United States Constitution, signaling the United States Senate is serious about reforming federal government spending.

The amendment limits spending to 18 percent of Gross Domestic Product (GDP). Capping spending at this level puts spending in line with the historical average of revenue receipts. Since 1970, spending has averaged 21 percent of GDP while tax revenues have consistently stayed around 18 percent. However, CBO projects spending will explode over the next decade, averaging over 23 percent of GDP. Capping spending at 18 percent demonstrates that the government should be cognizant of its means—and live prudently within them.

Most importantly, your Balanced Budget Amendment places the onus of responsible budgeting on lawmakers, rather than passing the burden onto taxpayers who are already shouldering the weight of failed ''stimulus'' programs and bailouts. It does this by requiring any net tax increases to overcome a two-thirds supermajority in each chamber of Congress.

This clause is vital to keep the debate where it should be—federal overspending. Americans are not taxed too little; Washington spends too much. In the same vein, the spending restraint in the amendment cannot be waived unless a two-thirds majority agrees to do so.

While the bill could be strengthened to require a supermajority to waive the spending cap during a declared war, it does require a vote of three-fifths of the Congress to approve spending beyond the cap in the times of a military conflict. What's more, the amendment requires a three-fifths vote to raise the debt limit, forcing Congress to confront its poor spending habits rather than simply increasing its borrowing authority.

Thus, we support the Balanced Budget Amendment and encourage your colleagues

to cosponsor the measure to signal lawmakers are serious about fiscal restraint.

Sincerely,

GROVER NORQUIST,
President, Americans for Tax Reform.
MATTIE CORRAO,
Executive Director, Center for Fiscal Accountability.

NATIONAL TAXPAYERS UNION,
March 31, 2011.

AN OPEN LETTER TO THE UNITED STATES SENATE: SUPPORT THE CONSENSUS BALANCED BUDGET AMENDMENT!

DEAR SENATOR: On behalf of the 362,000 member National Taxpayers Union (NTU), I write to provide our strong endorsement of the ''Consensus Balanced Budget Amendment'' (BBA), which is the product of negotiations among advocates of several BBA measures. We commend Senator Hatch and his colleagues, Senators Lee, Cornyn, Kyl, McConnell, Toomey, Snowe, Risch, Rubio, DeMint, Paul, Vitter, Enzi, Kirk, and Crapo, for introducing this legislation and urge all Senators to cosponsor the resolution.

NTU has approached the current legislative evolution of the BBA not merely as an interested observer or even as a concerned stakeholder. Instead, we view this process through a 40-plus-year organizational history in which constitutional limits on the size of government have occupied the central part of our mission.

Throughout the 1970s and 1980s, my organization helped to launch and sustain the movement for a limited Article V amendment convention among the states to propose a Balanced Budget Amendment (BBA) for ratification, all while pursuing a BBA through Congress. Our members were elated over the passage of S.J. Res. 58 in 1982, and the passage of H.J. Res. 1 in 1995 through the House of Representatives. In both cases the measures, whose provisions varied somewhat, fell short of enactment in the other chambers of Congress. More recently, we have provided endorsements to BBA legislation such as S.J. Res. 3 and H.J. Res. 1.

To our members, a BBA would provide the very lifeblood that will restore and sustain the financial health of our Republic. We are therefore elated over the intensifying interest among Members of Congress and state legislators in a unified BBA concept. The proposal admirably harnesses this energy, by combining and refining elements from several amendments introduced thus far in Congress. These include strong ''supermajority'' safeguards against reckless tax or debt increases as well as override provisions to confront the realities of military conflicts.

Also of great importance is the amendment's spending limitation clause. Although several types of mechanisms could answer to the purpose of controlling growth in expenditures, any such protection incorporating Gross Domestic Product (GDP) must pay careful heed to historical experience. In this case, an annual spending cap at 18 percent of GDP is clearly the most prudent choice. Such a level reflects the share of economic output that federal revenues have typically represented since World War II. Given that constitutional amendments should be designed with a long nod to the past and an equally farsighted view to the future, 18 percent is a most stable and logical benchmark.

In addition, setting the expenditure limit at 18 percent would make a vital contribution toward harmonizing all parts of the amendment so that the whole functions as intended. An assumption that spending should normally be linked to the average and customary federal revenue proportion would by its very nature give Congress and the President a starting point that is closer to balance. Indeed, the limit helps to remedy Washington's increasingly metastasized affliction of tax-spend-and-borrow, by elevating the concept of expenditure restraint to its rightful place in policymaking. While the two-thirds ''supermajority'' override requirement is essential to ensuring this place, so is the 18 percent cap on expenditures. If set too high, the spending limit would merely institutionalize, rather than minimize, deficits. Recent spending-to-GDP ratios in excess of 20 percent—and the resulting pressures to borrow or tax even more—ought to convince fiscal disciplinarians of the need for a carefully-designed limit.

We understand the political environment within which the consensus BBA was crafted, and, given our history, we appreciate the many challenges in the legislative effort that lies ahead. Yet it is precisely our longstanding devotion to this reform that gives us cause to make several observations. Moving forward, Senators must commit to passage of the BBA in this Congress, not simply another ''test vote'' tied to some legislative urgency. This means making the Amendment a part of the Congress's everyday narrative on tax and spending policy, thereby leading a national discussion that occupies a primary place in the public square. Nor should the BBA be held as some proxy to other reform approaches. Indeed, statutory or regulatory steps to control the nation's finances are not ''second-best'' substitutes; their very effectiveness depends upon a constitutional foundation that will set the boundaries within which they can operate.

Furthermore, supporters of this BBA must reach far and wide across the aisle to obtain the necessary bipartisan backing that will ensure passage of the measure. The temptation to put electoral calculations first is unacceptable to taxpayers, who (properly) surmise that concerted action to control deficits cannot wait until after 2012. Likewise, Senators must engage their House colleagues as well as state legislators in their capitols back home, many of whom have both the commitment and the experience to see the BBA through to passage and ratification.

Through all of these means, and toward the critical end of enacting a Balanced Budget Amendment, NTU and members pledge the fullest possible measure of their time, energy, and resources. Together, we can fulfill this long-overdue obligation to future generations.

Sincerely,

PETE SEPP,
Executive Vice President.

THE 60 PLUS ASSOCIATION,
Alexandria, VA, March 31, 2011.

DEAR SENATOR HATCH: On behalf of more than seven million senior citizen activists, the 60 Plus Association thanks you for introducing the joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

Thanks to your outstanding leadership, this effort shows a solid commitment to restore the fiscal stability of the United States by balancing the nation's budget.

We applaud your efforts to respond to the overwhelming concern Americans have to the spiraling debt and out-of-control spending and cannot stress strongly enough that senior citizens and soon-to-be-seniors believe that current budget policy cripples our economic stability and threatens our nation's future.

Sincerely,

JAMES L. MARTIN,
Chairman.

AMERICANS FOR LIMITED GOVERNMENT,
Fairfax, VA, March 31, 2011.

Senate Minority Leader MITCH MCCONNELL,
361-A Russell Senate Office Building, Washington, DC.

Senator ORRIN HATCH,
104 Hart Office Building, Washington, DC.

DEAR LEADER MCCONNELL AND SENATOR HATCH: As you are well aware, the nation is risking a fiscal calamity that threatens a catastrophic default on the $14.2 trillion national debt and the collapse of the dollar as the world's reserve currency. If something is not done to bring the nation's fiscal house into order, soon the debt will become too large to even refinance, let alone be repaid.

That is why Americans for Limited Government strongly endorses the Senate Republican Balanced Budget Amendment and urges all members of the Senate to fight for its immediate adoption. Soon the gross national debt will become larger than the entire economy, and by 2021, the Office of Management and Budget projects it will soar to over $25 trillion.

Interest payments alone threaten to destabilize the nation's finances very soon. In 2010, the Treasury paid a total of $413 billion in interest, including $216 billion to the Social Security and Medicare trust funds. The total interest is a real obligation that requires real borrowing to meet, and cannot be readily discounted as revenue to the entitlement programs when it is in fact a liability to taxpayers.

The total interest owed on the debt will actually be over $1.2 trillion in 2021. And since the government never anticipates the debt being paid down, the number will easily grow to over $2.4 trillion by 2030. Moody's has warned that when interest owed on the debt reaches 18 to 20 percent of revenue, the nation's gold-plated Triple-A credit rating will be downgraded. The trouble is that the Office of Management and Budget projects total interest owed for 2011 to be $430.4 billion, which is already 19.79 percent of the projected $2.174 trillion of revenue. That means time has already run out.

Currently, the $14.2 trillion national debt already stands at 95.5 percent of the nation's $14.8 trillion Gross Domestic Product (GDP). While it is unclear at what percentage of debt-to-GDP that the debt will become too large to refinance, the warning signs are already there that we cannot even meet our current obligations honestly.

Pimco reports that in 2009, 80 percent of treasuries were purchased by the Federal Reserves, and in 2010, it had to buy 70 percent, bringing its current U.S. debt holdings to $1.3 trillion. As a result, the Fed is the largest lender to the U.S. government in the world—all with printed money—more than China or Japan. When the Fed ends QE2 in June, it will likely keep a high water mark of $1.5 trillion in treasuries holdings.

Printing money to refinance the debt cannot continue for long without very severe consequences, including a potential collapse of the dollar as the world's reserve currency, hyperinflation, and a complete default on the nation's obligations. The time to pass the Balanced Budget Amendment is now, before it is too late and it becomes impossible for the debt to ever be repaid.

The Balanced Budget Amendment being proposed, once implemented, will make it possible that for the first time since 1957, the national debt can be reduced. This must begin to occur to reassure the nation's creditors that the U.S. intends to honor its obligations with real money, not with a ''pretended payment'' that economist Adam Smith warned against.

With the upcoming vote on increasing the national debt ceiling above $14.294 trillion,

now is the opportunity to use your leverage not just to get an up-or-down vote on the Balanced Budget Amendment, but to get it adopted. To do so, we urge you to take your case directly to the American people, who will join with you in fighting to make certain that another increase in the debt will never again be necessary.

The American people must be advised of these cataclysmic risks of inaction. There is a very dangerous misconception that the nation can just continue borrowing and printing money perpetually. It cannot. Nor will it long endure as the world's foremost economic and military superpower if it tries to.

Besides a failure to meet our fiscal obligations, a national default will mean that the U.S. will be unable to meet its security obligations around the world, destabilizing whole regions, and threatening national security. It is likely for this reason that Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, described the debt as the number one danger facing America.

With a projected $1.645 trillion budget deficit for this year alone, the hour grows late for real action to rein in the federal government's unsustainable spending binge. It is clear that Congress lacks the political will to do what is necessary on its own. It needs the constitutional limits on spending, taxation, and the balanced budget requirement outlined in your amendment to compel it to act prudently when handling the American people's finances.

We thank you for your work on this critical issue, and urge you to use all the tools at your disposal, including the leverage of increasing the national debt ceiling, to ensure speedy adoption of the Balanced Budget Amendment. If you will take a courageous stand to save this nation from certain ruin, the American people will surely stand with you.

Sincerely,

WILLIAM WILSON,
President.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, March 31, 2011.

U.S. SENATE,
Washington, DC.

DEAR SENATOR, Senator Orrin Hatch (R-Utah) will soon introduce an amendment to the Constitution requiring that the federal budget be balanced. This amendment has received wide support, including that of Senators Mitch McConnell (R-Ky.), Mike Lee (R-Utah), John Cornyn (R-Tex.), Jon Kyl (R-Ariz.), Pat Toomey (R-Pa.), John Thune (R-S.D.) and Marco Rubio (R-Fla.). On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this legislation.

Federal spending has ballooned out of control. Taxpayers are bracing themselves as the nation rapidly approaches its statutory, record-breaking $14.3 trillion debt limit. According to the Congressional Budget Office, recession-depleted tax revenues are scheduled to rebound to their historical average of 18 percent of gross domestic product (GDP) by 2018 and reach 18.4 percent by 2021. Federal spending, which has historically been 20.3 percent of GDP, however, is projected to reach 26.4 percent of GDP by 2021. America is on a dangerous trajectory as Congress continues to increase spending and raise debt ceilings without regard to incoming levels of revenue. Washington has put taxpayers at risk by violating a Budgeting 101 rule of thumb: Don't spend more money than you take in.

This proposed constitutional amendment would ensure that total outlays will not be allowed to exceed 18 percent of the U.S. GDP of a fiscal year and will require the president to submit a balanced budget to Congress that reflects the 18 percent cap. A two-thirds majority vote would be required of both the House and Senate to override the spending cap, increase taxes or levy a new tax. Additionally, a three-fifths majority vote in both Houses would be needed to increase the debt limit. In times of declared war, a simple majority vote will be necessary for a specific excess amount above the 18 percent cap, and in times of military conflict a three-fifths majority will be required. In order to protect taxpayers, the amendment prohibits courts from raising revenue as a means of enforcement.

The federal government has a moral and fiscal responsibility to Americans that it has simply been shirking. Congress cannot continue on a spending rampage while ignoring the nation's balance sheets. This legislation proposes a practical and necessary constitutional amendment that will safeguard taxpayers and force Congress to balance the national budget. All votes on the Balanced Budget Amendment will be among those considered in CCAGW's 2011 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

Mr. HATCH. Mr. President, I am so pleased conservative leaders such as Ed Meese, Dick Thornburgh, and Ken Blackwell have stood in support of a strong balanced budget amendment.

I ask unanimous consent to have printed in the RECORD at this point the op-eds to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bloomberg.com, July 20, 2011]

DEFICITS NEED BALANCED-BUDGET AMENDMENT FIX

(By Dick Thornburgh)

A late entrant in the budget deficit-debt ceiling talkathon in Washington is increasing support for a constitutional requirement that the federal budget be balanced every year. Liberals will no doubt characterize this proposal as a nutty one, but careful scrutiny of such an amendment to our constitution demonstrates its potential to prevent future train wrecks in the budgeting process.

Constitutional budget-balancing requirements are already available to most governors and state legislatures, along with a line-item veto and separate capital budgeting, which differentiates investments from current outlays. They work.

Any debate in Congress will probably include the following arguments against a balanced-budget amendment:

First, that the amendment would clutter our basic document in a way contrary to the intention of the Founding Fathers. This is clearly wrong. The framers of the Constitution contemplated that amendments would be necessary to keep it abreast of the times. It has, in fact, been amended 27 times.

Moreover, at the time of the Constitutional Convention, one of the major preoccupations was how to liquidate the post-Revolutionary War debts of the states. It would have been unthinkable to the framers that the federal government would systematically run a deficit, decade after decade. The Treasury didn't begin to follow such a practice until the mid-1930s.

Second, critics will argue that the adoption of a balanced-budget amendment wouldn't solve the deficit problem overnight. This is absolutely correct, but begs the issue. Serious supporters of the amendment recognize that a phasing-in of five to 10 years would be required.

During this interim period, however, budget makers would have to meet declining deficit targets in order to reach a final balanced budget by the established deadline.

As pointed out by former Commerce Secretary Peter G. Peterson, such ''steady progress toward eliminating the deficit will maintain investor confidence, keep long-term interest rates headed down and keep our economy growing.''

Third, it will be argued that such an amendment would require vast cuts in social services, entitlements and defense spending. Not necessarily. True, these programs would have to be paid for on a current basis rather than heaped on the backs of future generations. Difficult choices would have to be made about priorities and program funding. But the very purpose of the amendment is to discipline the executive and legislative branches, not to propose or perpetuate vast spending programs without providing the revenue to fund them.

The amendment would, in effect, make the president and Congress fully accountable for their spending and taxing decisions.

Fourth, critics will say that a balanced-budget amendment would prevent or hinder our capacity to respond to national defense or economic emergencies. This concern is easy to counter. Clearly, any sensible amendment proposal would feature a safety valve to exempt deficits incurred in response to emergencies, requiring, for example, a three-fifths majority in both houses of Congress. Such action should, of course, be based on a finding that such an emergency actually exists.

Fifth, it will be said that a balanced-budget amendment might be easily circumvented. The experience of the states suggests otherwise. Balanced-budget requirements are now in effect in all but one (Vermont) of the 50 states and have served them well.

Moreover, the line-item veto, available to 43 governors, would ensure that congressional overruns—or loophole end runs—could be rejected by the president. The public's opposition, the elective process and the courts would also restrain any tendency to ignore a constitutional directive.

In the final analysis, most of the excuses for not enacting a constitutional mandate to balance the budget rest on a stated or implied preference for solving our deficit dilemma through the political process—that is to say, through responsible action by the president and Congress.

But that has been tried and found wanting, again and again.

Surely the U.S. is ready for a simple, clear and supreme directive that compels elected officials to fulfill their fiscal responsibilities. A constitutional amendment is the only instrument that will meet this need. Years of experience at the state level argue in favor of such a step. Years of debate have produced no persuasive arguments against it.

The stakes are high. Perhaps Thomas Jefferson put it best: ''To preserve our independence, we must not let our rulers load us down with perpetual debt.''

That is the aim of a balanced-budget amendment. Reform-minded members of Congress should support such an amendment to our Constitution as a means of resolving future legislative crises and ending credit-card government once and for all.

A nutty idea? Not by a long shot.

[From the Patriot Post, Apr. 5, 2011]

HATCH AND LEE'S BALANCED BUDGET AMENDMENT: A WIN FOR AMERICA

(By Ken Blackwell)

Senators Orrin Hatch and Mike Lee introduced a Balanced Budget Amendment (BBA)

to make it a constitutional requirement for Washington, D.C., to end our deficit spending and culture of debt. And our national grassroots organization, Pass the Balanced Budget Amendment, is working with them to compel lawmakers to approve this change to the Supreme Law of the Land.

The BBA requires that the U.S. cannot spend more than it takes in. There are a few exceptions, such as allowing two-thirds of the House and Senate to suspend it for a specific reason for one year, with lower thresholds to respond to a military threat to our national security or an official, declared war against a specific nation (not some open-ended or global military operation).

The amendment is cosponsored by all 47 Senate Republicans. This raises eyebrows in that the last time a proposed BBA was voted on, 1997, it enjoyed Democratic support with 66 votes, falling a single vote short in the Senate.

A separate story here is Utah's leading role. That state's senior senator, Orrin Hatch, designed one version of the BBA. Utah's junior senator, Mike Lee, designed another. Both senators—one tied as the most senior Republican in the chamber and the other among the newest—then designed a composite version.

The resulting BBA addresses several major economic priorities. In addition to forcing a balanced budget, the BBA caps federal spending at 18 percent of GDP. It also requires a 60-percent vote to raise the national debt limit. It requires a two-thirds vote to raise taxes. And in forbids courts from ordering any tax increase. The BBA thus addresses multiple aspects of fiscal policy in a full-spectrum response to America's debt-and-deficit nightmare.

Utah's predominance regarding a constitutional amendment is no surprise. Hatch is the former chairman of the Senate Judiciary Committee and was talked up as a potential Supreme Court nominee years ago. Lee is the only former Supreme Court law clerk in the Senate, and is already mentioned as a potential Supreme Court nominee. These two senators may be bookends in seniority and age, but they are the foremost constitutional scholars in the Senate.

The Constitution is extraordinarily difficult to amend, requiring two-thirds of the House and Senate to propose it to the states, then three-fourths of the states (38) to ratify it.

To turn the BBA into reality, Senators Hatch and Lee are working with a national grassroots organization, Pass the Balanced Budget Amendment, to organize volunteers in every legislative district in America to mobilize political momentum.

We are very grateful to have Senators Hatch and Lee as Honorary Chairman. With their leadership, as well as others such as Co-Chairman Ken Buck of Colorado, the BBA has the best chances of passing since America's fiscal mismanagement began decades ago.

This is not just about economic conservatives. We must balance our national budget for the sake of our children's future. And our national debt has now become a national security concern as well. This is the perfect fusion of the three legs of the Reagan Coalition, and will benefit all Americans.

There are also serious political implications. TBBA could change the national debate. With several GOP presidential contenders endorsing the idea, this will likely be an issue for the 2012 elections. Those of us involved at the grassroots level with this issue and determined on making it so.

[From the Heritage Foundation, July 21, 2011]

BALANCED BUDGET AMENDMENT: INSTRUMENT TO FORCE SPENDING CUTS, NOT TAX HIKES

(By Edwin Meese III)

As Congress considers what to do about federal overspending and overborrowing, conservatives must maintain focus. We must pursue the path that drives down federal spending and borrowing and gets to a balanced budget, while preserving our ability to protect America and without raising taxes. An important part of that conservative agenda is adoption of a sound—repeat, a sound—Balanced Budget Amendment. A Balanced Budget Amendment is not sound if it leads to balancing the federal budget by tax hikes instead of spending cuts. Thus, a sound Balanced Budget Amendment must prohibit raising taxes unless a two-thirds majority of the membership of both Houses of Congress votes to raise them. Without the two-thirds majority requirement, the Balanced Budget Amendment becomes the means for big spenders to raise taxes.

Supporters of the Balanced Budget Amendment rightly want to force the federal government to live within its means—to spend no more than it takes in. Because the government has failed for decades to follow that balanced budget principle, America is now $14.294 trillion in debt, a debt of more than $45,000 for every person in the United States.

President Obama is making things worse. In discussions with congressional leaders, he has pushed hard to get authority to borrow yet more trillions of dollars and hike taxes. And the White House reiterated this week that President Obama opposes amending the Constitution to require the federal government to balance its budget.

A Sound Balanced Budget Amendment Must Require Two-Thirds Majorities to Raise Federal Taxes. Like 72 percent of the American people, The Heritage Foundation favors passage by the requisite two-thirds of both Houses of Congress and ratification by the requisite 38 states of an effective Balanced Budget Amendment to become part of our Constitution. Heritage has made clear that an effective Balanced Budget Amendment must control spending, taxation, and borrowing; ensure the defense of America; and enforce, through the legislative process and without interference by the judicial branch, the requirement to balance the budget. A sound Balanced Budget Amendment will drive down federal spending and end federal borrowing.

To date, Congress has proposed one largely sound Balanced Budget Amendment for consideration—Senate Joint Resolution 10, often called the Hatch-Lee Amendment after its main proponents. It has a number of important features, such as an annual federal spending cap of not to exceed 18 percent of the economy's annual output of goods and services (called the gross domestic product, or GDP) that Congress cannot exceed, except by a law passed with two-thirds majorities in both Houses of Congress or in specified circumstances involving military necessity.

A crucial feature is included in section 4 of the Balanced Budget Amendment proposed by Senate Joint Resolution 10: ''Any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and sworn Members of each House of Congress by a roll call vote.'' The requirement that no tax hikes occur without the approval of 290 Representatives and 67 Senators is essential in a sound Balanced Budget Amendment. Without the requirement for two-thirds majorities for any tax increase, the Balanced Budget Amendment becomes a sword for big spenders to use to raise taxes, instead of a shield to protect Americans from tax hikes. Those who seek to anchor into our Constitution a requirement to balance the budget must always remember that, if the only requirement is ''balance,'' that can be achieved two ways—cut spending or hike taxes. A sound Balanced Budget Amendment will balance the budget by driving down federal spending and not by driving up federal taxes.

Balanced-Budget States that Allow Simple Majorities for Tax Hikes Face Situations Very Different from that of the Federal Government. Some look at the experience of states that have requirements in their constitutions for a balanced state budget and draw the wrong conclusion about the need for two-thirds majorities for taxation. They mistakenly conclude that a requirement merely for simple majorities in state legislatures to raise taxes suffices to keep state taxation under control and therefore that a federal Balanced Budget Amendment should require only simple majorities in Congress to raise taxes. But the balanced budget requirement at the state level occurs in a very different context from such a requirement at the federal level.

As a practical matter, state legislators regularly work and live among the people they represent, often do their legislative work face-to-face with their constituents, and often depend upon direct contact with voters to persuade voters to keep the legislators in office. As a result, state legislators tend to be closely attuned and responsive to the need of their constituents for reasonableness in taxation. In contrast, U.S. Senators and Representatives spend much of their time distant from the people they represent, often deal with their constituents through the insulation of large staffs, and amass large campaign funds through political fundraising that allow them to depend more upon expensive mass communications than upon direct contact with voters to persuade the voters to keep them in office. As a result, U.S. Senators and Representatives tend to be less directly attuned and responsive to the need of their constituents for reasonableness in taxation than state legislators are. Accordingly, while a requirement for merely simple majorities in state legislatures to raise taxes may suffice to keep taxes under control in that state, simple majorities are not likely to keep taxes under control at the federal level—as the experience of federal tax increases in the last 50 years proves.

Some who recognize the need for taxpayer protection by requiring supermajorities, rather than just simple majorities, of the two Houses of Congress to raise taxes think a supermajority of three-fifths of both Houses would suffice. While three-fifths would add a modicum of taxpayer protection in the House, three-fifths would add little if anything in the way of taxpayer protection in the Senate, which already often requires a three-fifths majority to proceed to consideration of legislation. The existing three-fifths rule in the Senate has often failed to protect taxpayers from federal tax increases in the past. A sound Balanced Budget Amendment would add protection for taxpayers in both Houses of Congress by a requirement for two-thirds majorities of the membership of both Houses to raise taxes.

Conclusion: Adopt the Two-Thirds Majority Requirement for Tax Hikes, to Make the Balanced Budget Amendment the Instrument of Spending Cuts and Not Tax Hikes. America's soon-to-be New Minority—people who pay federal income tax—need protection from unreasonable taxation. When all Americans have the right to vote, but only a minority has the duty to pay the federal income taxes from which all Americans benefit, the risk is high that a non-taxpaying

majority will elect a Congress pledged to adopt taxation that oppresses the taxpaying minority The impulse to seek something for nothing has regrettably taken root in the American body politic in the past century. The requirement in the Balanced Budget Amendment of a two-thirds majority of the membership of both Houses of Congress to raise taxes will protect a taxpaying minority against oppressive taxation.

As Congress continues on the path toward adopting a joint resolution to recommend a Balanced Budget Amendment to the states for ratification, Congress should ensure that the Amendment includes a requirement for approval by two-thirds of the membership of the two Houses of Congress for tax hikes. Absent such a requirement, the Balanced Budget Amendment will encourage tax hikes instead of spending cuts as the means to balance the budget, making the Amendment the friend of the tax, spend and borrow crowd, instead of the friend of those who believe in limited government, free enterprise, and individual freedom.

Mr. HATCH. While a number of liberal groups committed to more government spending have lined up against our proposal, there is hardly a groundswell of support for the Democratic alternative. In fact, the lack of support for that proposal demonstrates more than anything I can say that it is a proposal designed with politics in mind. It is designed to provide cover for Members who want to say they support a balanced budget amendment while opposing the only amendment that would actually reduce government spending.

The bottom line is that not all balanced budget amendments are created equal. The Senate Republican amendment is one to restore liberty and constitutional government by reducing the size and power of Washington. By contrast, the Democrats' alternative promises more of the same. It does nothing to rein in spending or address the fiscal crisis this Nation faces. The differences between these proposals highlight clearly the distinctions between conservatives in Congress and the President and his supporters.

Although I am ever hopeful, I am realistic about the chances the Senate will pass S.J. Res. 10 tomorrow. I suspect the vote for the Senate Republican amendment will be as low as any the Senate has taken on a balanced budget amendment. This, though, shows how stark the differences have become between the two parties. The Democratic Party is now openly the party of tax and spend, the party of bigger and bigger government.

That is why today's debate and tomorrow's vote represents what Ronald Reagan called ''a time for choosing.''

As President Obama's speech in Kansas showed the other day, he is not backing away from his goal of fundamentally reordering American society in a way that transforms individuals and businesses into the arms of the State. The President, having completely abandoned the political middle and thrown in with the far left to secure his reelection, is now arguing that it is wrongheaded to believe one's success in life is owing to one's own hard work. Because the President seems to believe that individual success is ultimately not the result of personal effort but, instead, due to society, adherence to and respect for property rights, and the simple notion that one owns the fruit of one's labors becomes for him and his supporters a quaint artifact of an earlier era in American history.

The candidate of hope and change has turned out to be the President of spreading the wealth around. To succeed, he has embraced the politics of envy and class warfare that is far outside the mainstream of our political heritage.

The Republicans' balanced budget amendment offers nothing so grandiose. All we seek is the restoration of some limits on the power of the Federal Government and meaningful reductions in spending, and we give the time to get there too in our amendment. All we promote is a decent respect for the right to one's own wages and the freedom promised in our Declaration of Independence.

The Senate Republican balanced budget amendment secures these blessings of liberty, and I urge every one of my colleagues to support it.

The opponents of this amendment will say it is somehow improper to constitutionalize a requirement for a balanced budget. Hogwash. Many of those same individuals do not bat an eye when five unelected Justices on the Supreme Court rewrite the Constitution to fit their own preferred policy goals. Yet it is somehow inappropriate for the Senate to send a balanced budget amendment to the people in the States for ratification.

What are they afraid of? The Constitution ultimately belongs to the sovereign American people. It is only law because of their sovereign actions of ratification and amendment.

It seems odd the Democratic Party that claims Thomas Jefferson as its founder would oppose giving the American people a voice on this foundational constitutional issue. After all, if President Obama, the progressive Democrat, was so confident in the strength of his arguments, he could rest easy knowing the people would decline to ratify a balanced budget constitutional amendment.

So what are they so afraid of? Why are they so afraid to send this amendment to the people for ratification? Thirteen States could defeat this amendment. All they need to do is get 13 States to go against this amendment. That is what it would take to defeat it. That is all it would take. But it would be the people who would decide, not just a bunch of people here. If that is all the opponents of this amendment need, why are they so worried about sending it to the States for ratification? Why the lack of confidence in their powers of persuasion?

I can tell you why. The people of this country would ratify this amendment so quickly its opponents' heads would spin. Those who oppose sending this balanced budget amendment to the States for ratification know the people are eager to ratify it. That is certainly the case in Utah. Earlier this year, Utah passed S. Con. Res. 201 expressing support for S.J. Res. 10, the balanced budget amendment I introduced, along with my friend and colleague from Texas, Senator CORNYN, and my friend and colleague from Utah, Senator LEE, as well as 44 other Senators, all of whom deserve credit for this amendment.

I commend to my colleagues the Utah Senate's Concurrent Resolution 201 of the 2011 Second Special Session.

Mr. President, I take the instruction from Utah's State representatives very seriously. The Utah Legislature made it clear it supported ratification of this amendment, and I am confident if the Members of this body listen to their own State legislatures—49 of which are required to balance their own budgets—similar instructions would follow.

Here is the bottom line. Liberal special interests oppose the Senate Republicans' balanced budget amendment because they know the people would ratify it. And if the people ratified it, the government-funded gravy train would come to an end.

I look forward to this debate today. It is an important one, and I am confident that eventually the American people will ratify a balanced budget amendment and restore the promise of America's Declaration of Independence and Constitution for future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today in support of the balanced budget amendment. In fact, it is beyond me to imagine how anybody in this body could oppose a balanced budget amendment. I ran my election last year primarily on this fact—that government spending was out of control and the debt was consuming our country and that we needed new and more serious rules to bring the budget under control.

We have tried in the past. This body passed Gramm-Rudman-Hollings with bipartisan support in the 1990s and immediately began to evade it. This body passed pay as you go and then proceeded to disobey their own rules 700 times. And we wonder why 9 percent of the people approve of Congress? It is because we cannot even obey our own rules.

So we need new rules. We need a balanced budget amendment that would be an amendment to the Constitution because we do not adhere to the rules we pass. This body is literally out of control.

Now, the other side says: Trust us. Trust us. We can balance the budget. The other side hasn't passed a budget this year or last year—not just a balanced budget, the other side can't pass any budget. So I think we need new and stronger rules to force us to do

what is right, do what every American family has to do; that is, balance their family budget. A nation is no different. A nation has a printing press and can run deficits for longer, but there are ramifications.

The enormous debt we are accumulating as a country—we are borrowing $40,000 every second. During the time of my 5-minute speech, we will have borrowed millions of dollars. So there are ramifications. We have to pay for our debt in some way. We can either tax people or we can borrow—we are at the limits of both—or we can simply print the money. But as we print money to pay for our debt, we destroy the value of the existing currency. So those who have savings, those who are on fixed incomes—senior citizens, the working class—those who use every penny of their paycheck to pay for their needs are being robbed on a daily basis by inflation. Inflation is the end result of debt.

If we look at the approval of Congress being 9 percent, and we contrast that with how much of the public is for a balanced budget, 75 percent of the public—Republicans, Democrats, and Independents—would vote in favor of a balanced budget amendment. Yet this body is out of touch because we can't get anybody from the other side even to talk to us about a balanced budget amendment. We worked for months to see what it would take to make one acceptable to the other side, and we got nowhere.

We need to balance our budget because the debt is a threat to our country. This is not just me saying this. The Chairman of the Federal Reserve has said our debt is unsustainable. Admiral Mullen, part of this administration, has said our debt is the greatest threat to our national security. Erskine Bowles, who led the deficit commission and has been known as a Democrat, said we are approaching the most predictable crisis in our history, and it will be a debt crisis.

All throughout Europe there is a debt crisis: Italy is having trouble paying its debt; Greece is underwater; Portugal, Spain, and Ireland are all tenuously holding on and trying to pay their debts. That European crisis, that destruction of the Euro, is coming this way. Our debt now equals our economy.

Senator HATCH mentioned we have a $15 trillion debt and a $15 trillion economy. Many economists say when our debt approaches 100 percent of GDP—where ours is now—we are losing 1 million jobs a year. So this is having a drain on the here and now. It is not just that this debt is being passed on to our kids and grandkids. The debt is affecting jobs.

When I talk to college kids, I say: The chance of you getting a job depends on what we do with the debt. If we continue to finance our spending through debt, you will not have a job. You will have less likelihood of getting a job.

Now, some say it would be too hard to balance the budget. It is just too far out of whack. We can't do it. It is pretty bad. We are borrowing 40 cents on every dollar. If we look at the spending, borrowing 40 cents on every dollar is remarkable. When we look at our budget, the revenue coming in is being consumed by entitlements and interest. Everything else we spend—national defense, roads, everything else—the rest of the 40 percent of the budget is being borrowed. It is out of control.

Can you imagine any business or any family in this country borrowing 40 percent every year, year after year after year? It can't be done. There are ramifications and a day of reckoning is coming.

Some say: How could we ever balance our budget? I will tell you how. If we cut 1 percent of spending—this is called the penny plan—cut one penny out of every dollar in Federal spending for 6 years and freeze spending for 2 years, the budget will balance in 8 years. If we were to pass a balanced budget amendment and send it to the States, there is a 5-year window in the amendment, plus it takes a couple of years to pass, so it would be about 8 years.

So we could balance the budget in 8 years simply by cutting one penny out of every dollar. One might ask: How could that be, when they are cutting trillions of dollars and not balancing the budget? The reason is, when they talk about cutting spending around here, they are always talking about cutting proposed increases in spending. They are never talking about real cuts in spending. What I am talking about is a real cut.

We spend $3.8 trillion in our budget this year. One percent is $28 billion. Next year, we would spend $3.8 trillion minus $38 billion. A real cut of 1 percent each year for 6 years balances our budget in 8 years. It could happen, but it is going to take some resolve.

People need to understand the alternative. The alternative, if we do nothing, is that our debt is going to consume us as a nation. We have been warning about this for some time. Senator HATCH has been active. The last time we voted on this was in 1997. Fourteen years later we have had a significant revolution at the polls, and people are anxious to say: Do something, protect us from this mountain of debt. Yet there is still great resistance in this body.

I would say people in this body who vote against the balanced budget amendment do so at their own peril and do it against the will of the people. If they think it is so important to continue to accumulate debt, and that debt is fine, they should vote against this amendment. But they are thumbing their nose at the people. They are thumbing their nose at the American people who are very worried about our Republic and very worried about this debt.

So, Mr. President, I rise today in support of the balanced budget amendment and encourage my colleagues to give serious thought to voting for this amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I too rise in strong support of the balanced budget amendment—the strong, meaningful, balanced budget amendment presented on this side of the aisle because it is an important, necessary effort to rein in the biggest economic problem and threat we have facing us.

I want to dovetail and expand on some of Senator PAUL's comments, with which I certainly agree.

First of all, I hope it is perfectly clear that our debt—our growing, unsustainable level of debt—is a clear and present danger and an immediate danger to our Republic, to our democracy, to our economy, and to our future.

Overspending has been a problem for quite a while in Washington. It has been a problem under Republican and Democratic administrations and Congresses. But forever it was a problem because we were passing on these big debt figures, this big burden to our kids and grandkids, and we were kicking the can down the road. It was a problem for the future which we should correct now but largely a problem for the future.

As Senator PAUL said, that is not true anymore. It is an immediate threat right now. It is not a question of just our kids and grandkids; it is a question of next month, next year, whether we avoid a crisis, as is brewing in Europe, which could be the biggest hit to our economy since the Great Depression, bigger than what we went through in 2008. So this issue is an immediate threat, and it is not some esoteric issue about balance sheets. Again, as Senator PAUL said, it is an immediate threat to the health of our economy, to the prospect and ability of Americans, including young Americans coming out of college, to get good jobs, to settle into good careers.

The second thing, which I hope is obvious, is that to get ahold of this problem, to deal with this threat, Congress needs enforced discipline. We need a fiscal straitjacket because we have proven, unfortunately, over and over, under Democratic and Republican majorities, under Democratic and Republican Presidents, that we are not going to do it on our own. We need the enforced discipline—the fiscal straitjacket, if you will—of a balanced budget amendment.

Why do I say this? Well, even knowing the threat we face right now, what does Congress do? Congress passes a debt plan. We pass cuts. While the so-called cuts of $2.1 trillion sounds like a lot of money—it is in some sense—it is largely cuts to the growth of government spending. Even under this plan that Congress recently enacted, we are still racking up new debt. We are still adding on $7 trillion to our already unsustainable level of debt in the next decade, increasing it 50 percent, from $15 trillion to $22 trillion. That is the best we can do without enforced discipline even in the crisis atmosphere

we have now, even with the understanding we have now. I hope that proves we need this enforced discipline. The balanced budget amendment Republicans have put forward gives us that discipline we need.

First of all, I wish to compliment so many who have worked with me on it—Senator HATCH, Senator LEE, many others. I was in the working group, and I was in several meetings to get the details right because the devil is in the details. We don't need a fig leaf. We don't need a talking point. We need a balanced budget constitutional amendment that will work.

The details are right in this proposal, and it will work. Why do I say this? Well, within 5 years of ratification, under the amendment, Congress must pass a budget, the President must submit a proposal that is balanced, but not only that, the size of the Federal Government is limited to 18 percent of GDP. That is the long-term historical average of revenues in modern history. That is where we need to be. That is not my decision; that is not the decision of a single Member of Congress; that is the average of where revenues have been in the modern period.

It requires a strong supermajority to ensure that we don't continue the practice of exceeding spending caps with gimmicks and emergency spending for things that are not truly emergencies. For instance, a two-thirds vote of both Houses is required for a specific deficit for a fiscal year. A majority vote is required for a specific deficit when we have a declared war, and it needs to be a declared war in that instance. A three-fifths vote is required for a deficit during a military conflict and—this is important—with the requirement specifically that that is ''necessary by the identified conflict.'' In other words, the overage from a balanced budget is only for that conflict, not just a general exemption. A two-thirds vote of each House is required to increase taxes, and that is important so that this is not just a mechanism for ever-increasing tax rates that will quickly stagnate the economy. A three-fifths vote of each House is required to increase the debt limit, which is also important.

The details are important. I am confident we have gotten the details right in this proposal.

We also have a Udall proposal, a Democratic balanced budget constitutional amendment. Unfortunately, I think that gets the details very wrong. I am pleased that Senator UDALL and Democratic colleagues on the other side are committed to the notion of a balanced budget constitutional amendment. That is important, and that is progress. But the devil is in the details, and I am afraid they got some of those details very, very wrong. For instance, there is a huge loophole exemption for whenever the country is in a military conflict—not just a formally declared war but any military conflict. Unfortunately, we are going to be in that situation for a lifetime under the present war against terror, so that is a huge, gaping loophole. Under that loophole, the amount beyond a balanced budget which is allowed isn't specific to that conflict, it is just a general exemption. So it is a big loophole.

There are other loopholes too. Social Security is completely exempt from this structure. I think that is a big mistake because that is part of our budget situation and because we need this very enforced discipline to fix and to save Social Security. That is one of the top items I want to fix and save. That is one of the first places we need this enforced discipline to fix and save Social Security.

I urge all of my colleagues to come together behind this important and necessary enforcement tool. The American people recognize the problem. They recognize this—a strong, meaningful balanced budget amendment—as an important part of the solution. They want us to act in a positive way, and I urge that support for this balanced budget amendment and for that solution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I wish to thank my colleague from Louisiana, who has made great points about where we are.

I do think it is good news that we are talking about balancing the budget, but unfortunately, as we often do, this is really a political show more than a real attempt to actually balance the budget. The whole process is set up to fail.

We know the President has said that we don't need to balance our budget and that it is an extreme idea. The majority leader here in the Senate has called a bill that cuts spending and caps spending and sends a balanced budget amendment to the States to ratify the worst legislation he has ever seen. NANCY PELOSI, the Democratic leader in the House, has said that to balance the budget would cost jobs and that we would do it on the backs of the poor. Now we are to believe that our colleagues on the Democratic side here are serious about working with us to balance the budget.

The situation is too serious to just play politics, and I know from talking to a number of my Democratic colleagues that they feel the same way, that they know we need to balance the budget. It is very difficult for them as a party because a lot of their platform is based on more promises for government and more government spending.

In effect, a balanced budget amendment that meant we couldn't spend more than we were bringing in would change politics in Washington forever, which is something we have to do. But at least we are discussing the idea of balancing the budget.

We know that the President's budget, the only budget we have seen—we haven't seen one out of the Senate in the last several years—increased our debt another $10 trillion over the next 10 years. It didn't balance it.

Just about every Republican voted for a budget, a 10-year budget offered by Senator PAT TOOMEY that balanced in 10 years without cutting Social Security or Medicare. So we can do it. We can do it without hurting Americans. If we do it now, we can actually control our own destiny rather than what we see across the Atlantic in Greece and other European countries. They lost control of their destiny. They are now in the control of other countries and of fate. But America is still in a position that, if we make the decisions now to begin the process to balance our budget, even if it took 10 years, we could save our country and perhaps save freedom for the world. But there is no question that if we continue on the same course we are on today, we will bankrupt our Nation, lose control of our destiny, and change the world forever. But at least we are talking about balancing the budget, and maybe that is a good first step.

Today, the Democrats have offered a weak alternative to the Republican balanced budget so that they can say they are for it. Again, I think that is important to get on record, that we are at least for the idea of stopping spending more than we are bringing in. For the past 2½ years, as I mentioned, the Senate Democrats, who are in charge here, haven't even produced a budget, let alone the idea of balancing one. President Obama, as I said, proposed a budget that doubled the national debt in the next 10 years. That is not responsible leadership at a time when we are already at an unsustainable debt level.

Despite all the bipartisan promises to cut spending, Washington is still voting to make government bigger and more expensive than ever. And this includes some Republicans joining the fray here to just increase spending. Federal spending went up 5 percent in the first 9 months of the year despite all the hoopla about us doing something about spending.

There is one way to judge whether we are cutting spending or not, despite all the rhetoric here and the Washington-speak. If we want to know whether we are spending more, we just have to ask ourselves: Are we spending more than we did last year? The answer is yes. And we are going to spend more next year than we did this year, based on the bills we are passing this week and next. So this isn't austerity. It is gluttony. It is political gluttony.

Since Obama became President, the debt limit has been raised four times. The debt is rising faster and higher than ever. Yet the Senate refuses to pass a budget or cut spending. We must budget and balance the budget or we are going to bring down our whole country.

Republicans have offered a strong balanced budget amendment that limits government spending to 18 percent of gross domestic product—GDP—and

requires a two-thirds majority to raise taxes, and it has earned the support of every Republican in the Senate. That is pretty unusual for us. Passage of that amendment should have been tied to the last increase in the debt limit, but it wasn't. President Obama was given another $2 trillion to borrow, and Americans received nothing in return, no cuts in spending.

The Democratic amendment differs in three ways from the Republican amendment.

What Republicans are trying to do is to reduce the level of spending relative to our total economy and to make sure it is difficult to raise taxes to balance the budget. And we should all agree on that. We shouldn't go back to the taxpayer every time we spend too much. The emphasis should be on reducing our spending. But the Democratic amendment doesn't cap spending to the historical levels, which means we can balance the budget by raising taxes and continuing to increase spending. So our amendment is designed to cap that spending at a certain level.

Secondly, the Democratic balanced budget amendment does not require a supermajority to raise taxes. So during regular order here, we can increase taxes to meet the requirement to balance the budget. It would be a nice safeguard for the American taxpayer that we would at least have to get a supermajority to raise taxes in order to balance the budget.

For some reason, the Democratic balanced budget amendment inserts just an element of class warfare, saying that we cannot decrease taxes on those making over $1 million. It doesn't sound like something we would do anyway, but it is not something that should be part of a constitutional amendment that we send to the States to ratify.

The strong Republican balanced budget amendment would force both parties to find ways to cut spending and reform entitlements. Those are the things we have to do. The weaker Democratic version does not do that because it preserves the status quo where it is easier to raise taxes than cut spending, which is where we are today.

For the past 2½ years, Senate Democrats have not produced a budget, let alone a balanced one. President Obama proposed a budget this year that doubled the national debt. Again, that is not a budget; that is a loan application and this country cannot continue to operate based on more borrowed money and more spending and more threats of raising taxes.

If we want to get the economy going and balance our budget, we have to cut spending. That is the whole idea of the Republican balanced budget amendment. Let's get serious about saving our country and the freedoms for which so many have fought. If we do not do it soon, we will lose control of our destiny.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise today to join many of my colleagues, as Senator DEMINT has said, to endorse the balanced budget amendment that Republicans are offering. We have 47 Republicans in the Senate and there are 47 cosponsors and supporters of this approach to a balanced budget. Our approach addresses the fundamental problem in America and that is government spending. Big problems require bold action. Today's staggering national debt, $15 trillion, is crippling our economy. We must take action to stop it.

The 40-year average of total U.S. Federal Government spending is 20.8 percent of gross domestic product. For 2011, Federal spending was 24.1 percent of GDP. Looking forward, if we stay on the same course we are on, Federal spending is projected to be 40 percent of GDP in 2046, and by 2085 it will reach 75 percent of GDP. We are reading a lot of stories about European countries that are doing exactly what we are talking about how the future for America will look like if we do not curb spending right now.

Some of my colleagues on the other side of the aisle think increasing taxes will reduce the deficit. However, the facts state otherwise. The trajectory of government spending, as I have outlined, could not be met with tax increases. There are not enough tax increases if you went to 100 percent rate of tax. There would not be enough to support that kind of government spending.

In addition to that, as we have been saying, increasing taxes is going to lower the capability of our small businesses to hire. That is what we are trying to spur right now, more employment. It is going to take systemic changes in government spending to get the debt and deficits down in this country. Lower spending is the only way we can have the systemic changes that are necessary to lower the government burden so the debt begins to get less and less.

My colleagues across the aisle have proposed their solution with a different approach to a balanced budget amendment. In our opinion, it is flawed because it fails to include a supermajority requirement to raise taxes and it separates Social Security from the Federal budget. That might seem like a good idea on its face, to assure that Social Security never goes under because there would not be a connection between Social Security and the Federal budget, but in fact as we speak today it is part of our Federal budget because the Social Security outlays exceed what is coming in revenue from Social Security. Excluding Social Security from our Federal budget would not solve our deficit spending or shore up Social Security's finances for current and future generations. Right now, Social Security is on a glidepath toward insolvency.

I firmly believe that entitlement reform is vital to any long-term solution to our Nation's financial problems. It is essential that we assure the markets that long-term financial challenges are being confronted, and that includes entitlement reform so that Social Security will be on a glidepath toward solvency rather than the other way around.

Earlier this year I proposed a modest Social Security reform that would gradually increase the retirement age so it more closely resembles today's actuarial tables and life expectancy. It would decrease the annual cost of living slightly by adjusting it if inflation exceeds 1 percent. If inflation exceeds 1 percent, then you would have a cost-of-living adjustment. Otherwise, you would not.

In addition to spending reduction and entitlement reform, we need long-term progrowth tax policies in place, not constant threats of tax increases. When we hear our small business people talking about why they are not hiring—because I think probably every one of us in this Senate as we travel around our States and in the country asks our small business people why aren't you hiring? Why aren't you adding to our economy?—they say two things. They say, No. 1, the regulations of this country are driving them down. It is like a blanket over their capability to produce, get more traction and hire people. So it is overregulation that we are seeing rampant in this administration.

The second thing is our President is always talking about tax increases. He talks about it every time I see an interview or a speech. Those people out there need to pay more taxes. You know what, if you are being constantly threatened with more taxes, you know you have to look at your budget and adjust, and that adjustment usually means you are not going to hire people if you know your expenses are going to go up through regulations and more taxes.

If we are going to make conditions in this country better for private sector job growth in this country, which certainly would lead to a stronger economy, we have to address spending and tax policy. Our balanced budget amendment moves forward on these fronts. We reduce spending responsibly, to put our country on a fiscally responsible path. We can shift the spending trajectory in this country by passing the balanced budget amendment and implementing a long-term plan that caps Federal spending. The Federal Government has grown exponentially in the last few years. We cannot sustain that. That is not a responsible position when we know unemployment is almost 9 percent. We have to have policies that will encourage employment. That is the way to grow revenue.

We can grow revenue, but not by taxing the people who are hiring. Rather, we can do it by giving them a regulatory playing field that is responsible

and not overbearing, and by making sure we have not only a tax policy that encourages hiring but one that is stable and predictable.

If taxes are going to change every year, that is not predictable and it is not stable. I hate it when I talk to an international company and I am talking to someone in that company—maybe the CEO, or chief financial officer—and I say, why are you moving that part of your company overseas? They will invariably say: Because there is a better regulatory environment.

That is shocking. It is shocking for an American CEO to say we can better predict what the conditions for regulations are in foreign countries than we can in America. That is not the foundation to revive our economy.

We have a balanced budget amendment that we believe addresses the issues of this economy. It will put caps on Federal spending. It will start bringing down the size of government to meet the gross domestic product of our country. Right now it is off balance and we need to put it right so we do start hiring in this country in the private sector. Hiring in the government sector is not a long-term growth strategy. We need jobs in the private sector for permanency and we will do that with a balanced budget amendment that puts caps on spending. Systemic change is what is necessary in this kind of environment. I hope Members on both sides of the aisle will look at these amendments and realize we could help the jitters in the market get calmed by addressing this in a long-term way.

The balanced budget amendment we are offering—and we will vote on tomorrow—is the best approach. It is looked at by people in the real world, the business world, the hiring world. They are saying what they need is stable regulatory environment and taxes that are not confiscatory so they will have the ability to hire more Americans and create greater revenues through people who are working and producing—people who are going to pay taxes, people who are going to export and keep our economy on a growth pattern rather than one that continues to sit there with a high unemployment rate that is stagnating our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I rise today to join with the Senator from Texas and agree with her about the need for a balanced budget amendment to the Constitution and agree with her comments about the economy in this country and our need to focus on jobs and debt and the spending. I agree with her and I agree with the majority of the American people. That is why I am here today to talk about the balanced budget amendment to the Constitution.

We are at a time in the calendar year where the holidays are rapidly approaching. Americans across the country are looking very closely at their budget. That is what families do, they look at their budget and they consider what costs are out there and what money is available to deal with those costs. They are looking at gifts and travel and holiday celebrations. They are carefully balancing their regular monthly expenses with these additional special costs in order to avoid starting the new year with a mountain of new debt. Americans understand there are consequences for irresponsible spending. Folks know if they make decisions which they later decide were not the best decisions, then by New Year's Day bills will come due and they will have real concerns.

Formulating a responsible budget is not always easy, but it is absolutely necessary. It is the right, the reasonable, and the responsible approach. The problem is, unlike the rest of this country, Washington does not seem to be concerned about responsible budgeting. In fact, Washington does not seem to be concerned about any kind of budgeting. In Washington, the President is responsible for submitting a budget every year. Congress is then responsible for passing a budget every year. It has not happened this year; it did not happen last year. The House of Representatives did their job when they passed PAUL RYAN's budget, but this body, the Senate, did nothing. In fact, this Senate has not passed a budget in over 950 days.

What has happened in the last 950 days? Well, in 2010, the Chairman of the Joint Chiefs of Staff said: ''The single biggest threat to our national security is our debt . . . '' The single biggest threat to our national security is our debt. Washington did nothing.

A year ago this month, the President's bipartisan commission made recommendations to rein in the debt. The recommendations have been largely ignored. More recently, the Joint Select Committee on Deficit Reduction failed to present a plan to cut $1.2 trillion from the deficit as required by the legislation. Our national debt is now over $15 trillion. Our credit rating has been lowered for the first time in the history of this great Nation. So here we are, $15 trillion in debt and no real plan to get out of it. The American people deserve better. They expect better.

Back home in Wyoming folks understand the importance of balancing budgets and living within their means. What they don't understand is why Washington doesn't get it. A constituent from my hometown of Casper—Mike Brewster is his name—wrote to me earlier this year. Folks in Wyoming like Mike get it. Mike wrote:

> One of the values that makes our state and our communities so strong is being financially solvent. We do not spend more than we make. If we max out our credit cards, we don't ask for higher credit limits, we cut our spending. To do anything else would label one a fool.

Referring to the national debt, he went on in his letter and said:

> Let's be clear; this is a crisis. This crisis wasn't caused by a lack of revenue; it was caused by spending way beyond our means. The only logical solution is to reduce spending—that is the ''Wyoming Way.'' That is what your constituents would have to do if they had the same mess in their personal finances, and that is what you must do to properly represent us.

Mike is absolutely right, this is a crisis. It is a crisis that could have been prevented and a crisis where we need to solve it by doing the right thing. If we are going to balance Uncle Sam's checkbook, we need to stop charging everything under the Sun to the taxpayers' credit card. That means we need to stop spending more than we take in, and in order to achieve this, I believe that now, more than ever, we need a balanced budget amendment to the Constitution.

Amending the Constitution is not something I take lightly. This is the single most important document in our Nation's history, and I am very hesitant to suggest amending it. However, Washington's unwillingness and inability to be responsible stewards of taxpayers' dollars has left us no choice. We need to begin the long road to financial recovery by balancing each and every budget. We do it in Wyoming, and Washington should follow suit.

The balanced budget amendment is not a new idea. In fact, a bill that would have sent a balanced budget amendment to the States for ratification failed by one vote in 1997 right here in the Senate. Over the years many Democrats who serve in the Senate today have voiced their support for a balanced budget amendment.

Senator SHERROD BROWN, Democrat of Ohio, said:

> Before I ask for your vote, I owe it to you to tell you where I stand. I'm for . . . a balanced budget amendment.

That was what he said in 2006.

DEBBIE STABENOW had another similar quote in 2000: ''I crossed the line to help balance the budget, as one of the Democrats that broke with my party.''

Senator HARRY REID, the majority leader, said back in 1997 when they were voting on a balanced budget amendment: ''I believe we should have a constitutional amendment to balance the budget. I am willing to go for that.''

Senator TOM HARKIN said: ''Mr. President, I have long supported a balanced budget amendment. I expect to do so again . . . ''

We could go on and on with Democrats who in the past stood up to support a balanced budget amendment.

It seems to me if folks on the other side of the aisle are serious about balancing the budget, they will support the only balanced budget resolution with teeth. The Republican plan imposes real spending discipline that cannot be undermined by simply raising taxes on hard-working Americans. If we are going to amend the Constitution, we need to make sure the balanced budget requirement cannot be easily sidestepped by either party. The Republican plan does just that.

Our creditors will not wait for a politically convenient time to collect our debts. We simply cannot afford to wait any longer to reduce those debts. Irresponsible, unsustainable spending and debt has consequences, consequences we simply cannot afford to pay.

If you don't believe me, look at Europe. Everyone in this body needs to take a long, hard look at Europe and then decide what future they want for our great Nation. This is not about doing what is right for Democrats or Republicans; it is about doing what is right for all Americans and for this entire country.

As Art Middlestadt from Cheyenne, WY, said in a recent e-mail: Allowing our children to suffer the consequences of Washington's reckless budgeting is unconscionable. Well, this is about showing Art and the rest of America that we hear them and we understand them. Families know this, individuals know this, and the sooner Washington knows this, the better.

I urge all of my colleagues to vote in favor of balancing the Federal budget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, one of the things about a debate such as this is that I have something I always do, and that is I will sit down and cross off things I was going to say that somebody else has already said. Unfortunately, almost everything has been said, but there are a few things that have not. I wish to put this in a more of a historic perspective.

I can remember back in 1968. In 1968 I was elected to the Oklahoma State Senate, and at that time we were all concerned about the deficit spending and the debt in this country. I remember so well a kind old gentleman from Nebraska. He was U.S. Senator Carl Curtis. Carl Curtis contacted me—because I was kind of an aggressive person at that time—and said, I have an idea. I have been up here trying to pass a balanced budget amendment to the Constitution and I have been trying for years to do it. One of the primary objections they have is they could never get the majority, the three-fourths necessary to ratify the Constitutional Amendment. He said, this is my idea: Let's go ahead and get three-fourths of the States to preratify a budget-balancing amendment to the Constitution. I thought that was an ingenious idea, and so we did.

I passed a resolution in the Oklahoma State Senate in 1968 that said we were going to preratify it. In fact, we came within one State of having the three-fourths necessary to do that; not that that would have preratified it, but it would have taken away the argument that Carl Curtis had that they objected to in that they would never be able to ratify this in the States. I thought that was a great idea. We came close to doing it way back in 1968. I remember this very well. I was trying to impress upon the American people how much that debt was, and at that time the debt was $240 billion. I said, if you take dollar bills and stack them up, by the time you get to $240 billion, it is the height of the Empire State Building. That was only $240 billion.

A lot of the groups and Members who are opposed to passing the balanced budget amendment think we don't need one. They actually believe Congress and the President can balance the budget without any enforceable accountability. But in 1986 when the amendment failed by one vote—and I remember that year so well because that was the year I was elected to the House of Representatives here in Washington—the national debt at that time was $2.1 trillion. By 1997, when the Senate considered the amendment again, the debt had risen to over $5 trillion, and it got up to about $10 trillion when this President took office, and that is where this all starts.

What has happened since President Obama has been in office is something that is totally unprecedented in the history of this country. In the years he has been there, it has gone up 42 percent. I was concerned back in 1968 with $248 billion, and now the increase in this short period of time has gone from $10 trillion to $15 trillion.

I think everyone knows the need to reduce spending is evident. We don't have to do anything more than look across the Atlantic. I think my friend from Wyoming covered that pretty well. When you stop and think what has happened to these countries over in Europe—and it is not just Greece and Italy; there are other countries too. They could not resist their insatiable appetite to spend money they did not have. What has happened there is happening in this country. I agree with my friend from Wyoming, we are right behind Europe in this case.

I remember, and probably everyone in this Chamber remembers, during your elementary years reading about the history of this country. A guy named Alexis de Tocqueville came to the United States. He came here, oddly enough, to study our penal system. That was back in the founding years of this country. When he got here, he was so impressed with the wealth of our Nation that he stayed and wrote a book. In this book he talked about how one plot of land was given to each person who came over and they were able to keep the benefits of their hard labor, and the prosperity was indescribable at that time. It is said in the last paragraph of the de Tocqueville book that once the people of this country find they can vote themselves money out of the public trust, the system will fail. That is why I say this is not an ordinary time. This is not 1968, 1986, 1997, where we tried this before. This is to the point where we will realize the accuracy of de Tocqueville's prediction.

It has been publicized recently that 47 percent of the people are not paying Federal taxes and not paying income taxes. That is dangerously close to that 50 percent he was talking about several hundred years ago. So this year Washington has been patting itself on the back with the Budget Control Act we passed in August which cut spending by $900 billion over the next 10 years. We are slowly starting to chip away at appropriations bills. These have not been as advertised. They have not come close to solving the problem. This is demonstrated by the fact that next year's deficit is still expected to be right around $1 trillion. I know this is kind of offensive to some of the people who participated in this great committee that was charged with the great responsibility of finding $1 trillion over 10 years.

When I talked to a large chamber group in Oklahoma on Monday morning—we had over 500 people there—I said: Can you understand what is happening here in terms of the request that has been made of coming up with $1 trillion over 10 years?

As the Senator from Wyoming said, the President submits a budget. It is not the Democrats, not the Republicans, not the House, not the Senate. It is the President. He has now submitted three budgets. In his three budgets he has had deficits each year of almost $1.5 trillion.

I remember in 1997 going down to the floor when Bill Clinton was President of the United States, and that was the first $1.5 trillion budget to run the country. That was $1.5 trillion to run the entire United States of America. Yet this President has come up $1.5 trillion in deficit over and above the revenues we had each year for 3 years.

If you have the requirement of coming up with $1 trillion over 10 years and yet this President has increased the deficit by almost $5 trillion in the short period of time—it probably will be $6 trillion by the time the last budget is realized—then how in the world are you ever going to dig out of this? Well, the answer is you cannot.

Further, when I was talking to the people in Oklahoma on Monday, and I said, the requirement for the first year was $44 billion—if you take $44 billion as a requirement to cut spending in the first of 10 years and yet the President has had an increase of $1.5 trillion in his budget for 1 year, obviously that is not much of a requirement.

Obviously, that is not much of a requirement. That is not going to do. So to me that demonstrates what we are not able to do without having a balanced budget amendment to the Constitution. The amendment we have makes it difficult to raise taxes. It also requires that the President and Congress pass a balanced budget each year. It does something else that is very significant. The amendment would also limit the amount of spending allowed to 18 percent of GDP, which is the historic level of revenue the Federal Government has collected since World War II.

So it covers these things. People complain about it, saying: Well, we do

not know. There could be times of crisis. There could be times of war.

This has it built in. If we are in a declared war, you do not have to follow the guidelines in the balanced budget amendment. In fact, you could actually violate it because that is in times of war. We understand that. If it is not a declared war, you can do it with a supermajority. So this has those built in safeguards to take care of contingencies that we cannot determine what they are right now, such as war, such as a crisis we have.

Now, some of those people—not too many people will come to the floor and say this, but in their own minds they still believe this idea that more government spending can actually make the economy grow. And I do not know how they can still believe that after what they call the American Recovery and Reinvestment Act. It was $825 billion. That was supposed to be a stimulus package. That was supposed to stimulate the economy. Yet only 3 percent of that actually went to things that specifically would stimulate the economy, such as roads, bridges, and things we were supposed to do. It was all financed with extra government debt and with projects such as Solyndra, which has gotten a lot of attention recently, and other projects. It was more social engineering. We all know that. So we know you cannot increase spending to pull us out of the situation we are in. They also said that would cause the unemployment rate to get down to well below 8 percent. Of course, we know now that it did not do that. So none of the projections actually came to be realized. The economy is still very weak despite the fact that the President was able to secure nearly $1 trillion in stimulus spending. It did not help this time. It is not going to help again. It never helped in the past.

To enforce the amendment, the courts would be prevented from mandating tax hikes. Further, to raise the debt limit, a three-fifths majority of both Chambers—both, not just one—would be required.

So it does take care of all of these contingencies that I think would be necessary and answers the complaints that people have who say it would be dangerous to have a balanced budget amendment.

I know it works. The funny thing about it, when they say it will not work, look at the laboratories we have for the Federal Government. My State of Oklahoma, balanced budget amendment. It has all of these things built into it. In fact, it is not as generous as the one we are advocating. But nonetheless, I remember my years in the State legislature. We would get up toward the end of the year, and they would say: Well, wait a minute, we can't do that because we can't go into a deficit. If the States can't do it, we can pass the same thing.

So I would merely say, try to put it in the historic perspective. If you do that, then you will see why it is a sense of urgency that 47 percent of the people are on the receiving end of government. It would turn around and get to that point where, as Tocqueville said, we cannot go beyond.

Remember in 1968 the Carl Curtis thing. That was a $240 billion deficit; 1986, $2.1 trillion; in 1990, it was up to $10 trillion. It took all of that time to get up to $10 trillion. That has almost doubled with this one administration, with this President. So this is not business as usual. This is not like the balanced budget amendments have been in the past. They are structured very much the same way, but the sense of crisis is here.

I have 20 kids and grandkids. What we do here is not going to affect me personally, but it is going to affect future generations. This is an opportunity to really do something meaningful.

I urge the support of S.J. Res. 10, a strong balanced budget amendment to the Constitution.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. AYOTTE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Madam President, I rise today to join my colleagues in expressing my clear and unequivocal support for a balanced budget amendment to our Constitution, Senate Resolution 10.

With our out-of-control and unsustainable debt threatening nothing less than the American dream and the opportunities that will be available for our children and our grandchildren, we need to pass a meaningful balanced budget amendment, and this, in my view, can be one of the single most important steps we can take to get America's fiscal house in order and to save our country from looming insolvency.

Madam President, 49 States in this country have some requirement to balance their budget. The Federal Government should be no different. My home State of New Hampshire has a legal requirement to balance its budget and has long followed this commonsense tradition of fiscal responsibility.

This is a subject I have discussed extensively with my constituents over the last year while I have done townhall meetings throughout our State focusing on our Nation's debt crisis. I have done a PowerPoint presentation to show my constituents the hard numbers on the fiscal state of this country. And it is deeply troubling where we are today: 3 straight years of $1 trillion-plus deficits, over $15 trillion dollars in debt, Medicare and Social Security on a path to insolvency as early as 2024 and 2036, respectively, and nearly half of our debt—47 percent—currently is being held by foreign entities, and the single biggest foreign holder of our debt is China.

I also talk about spending and deficits in terms of how it relates to your average New Hampshire family. In New Hampshire, if you use Washington's budgeting logic where we are borrowing 40 cents of every single dollar—in 2008, the New Hampshire median household income was $66,000. If you used Washington logic, the amount that family would spend would be $107,000 or $41,000 more than they earned. That would never fly in New Hampshire where families sit around their kitchen tables and they use their common sense to balance their budget. Yet in Washington we continue to perpetuate this borrowing to sustain our government every day.

If you look at where we are, one of the most troubling statistics that really impacts our economic growth is the share of our gross debt to the size of our economy or our GDP. That is now 100 percent. Just 5 years ago, that ratio was closer to 60 percent.

As many of us in this Chamber are aware, economists Carmen Reinhart and Ken Rogoff have concluded in a study that over the past century, for nations that reach where we are, where total debt reaches over 90 percent of the size of our economy, there is a negative impact on economic growth. And we can expect lower job growth and fewer economic opportunities. We certainly cannot afford that in this troubling time for Americans.

So not only do we need to get our fiscal house in order because it is the right thing to do so we are not dependent on other countries such as China to fund our government, we also need to do it so we can provide opportunities for future generations of Americans.

New Hampshire citizens understand we cannot keep spending money we do not have. They make those commonsense decisions on their own family budgets. Small business owners in New Hampshire are astounded when I tell them our Federal Government is operating without a budget. They would never run their businesses without a budget. But they do not understand why Congress cannot even perform such a basic function of passing a budget blueprint.

It has now been 958 days since the Senate last passed a budget. I have to say that I was really honored and excited to be the newest appointment to the Senate Budget Committee. However, I have been incredibly, incredibly disappointed that we have not in that committee done the hard work that needs to be done, the thing that is right for this country—to sit down, to make the hard choices, to put together a budget blueprint and to pass a Senate budget, to have the robust debate on the Senate floor about how we prioritize our spending and how we live within our means. The American people deserve better. They deserve us to do our job and to pass a budget for our country that is fiscally responsible.

In that time, in those 958 days that the Senate has not passed a budget, the Nation's debt has increased by $3.9 trillion. When you think about it, it is deeply troubling. I am hopeful that if we bring forward and pass the requirement of a balanced budget amendment to the Constitution, it will also force Congress to do the basic function of putting together a responsible and balanced budget for our country.

I cannot emphasize enough the urgency of passing this budget control measure, the balanced budget amendment, Senate Resolution 10. I think it is important for my constituents and the American people to know, if we pass the balanced budget amendment in this body, in the Congress, this is putting the question to you, to the American people, to decide, do you want the Federal Government to balance its budget?

So when we pass an amendment to the Constitution, we are simply sending along to the States the decision of should we amend our Constitution. I cannot think of anything more important than sending that question to the American people, to our State legislatures, to decide should we live within our means; should we be bound by the same requirements the States have, by the same common sense we find at home to balance our budgets and live within our means.

Madam President, for fiscal year 2011 we spent 24.1 percent of our GDP. That is well above the historical spending average of a little over 18 percent, if we go back to 1960 where the revenue we had has come in. So we are at a huge trajectory of spending at 24.1 percent. Yet in 2011 our revenues only accounted for 15.4 percent of our economy because of the difficult times we are in relative to our economic growth.

Under the Republican proposed balanced budget amendment, we put the handcuffs in place that are needed to put us on a path to eliminate this by capping Federal spending at the historical level of revenue at 18 percent. Why is this important? It is important because we can't continue to spend well beyond our means. We have to acknowledge that a meaningful balanced budget amendment will also cap Federal spending at its historical levels.

It is not difficult to see what will happen if we don't get control of our fiscal situation right now. Budget shortfalls will only get much worse, driven by massive increases in entitlement spending and interest payments, and the reality is the failure to act will result in America going the way of what we see happening in Europe right now, the way of Greece, Italy, and Ireland: our economy in tatters and our standard of living greatly diminished.

We cannot let that happen to our country. We must act now. We must pass this balanced budget amendment in the Senate and send that question to the House and also send that question to the States so the people of this country can decide if we should be responsible and have to balance our budget. Left unchanged, Medicare, Social Security, Medicaid, and other mandatory health programs alone will eventually grow to consume every single dollar of the revenues our government takes in.

Without reform, the Social Security trustees project the program will be insolvent by 2036. As a result, beneficiaries may see a benefit cut of 23 percent in just 25 years. The Medicare trustees project it is even more immediate and dire. The Medicare trustees project Medicare will be insolvent by the year 2024.

It doesn't have to be that way. We need to show the political will and courage to reform these programs, make them sustainable, and to reform them and preserve them for those like my grandparents, who are relying on them, and for future generations to know that these programs will be there. But if we fail to take this challenge on now and continue to kick the can down the road, then these programs will be greatly diminished, and they will continue on an unsustainable path that is bankrupting our country.

In this debate, it is important to remember that in 1997 the balanced budget amendment failed to pass this body by only one vote. At that time, our national debt stood at $5.4 trillion. We now have a $15 trillion debt. That debt equates to about $128,000 per household. That is a huge amount of money to an average household. Under the Budget Control Act, which I opposed last August, the debt will be allowed to reach a new limit of $16.4 trillion, left unchecked.

Congress has raised the debt limit 79 times since 1960, and in just 4 short months since the debt limit was last increased, over $700 billion has been added to our debt, since we took that action in August.

Speaking of the debt limit, the Republican-backed balanced budget amendment will require a congressional supermajority to raise the debt ceiling. That means three-fifths of both Chambers will have to approve unless it is a time of war. That would require a majority in a time of war. That is a very important measure because we can't continue to increase the debt limit without addressing the underlying drivers of this fiscal crisis that faces our country.

I also want to briefly touch on taxes. The Republican version of the balanced budget amendment, S. Res. 10, would require a supermajority to raise tax rates. We have a spending problem, not a revenue problem. Under S. Res. 10, a two-thirds approval of both Houses of Congress would be required for any bill ''that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue.''

My friends on the other side of the aisle are proposing an alternative—S. Res. 24—to the balanced budget amendment that I have just described. While this proposal sounds good, it fails to squarely address the magnitude of the challenges we face. It doesn't apply to all spending. It also doesn't contain a cap on spending. It does nothing to strengthen our entitlement programs, and it does nothing to make it harder to raise taxes. It does nothing to make it more difficult to raise the debt ceiling. In my view, it is insufficient to be meaningful to pass along to the States for a vote.

The Republican alternative contains the elements that I just talked about—a balanced budget, spending caps, a supermajority to raise taxes, and making it more difficult to raise the debt ceiling, unless and until we address the underlying causes of our fiscal crisis.

This issue is deeply personal for me. I fundamentally believe all of us have a duty to make this country stronger than we found it. As the mother of two young children, Katherine, now 7, and Jacob, 4 years old, who are both very excited for Christmas, I want the American dream to burn as brightly for them as it has for me. It is not too late for our country or for this body to make the tough decisions that will put our country on a fiscally responsible path.

I feel a solemn duty to make sure we make those choices now and that we don't continue to kick this can down the road to future generations and burden them with a debt they did not incur. The last thing I want is for my children to ask me: Mom, you knew we were going bankrupt. What did you do to save our country?

Now is the time for courage. All of us recognize the enormity of the fiscal challenges we face, as well as the dire cost of continued inaction in this body. The Republican balanced budget amendment provides a solid foundation that will set our Nation on a fiscally responsible path. This is an urgent need that we have right now. We cannot do what we did in 1997 and fail to pass the balanced budget amendment. We should send this question to the States and let them decide, let the people of this country decide: Should we live within our means? Should we balance our budget? Should we deal with this debt crisis now and make sure our children and all children and our grandchildren will have the same opportunities we have been blessed to have in the greatest country on Earth?

I urge my colleagues to support S. Res. 10.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Madam President, I agree with the Senator from New Hampshire on some of what she said with respect to facing up to our deficit and debt. This debt does present a clear threat to our country, and it must be confronted. I agree with her entirely on the question of the importance of that and the priority of it.

I disagree entirely with respect to this amendment that is before us. I came to the Senate floor to address this balanced budget amendment because I believe it would be a profound

mistake for this country. In fact, I believe if this amendment were in force today we would be in a depression. I believe adopting this amendment would have and could have disastrous consequences for the economy and for the future strength of this Nation.

I would like nothing more than to have a balanced budget. I believe in balanced budgets. I believe this debt represents a clear threat to the country. But I do not believe a constitutional amendment is the way to achieve it. I believe the way to achieve it is for us to make the decisions to balance the budget, to cut the spending, to raise the revenue, to actually balance the budget—not leave it to a constitutional amendment or to unelected judges or to the States but to make those decisions here and now.

I have been part of the fiscal commission where 11 of 18 of us agreed to a plan to get our debt under control. I have also been a part of four Democrats and four Republicans who have produced a plan that would get us back on track.

Here are the key provisions in the proposal before us. First, it would require the adoption of a balanced budget each year unless two-thirds of the House and the Senate voted to waive the requirement.

Second, it would cap spending at 18 percent of the prior year's gross domestic product, again, unless two-thirds of the House and the Senate voted to waive the requirement.

We have not had a spending level of 18 percent of GDP in as long as I can remember. So that is a formula I think that goes against the reality of the needs of this country—not only the need for support for education but also for our national defense.

It would prohibit passage of any bills that increased revenue unless two-thirds of the House and the Senate voted to waive the requirement. The Senator just showed a chart that showed revenue at the lowest level it has been in 60 years as a share of our national income. Again, revenue is the lowest it has been in 60 years. This constitutional amendment would say it would take a two-thirds vote to change it. Really? Revenue is the lowest in 60 years, and we are going to have a two-thirds vote to change it? Boy, that is a guarantee we are not going to have the necessary revenue to balance the budget anytime soon.

It would require a three-fifths vote in the House and Senate to increase the debt limit.

Here are what I see as the key problems with this proposal. First, most important, it would restrict our ability to respond to economic downturns. It would effectively block the implementation of countercyclical policies. This would only compound economic declines and possibly throw us into a recession or even into a depression.

Two of the best known economists in this country did a review of what would have happened absent a Federal response after the events of late 2008. Alan Blinder, former deputy head of the Federal Reserve, and Mark Zandi, the head of Moody's Economics, a former campaign adviser to JOHN MCCAIN, did an analysis of what would have happened in this economy absent the Federal response—the TARP and the stimulus. Their conclusion is that had we not had that Federal response, we would be in a depression today. We would have 16 percent unemployment. We would have 8 million more people unemployed.

This amendment would have prevented that response. What a mistake, what a profound mistake. Further, this amendment uses Social Security funds to calculate balance and subjects the Social Security Program to the same cuts as other Federal spending. Further, it shifts ultimate decisions on budgeting to unelected and unaccountable judges.

Finally, The State ratification process for a balanced budget amendment could take years to complete.

We don't have years. We need to act now, and we don't need an excuse for inaction by saying: Oh, we passed a balanced budget amendment to the Constitution that will not take effect for God knows how long.

Here are some additional problems that are specific to this proposal. The 18 percent of GDP spending cap is Draconian and unrealistic, particularly given the retirement of the baby boom generation and rising health care costs. The restriction on legislation that raises revenue would effectively prevent any increase in revenue, even if it is part of a bipartisan, balanced debt reduction plan.

What a profound mistake that would be. Again, I repeat: Revenue as a share of our national income is the lowest it has been in 60 years. Spending as a share of our national income is the highest it has been in 60 years. So this proposal would absolutely handcuff us on the revenue side of the equation, locking in deficits for God knows how long. It doesn't make sense.

Making it more difficult to raise the debt limit, this proposal increases the likelihood of default. We saw the turmoil created by our near default this summer. Why would we want to make an actual default far more likely to occur?

We can also see that on our current course, by 2021, spending on Social Security, Defense and other nonhealth care spending and interest alone will reach more than 18 percent of GDP. What is missing? Medicare. If we stay on our current course, under this balanced budget amendment, Federal spending on Medicare would have to be completely eliminated. Let me repeat that. On our current course, by 2021, spending just on Social Security, Defense, nonhealth care spending, and interest alone will reach more than 18 percent of GDP. What is missing? Medicare. Medicare would have to be completely eliminated if we aren't to change what we are doing with Social Security, not to change what we are doing with Defense and other nonhealth care spending. Obviously, we can't do anything about the interest expense. That has to be paid.

It is notable an 18-percent spending limit is so unrealistic that even the House Republican budget would violate this restriction in every single year. Let me repeat that. This 18-percent restriction on spending is so unrealistic that even the House Republican budget would violate this provision in each and every year of its life.

Norman Ornstein, a respected scholar at the American Enterprise Institute—a Washington think tank—described a balanced budget amendment as a very dumb idea. In a column in Roll Call earlier this year, he wrote:

> Few ideas are more seductive on the surface and more destructive in reality than a balanced budget amendment. Here is why: Nearly all our states have balanced budget requirements. That means when the economy slows, states are forced to raise taxes or slash spending at just the wrong time, providing a fiscal drag when what is needed is countercyclical policy to stimulate the economy. In fact, the fiscal drag from the states in 2009–2010 was barely countered by the Federal stimulus plan. That meant the Federal stimulus provided was nowhere near what was needed but far better than doing nothing. Now imagine that scenario with a Federal drag instead.

Mr. Ornstein has it exactly right. A balanced budget amendment would have a devastating impact on our economy at the worst possible time. Mr. Ornstein is not alone in that sentiment. Macroeconomic Advisers, a leading economic forecaster firm, had this to say in a company blog posted in October:

> If actually enforced in fiscal year 2012, a balanced budget amendment would quickly destroy millions of jobs while creating enormous economic and social upheaval. The effect on the economy would be catastrophic.

Let me repeat that. The effect on the economy would be catastrophic.

Continuing the quote:

> No model could capture the ensuing chaos and uncertainty, which would make matters far worse.

Macroeconomic Advisers went on to conclude that enforcing a balanced budget amendment in 2012 would result in 15 million fewer jobs.

Let me repeat that: 15 million fewer jobs. That is largely in line with the Blinder and Zandi analysis of what would have happened absent the Federal response to the economic downturn.

Here is what Bruce Bartlett, a former Reagan administration economic adviser, wrote in a New York Times online column in November:

> The idea of mandating a balanced budget through the Constitution is dreadful. And the proposal that Republican leaders plan to bring up is, frankly, nuts. The truth is that Republicans don't care one whit about actually balancing the budget. If they did, they would want to return to the policies that gave us balanced budgets in the late 1990s. Of course, no Republican favors such policies

today. They prefer to delude voters with pie-in-the-sky promises that amending the Constitution will painlessly solve all our budget problems.

We must absolutely address the Nation's deficit and debt. Our friends on the other side have that exactly right. Our economic future depends on our ability to put the budget back on a sound long-term path. That is why I believe what is actually needed is for us to put our energy and effort into writing a budget that actually balances, cutting the spending, raising the revenue, making the tough choices. That is the best way forward.

A balanced budget amendment to the Constitution is not the answer, and this balanced budget amendment is particularly troubled. It would restrict our ability to respond to economic downturns, it would impose a Draconian and unrealistic spending cap, and it would effectively prevent any increase in revenue, even if it is part of a bipartisan balanced deficit reduction plan.

I urge my colleagues to reject this amendment.

On a separate matter, let me just say when my colleague said we don't have a budget, we do have a budget. I sometimes think our colleagues missed out on what happened on August 2. We passed the Budget Control Act. The Budget Control Act provided a budget for this year and for next year. That is the budget we are operating under. It was passed in the Budget Control Act on August 2.

So when they put up these signs that say we haven't had a budget for 958 days or 858 days, that is not right. We do have a budget. They may not particularly like the budget. They certainly may not like the way it was done because it wasn't done through the regular process. It wasn't done as a budget resolution. It was done as a law. Budget resolutions are not signed by the President of the United States; they are purely a congressional document. The Budget Control Act is actually a law. It imposed a budget for this year and next year and 10 years of spending caps. That is the law of the United States. That is a budget.

For my colleagues to stand and say we don't have a budget, it almost makes me wonder, did they miss out on the debate and the passage and the signing of the Budget Control Act? I tell my colleagues, that is our budget. It is in law. It is not just a resolution, it is the law of the land.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Utah.

Mr. HATCH. Mr. President, I have listened with a great deal of interest to my good friend and colleague, and I do care a great deal for him. He has been budget chairman for quite a while. Frankly, he has been a lone voice over on that side, trying to get all of us to live within our means. I have great respect for him for at least trying.

But we call budgets line-by-line discussions of just exactly what are the inflows and outgoes as determined by the Budget Committees. He hasn't been able to pass a budget mainly because he can't get his side together to do it. It is a disgrace not for him but because our colleagues will not do it. Nobody wants to do that because if they truly had a budget, that would mean we would have to get spending under control. We can't just keep doing it by adding taxes. We have a low rate of income coming in right now mainly because spending is completely out of whack.

I listened to my colleague very carefully. I have to say he made a tremendous case for the constitutional balanced budget amendment because he kept going on and on about all the problems we have. He didn't mention we have been spending 25 percent of the GDP. Usually, that is around 20 percent. So 25 percent is a whopping amount of money. Our former CBO Director said: I guess the new normal will be somewhere around 23 percent. We have been spending around 20 percent, while the revenues are around 18 percent. Now they are spending 25 percent of our GDP.

If there was ever an argument as to why we need some restraint in the Congress of the United States, it is, No. 1, they can't get a budget over there. We have a darned tough enough time over here when we are in charge. No. 2, we are spending this country blind. I think the distinguished Senator made that case eloquently. I think it is both parties too. But there is certainly one party that is much more used to spending than the other—I have to say that—and it is not the Republican Party.

Look, all I heard in this last dissertation was what a rough road to hoe our country has. This amendment allows for 5 years to gradually reach a point where we can live with a balanced budget constitutional amendment. What it does is send a message to everybody in this body and the other body, over in the House of Representatives, that the game is over. We better get it in shape in 5 years. Some people don't think we can do it in 5 years. I am not so sure we can, but we have to try.

Let me tell you, this country is in real trouble. My distinguished colleague and friend, whom I admire greatly because he does tell it the way it is—though sometimes has his own interpretation as to the way it is—made a pretty darned good case that we are out of control. I have only been here 35 years, but I have to say I haven't seen many days where we have even come close to a balanced budget, and I have seen spending after spending after spending and demands for taxes so they can spend more. Both sides are at fault, in my opinion, but one side much more than the other.

I just wanted to make these points, because, my gosh, he made a great case for the balanced budget constitutional amendment. Frankly, I don't see how anybody listening would say the current way we are doing things is the right way to do it. Yes, this amendment would put constraints on Congress, and they would be tough constraints, but don't buy this argument there is no way we can raise revenue or no way we can spend under certain circumstances.

It is just that you have to have a supermajority vote to do it, and you are going to have to make a case for it for the first time, in my time here, I will tell you that.

I don't think anybody in this country thinks Congress is doing what is right with regard to raising taxes and spending. I have to say that I have watched it for all these years I have been in the Congress, and it is not working because we don't have the constraints that make us have to make it work. That is what this balanced budget amendment is all about.

What they offer as a balanced budget amendment wouldn't put constraints on anything. It is just there so they can have something to vote for so they can say they voted for a balanced budget amendment. It is anything but a balanced budget amendment.

Ms. COLLINS. Mr. President, I rise today to talk about the urgent need for our government to begin living within our Nation's means. We face a very grave fiscal crisis, one that threatens America today and the American dream for future generations. It demands that we get our Nation's fiscal house in order. So I am pleased the Senate is now debating a balanced budget amendment to our Constitution.

In February 1997, a month after I came to the Senate, I went to the Senate floor to urge my colleagues to pass a balanced budget amendment to the Constitution to prevent our growing debt from swallowing our future prosperity. Unfortunately, that effort came up one vote short. Since that time, our national debt has ballooned to an astonishing $15.1 trillion.

Sometimes when we deal with large numbers, it is easy to lose sense of what they mean and difficult to put them into context. What $15.1 trillion in debt means is that a child born today will automatically inherit a debt burden of more than $48,000. That debt has been largely accrued not for that child's benefit but for our own. It is difficult to imagine a more egregious example of taxation without representation than forcing our children and grandchildren to bear the future tax burden for today's excesses.

Unfortunately, as we have seen over the last decade, the addiction to budget deficits is not simply a Democratic or Republican problem. Both parties have had a difficult time showing restraint when it comes to spending. We have had Gramm-Rudman-Hollings, the Deficit Reduction Act, and the Budget Enforcement Act, and yet deficits not

only persist but have grown larger. The fiscal year that ended on September 30 marked the third consecutive year in which the United States has run deficits in excess of $1 trillion. Deficits have become a part of the way that Washington does business. Spend now and let someone else deal with the consequences later.

Those spendthrift ways are catching up with us. Our skyrocketing debt has become a drag on our economy and a threat to our future prosperity. We simply do not have the luxury of putting off difficult decisions. We are consistently spending more than we take in, and by a large margin. In the last fiscal year, government outlays totaled 24.1 percent of gross domestic product—the second highest level, after 2009, since World War II. Despite the very serious warning signs that we are on the wrong fiscal course, this marks the second consecutive year that the Senate has not even bothered to pass a budget resolution.

It is progress that the Budget Control Act that passed last summer includes caps on discretionary spending, and I have worked very hard with my colleagues on the Appropriations Committee to put together responsible and thoughtful spending bills that live within those caps. But, as my colleagues know, the biggest driver of our long-term debt and deficits is not discretionary spending but the mandatory spending that continues to balloon on autopilot.

Like many of my colleagues, I had hoped that the so-called supercommittee, which was created by the Budget Control Act, would be able to reach bipartisan agreement to reform mandatory spending and change our fiscal trajectory. Unfortunately, that bipartisan agreement remains elusive as both parties failed to come up with a deficit reduction plan that was capable of winning a simple majority of panel members. Instead, we have automatic spending cuts that are set to kick in, which could have very serious consequences for our national defense. Again, Congress has avoided making difficult choices about our national priorities.

The events currently unfolding across the Atlantic, with European leaders scrambling to stop the debt contagion that threatens the economic prosperity of the continent, should be a clear warning signal to us of what could come if we do not stem the tide of red ink that is engulfing our Nation. We must put in place structural reforms that will permanently force Washington to align expenditures and revenues.

Every day when I enter my office building, I am reminded of the famous quote attributed to its namesake, Senator Everett Dirksen. The wry observation he offered some four decades ago—''A billion here, a billion there, and pretty soon you're talking about real money''—seems tragically quaint today. I am convinced, now more than ever, that a balanced budget constitutional amendment is what is needed to address our growing debt and deficits.

Mr. MCCAIN. Mr. President, I come to the floor today to discuss my support of S.J. Res. 10, which would require a balanced budget amendment to the Constitution. Let me start off by saying that we need this amendment to protect the American taxpayer and bring back fiscal discipline to Congress. We need this amendment not because the American taxpayer is taxed too little, it is because Washington in particular, Congress—spends too much. Finally, we need this amendment to show the American taxpayer that we are serious about eliminating waste, fraud, abuse, and duplication from the Federal budget and are serious about putting our country back on a path to prosperity, not bankruptcy.

The Nation's debt now stands at the unsustainable level of $15.1 trillion. The Federal Government is borrowing 40 cents of every dollar spent. According to the CBO, by 2021 debt held by the public will reach 82 percent of GDP. Without real and meaningful action by Congress to reform the way we do business, the Nation's debt will balloon to well over 100 percent by 2035. CBO projects that the cost of simply paying the interest on all of this debt will total $4.5 trillion over the next decade. And we wonder why there is so much uncertainty in our economy, why businesses are not expanding and creating jobs that we so desperately need, why the approval rating of Congress is at alltime lows—and, may I add, justifiably. The writing is on the wall, and that writing says that Congress can no longer allow politics and special interests to direct how hard-earned taxpayer dollars are spent. We must make hard choices now and live within our means as every American family is required to do.

The President has said that we do not need a balanced budget amendment to the Constitution to cut spending and balance the budget. While that may be true, it is not the reality. When the Senate passed a balanced budget amendment in 1982, the national debt was $1.1 trillion. In 1997, when the Senate failed by one vote to pass a balanced budget amendment, the national debt was over $5 trillion. Today, it is over $15 trillion. Unfortunately, Congress has proven time and time again that they are unable to cut spending and must be required by law to do so. S.J. Res 10 is a strong, meaningful, and commonsense balanced budget amendment that will reassure financial markets and the American people, therefore, providing confidence that our economy so desperately needs.

First and foremost this constitutional amendment will require the President to lead by example and submit a balanced budget to Congress. Since being elected, President Obama has failed to send a balanced budget to Congress for consideration.

S.J. Res. 10 would also require Congress to pass a balanced budget that limits outlays to 18 percent of GDP. In addition, it would require a vote of two-thirds of both Houses of Congress in order to raise taxes on the American people. This provision is vitally important to ensure that we are not punishing the American taxpayer by making them pay for out of control spending by Washington. Finally, S.J. Res. 10 would require a vote of three-fifths of both Houses of Congress to increase the Nation's debt limit. This constitutional amendment also includes limited waivers that would, for example, allow Congress during a declaring of war to enact deficit spending or to raise the debt limit by a simple majority vote.

My colleagues on the other side have brought forth their own balanced budget amendment; however, their proposal fails to ensure that Congress will make the hard choices necessary to solve our current and long-term fiscal crisis. For example, the Democrats' balanced budget amendment does not apply to Social Security spending. According to the 2011 report by the Social Security Trustees, Social Security faces permanent deficits unless the Congress reforms the system. In fact, the program is projected to face a deficit of $46 billion this year. The Social Security disability trust fund is projected to become insolvent in 2018. We cannot be serious about solving our Nation's financial problems unless we include the Social Security Program, which is one of the largest drivers of future debt. In addition, their balanced budget amendment does not cap spending at 18 percent of GDP, it does not require a supermajority of Congress to raise taxes and does not require a supermajority of Congress to raise the debt limit. As we know too well, Congress has never voted against raising the debt limit.

This week, the Senate has the ability to show the American people that they are serious about fixing our fiscal crisis by adopting this balanced budget amendment to the Constitution. This balanced budget amendment is a vital step in ensuring that future generations will have the same opportunities that all of us here in this body have experienced. I urge my colleagues to support S.J. Res. 10.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the distinguished majority whip on the floor. I would like to propound a UC, and if he disagrees, please tell me. I would like to be recognized for 5 minutes, followed by Senator SHAHEEN from New Hampshire for 5 minutes, followed by Senator ENZI for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I would just like to add my name at the end of the queue for at least 5 minutes.

Mr. ISAKSON. With no objection from me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I appreciate the time.

I first thank Senator HATCH from Utah for 16 continuous years of work on the balanced budget amendment. It was his fight in 1995 that brought that amendment to the floor within one vote of passing in the Senate, and it is his fight today to bring it back for another vote.

I have listened to a substantial number of the speeches, and I come back to three points.

Facts are stubborn, and there are three facts: First, we are spending too much; second fact, we are promising too much to our people; and third fact, we are borrowing too much.

I ran a real estate company for 22 years. Real estate is all about borrowing and leverage, but you learn a lesson in real estate and you learn it very painfully. There is such a thing as good leverage and there is such a thing as too much leverage, and our country is at the breaking point on leverage.

We have a process problem in the Senate and the House. We can't deal with our financial fiscal affairs, our promises to our people or our borrowing, and it is time we change the paradigm.

I support a balanced budget amendment because if it is ratified by three-fourths of the States and becomes a part of the Constitution, it forces the Congress to just say no on spending when we are spending too much, it forces the Congress to look at entitlements and recognize that we can only promise that which we can afford, and it forces us to look at debt and recognize when we are in too much debt and we have become overleveraged.

I want to put in a plug for something Senator SHAHEEN and I have been working on for a long time, and it is a fundamental process change called a biennial budget where you appropriate in odd-numbered years for 2 years, not 1, and you spend that even-numbered year, the election year, overseeing your expenditures and your programs to find savings, to find waste, and to try to balance your budget. If we changed our process and forced ourselves to do something like that, we wouldn't be facing the catastrophic consequences we are today.

I thank the Senator from New Hampshire for being on the floor and recognize her for her leadership on the issue, also, as one from a State that does biennial budgeting, as do 20 of the 50 States in the United States of America.

I will tell you an interesting story about biennial budgeting. The nation of Israel got in financial difficulty 4 years ago. They were borrowing too much, they were spending too much, and they were going in debt too much. Israel asked around the world: What should we do to change our fundamental process? And they changed to a biennial budget. Two years later, their GDP was better, their deficit ratio was down, and GDP had gone up about 7.5 percent in 2 years, all because they got their fiscal house in order.

So while some will argue that you can't do a balanced budget because it won't work, some will say 18 percent is too much, some will say you just can't do this and you just can't do that, there is one thing we can't do anymore; that is, spend beyond our means, borrow beyond what is good for our children and grandchildren, and promise to our seniors and those in poverty that we can deliver more than we can deliver.

If we face the day of reckoning now and we reprioritize our entitlements, if we put our Tax Code on the table and reform it and we cut spending where we can, we can come up with a trifecta that will take this debate to ancient history, and we will begin getting the United States of America back in good fiscal soundness. That is what a balanced budget amendment starts, and I hope the end of it is that process and a biennial budget as well.

I thank the President for the time, and I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank my colleague from Georgia for his very thoughtful comments.

Senator ISAKSON has been working on a biennial budget for a very long time. I was pleased to join him in this session of Congress. And I agree with him. I believe this is one of the ways we can encourage more oversight of our spending and hopefully address some of the budget issues we face. So I appreciate and share his beliefs that this is an important change we should make.

I am actually on the floor not to speak on the balanced budget amendment, however, but to talk about what I believe is very important for us to do before the end of this year; that is, address the extension of the payroll tax cut.

In November, the private sector added 140,000 new jobs to our workforce. In fact, businesses have now created 100,000 jobs in each of the last 5 months. This is a positive trend we haven't seen in the past 5 years. While this is encouraging, we still have a long way to go because more than 13 million Americans remain unemployed and millions more are underemployed. These individuals and their families are struggling to make ends meet during this holiday season.

At this time last year, Congress passed bipartisan legislation to put more money into the pockets of working Americans. We cut payroll taxes for workers—an effort that increased take-home pay for the average household by almost $1,000 in 2011. This tax cut isn't just good for families on a tight budget, it is good for our fragile economy. In New Hampshire, the payroll tax cut has meant an extra $600 million in our communities.

There are some who want to allow this tax cut to expire at the end of the year. But let's be clear. If the tax cut expires, this would mean the average family would see their taxes increase by $1,000 next year. This would mean taking $120 billion out of our Nation's economy, money that would no longer be spent at our supermarkets, at our retailers, and at our gas stations. That doesn't make sense.

Independent economists have predicted that allowing this tax cut to expire could cost our economy 400,000 jobs next year. Some have even predicted that the United States could face another recession if we don't take action.

Members of this body have also suggested that this tax cut would starve Social Security of needed revenue and endanger this bedrock program's solvency. With Americans relying so heavily on Social Security to meet basic needs, this is a serious charge and one we should take seriously. However, the program's Chief Actuary has written that this tax cut does not hurt Social Security's finances. Instead, this proposal contains provisions to require that the Social Security trust fund be made whole.

I recently supported Senator CASEY's proposal to not only extend payroll tax cuts for employees but also to expand them to increase the average family's take-home pay by an additional $500 next year. This proposal would have cut employer payroll taxes, making it easier for small businesses to keep current workers and hire new ones. That proposal was fully paid for with a 3-percent tax on people earning more than $1 million in a year. Because of the way it was paid for, the legislation was blocked. My friend from Pennsylvania, Senator CASEY, also introduced a compromise plan that I supported. But again, unfortunately, it did not pass.

I think that particularly now, at this time of the year, at this critical stage for our economy, everyone should agree on preventing tax increases for working families. There are some competing ideas about the best way to accomplish this, and I welcome that debate, but Congress simply cannot afford to saddle middle-class families with a $1,000 tax increase in the midst of an uneven recovery. It isn't right for our small businesses, it isn't right for our communities, and it isn't right for the economy.

Time is running out to extend the payroll tax cut. I urge my colleagues to support this effort.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to discuss the issue I raised during my maiden speech on the Senate floor in 1997; that is, the need to pass a constitutional amendment requiring a balanced budget.

I am disappointed that we were unable to pass a balanced budget amendment in 1997. I commend Senator HATCH for his efforts then. We got within one vote. We had 66 votes and we needed 67. Had we gotten that, we

wouldn't be in this mess today. In 1997, our national debt was $5.4 trillion. Today, it is an astonishing $15 trillion. Without immediate action, that number will continue to increase to a level that is even more unsustainable.

Time and time again, the Federal Government has proven it is incapable of the fiscal discipline needed to spend within its means. Time and time again, the Federal Government has spent more money than we brought in. It has led to the situation we currently face where we are borrowing more than 40 cents on every dollar we spend and where we are being threatened with further downgrades in our credit rating.

In fiscal year 2010, the government brought in slightly more than $2.2 trillion in revenue. At the same time we collected $2.2 trillion, we spent $3.5 trillion. In other words, we overspent by $1.3 trillion. That is $1,300 billion. That is an astonishing amount of spending, and it cannot be sustained. I encourage everybody to write these numbers out with all of the zeroes sometime and see what we are talking about. We have a spending addiction that must be controlled. For years we have tried to hide it, disguise it, or ignore it. We have acted as if it is OK to keep spending money we don't have. We no longer have that option. The world today is different from the world of 1997.

We have seen riots in other nations where their fiscal situations were out of control. If we don't act now, we could see similar events in this country. We can either balance our budget or go broke—even more broke than we already are.

Balancing the budget is not a revolutionary idea. Responsible families balance the amount they spend with the amount they make or they go bankrupt. Businesses balance the amount they spend with the amount they bring in or they go bankrupt. Most States have amendments requiring them to balance the amount they spend with their revenue. Wyoming's Constitution requires a balanced budget each and every year, and they do it. If people in Washington understood budgeting the way Wyoming does, we would be in a much better place right now. If families, businesses, and States can balance their budgets, there is no reason the Federal Government cannot balance its budget.

There are two options the Senate is considering today, and I am pleased there is consensus from both sides of the aisle that a balanced budget amendment would help us. Although that is the case, there is no doubt in my mind that the version introduced by Senator HATCH is far superior to the version introduced by Senator UDALL.

The Republican balanced budget amendment gets to the heart of the problem, which is the need to rein in out-of-control spending. The Republican resolution requires that we get spending down to historical revenue levels and forces us to make the tough choices about which programs will no longer be necessary. It also prohibits Congress from raising taxes until a supermajority of Members support such a tax increase. This is an important provision because the default solution for our out-of-control spending should be cutting spending, not raising taxes. This bill also goes into effect 5 years after ratification, which gives us the ability to transition to a balanced budget.

I have a penny solution bill out there, a 1-cent solution where we cut 1 percent from every dollar we spend for 7 years. At the end of 7 years, the budget would balance. So it is not something that is undoable. We can balance the budget.

While I am pleased that my Democratic colleagues have a balanced budget amendment, the alternative they offer does not address the heart of the problem. It does not include a spending cap to ensure that we move spending to an acceptable level. It does not include a requirement for a supermajority to raise taxes, which will allow proponents of tax increases to more easily work to balance a budget on the backs of the American taxpayers. And the American taxpayers are only 49 percent of the people working right now. The American people are not the ones who cannot get spending under control. They should not see tax increases simply because Congress can't do its job.

We need to pass the Hatch amendment, and we need to pass it now, because I must also remind my colleagues that passage of a strong balanced budget amendment is the first step. If we pass a balanced budget amendment, it still must be ratified by the States. Three-fourths of the States have to pass it for it to become a part of the Constitution. That will take time, and with a $15 trillion debt we don't have a lot of time left. There is speculation that 2 years might be the outside. This isn't going to balance for 5 years. Two will create some substantial cuts and tax increases.

Passage of the balanced budget amendment by three-fourths of the States is a tough test. Because of the magnitude of what we are trying to do, it should be. However, we need to give the States this opportunity to force the Federal Government to come to grips with its finances, as the State governments are required to do.

Why should we give the States the opportunity to ratify a balanced budget amendment? Because I found that the best decisions are made closest to the people. State governments are closer to the people than the Federal Government and they are generally better at addressing the needs of the people of their State. Giving the States the opportunity to ratify the amendment will bring the budget closer to the people and would allow the American people to decide how they want Washington to spend their hard-earned money. Most of the American people get it and they are asking us to get it and do a balanced budget amendment.

Amending our Constitution is an extraordinary measure. It is not something I take lightly. We are in an extraordinary time. We have a budget deficit that is out of control and a national debt that is ballooning to levels that are unsustainable. We need a balanced budget amendment so we can begin to get our Nation's finances back in order.

I commend Senator HATCH for his bill and appreciate him offering it. I hope my colleagues will support it. It is essential for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there are very few things on which Members of Congress agree, but one of the things that binds us and unites us is the common oath we take to uphold and defend this document. This document is not just another resolution, another law; it is the Constitution of the United States. For more than 220 years this document has guided our Nation and inspired other nations toward democracy. I think it is fitting that we swear an oath to uphold and defend it.

But I think we also have to look at this document not just with respect but with humility, humility because we know the words contained have managed to guide our Nation so successfully for so many decades and centuries. Those who are bold enough to suggest they would change the wording of this document have to expect to have hard questions asked as to whether it is appropriate and whether what they are setting out to do is consistent with this great document and the needs of our Nation.

I can recall when Senator HATCH chaired the Senate Judiciary Committee and I was a member. There was a day when they asked me, as a member of the Judiciary Committee, to give permission for three constitutional amendments to be considered in the same day. I objected, which was my right. I said to Chairman HATCH at the time: You can call two constitutional amendments on Thursday but, call me old-fashioned, I don't think we ought to amend the Constitution more than twice a day. The point I was trying to make was to suggest to my colleagues to at least have some humility and maybe even hesitancy to suggest they can change for the better the wording of this great Constitution.

It has been changed, there is no question about it. From the moment it was written until a few years later, Thomas Jefferson called for the Bill of Rights. Many say that was essential for the ratification of the Constitution. It included some basic rights that we now revere in this country. So the first package of amendments, the Bill of Rights, has become an integral part of the original document because they were adopted so quickly—added so quickly.

But in the 220 years since 1791, when the Bill of Rights was added—in the 220 years we have only amended this document 17 times and only for the most serious of matters. Consider what our amendments have done. They have ended the practice of slavery. They have established the principle of equal protection. They have assured the right of women in America to vote, among other things. They have provided for succession in case of Presidential disability, and they have addressed some of the most fundamental issues facing our Nation.

Now some Members of Congress believe we should enshrine in our Constitution their views of what the Federal budget should look like. They want to radically reshape our constitutional framework in order to relieve Congress of its political and moral responsibility to make tough choices about taxing and spending. They want to tie the hands of Congress on budget decisions and pass important decisions on to another branch of government, our Federal judiciary.

That is not what the Founding Fathers intended. The Constitution gives the power of the purse expressly to Congress. Fulfilling this constitutional duty carries some political risk, but we all signed up for that job. Members of Congress should not try to change the Constitution to avoid their duty to make tough and important decisions.

These days, some in Congress would rather take a red pen to the Constitution than to reconsider an anti-tax pledge they have made to a Washington lobbyist named Grover Norquist. Mr. President, 40 Republican Senators, all of whom are cosponsors of this amendment, have taken a pledge, a public oath to Grover Norquist when it comes to the issue of taxes. I believe my colleagues who are indentured politically to Grover Norquist need to get their priorities right. Our oath to support and defend the Constitution is much more important than any allegiance to any Washington lobbyist.

Congress has balanced the budget not just in my lifetime but in my term of service. We ran a budget surplus in fiscal years 1998 through 2001. There is nothing stopping us now from getting our fiscal house in order except a lack of political will. We simply do not need to go to the extreme of amending the Constitution to get this job done.

It is also clear a balanced budget amendment proposal has many unanswered questions and concerns and it is our responsibility to ask those questions. I held a hearing as chairman of the Constitution Subcommittee of the Judiciary, well attended by Members on both sides of the aisle, with witnesses telling us the pros and cons of a balanced budget amendment. That is the way the process should work. Now we come to the floor to consider two versions of a balanced budget amendment.

It is interesting, when the balanced budget amendment came before the House of Representatives, opposition to it was bipartisan. Even the Republican chairmen of the House Rules Committee and the House Budget Committee voted against the Republican version of the balanced budget amendment brought up in the House.

A few weeks ago, when we held this hearing, witnesses told us why we should have pause, if not reject, this notion of a balanced budget amendment. First, it would cause harm to the economy. I cannot say it any better than Senator CONRAD did moments ago. Our budget in Washington is designed to not only serve the needs of the nation but to help our economy get on track and stay on track. In fact, when things go bad in our economy, as they have in the last several years, our budget steps in with countercyclical measures such as unemployment compensation to put our economy back on track. The balanced budget amendment before us today is going to make that more difficult to do.

The forecasting firm Macroeconomic Advisers told us what would have happened with this balanced budget amendment if it had been in place today. They said such an amendment would double the unemployment rate in America, cause the gross domestic product to shrink by 17 percent, and destroy millions of jobs. That is something my Republican colleagues will not acknowledge, and they should. If we cannot spend in times of recession, even when receipts are low, we fail to turn the recession around and of course we leave many unemployed Americans with no help when they desperately need it.

There is also a provision in the Hatch-McConnell balanced budget amendment that would increase the risk of default on our national debt by requiring a three-fifths vote in each House to raise the debt limit. I might tell my colleagues who follow this, only 3 of the last 11 debt ceiling increases passed both Chambers by a three-fifths vote; 3 of the last 11. If you enjoyed the debt limit standoff of a few months ago and the threat of not only closing down our Government but closing down our economy, you would enshrine it in the Constitution with the Republican balanced budget amendment.

It always strikes me as odd, if not hypocritical, that Members come to the floor and give speeches about how much they support a war effort, or spending for a given issue, and then when it comes time to raise the debt limit, which is part of the bargain, they are nowhere to be found. They want to be there for the press release saying, I am for the war, but when the debt limit needs to be increased to pay for the war they become fiscal conservatives and are nowhere to be found. I think there is some political hypocrisy in that.

Another concern no one has answered that I commend to my colleagues was exemplified by the testimony of Professor Alan Morrison of George Washington University Law School. He asked the basic question: Who is going to enforce this amendment? If in fact Congress does something in violation of the amendment, who can sue? And which court would consider it? It is a valid question because ultimately this will end up in the courts. The courts will have to make some rather unique decisions. What are the outlays and receipts of the United States? What was the gross domestic product? These are issues which many in the court may find challenging if not impossible to deal with on a timely basis. The longer it takes to resolve those issues the more uncertainty there will be about our Nation's economy and its economic future.

Do we want to put the courts in charge of budget decisions? Former Solicitor General and Judge Robert Bork said ''the result . . . would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.''

Those who support the amendment look for stability and certainty. My guarantee is turning this over to the Federal courts will give you neither.

The nonpartisan Congressional Research Service looked at balanced budget amendment enforcement on August 3 and said:

> The experience of State governments indicates that concern over judicial involvement in budgeting is realistic. In some States the judiciary has become involved with the operation of various aspects of budgeting to impose budget balancing remedies [like] requiring tax increases, limiting expenditures generally or preventing implementation of specific spending laws. The possibility that the Federal courts could invoke such remedies prompts concern about the potential such actions would have for causing a significant shift in the balance of power among the branches of the Federal Government.

Even former CBO Director Douglas Holtz-Eakin, who was called in by my Republican colleagues to testify at our hearing in support, conceded ''the question of enforcement remains a challenge that should be thoughtfully considered.''

I might add, parenthetically: No kidding. Enforcement of this is critical. How can the Senate consider passing a balanced budget amendment without answering first the question of enforcement? It would create tremendous uncertainty.

I would say the balanced budget amendment that has been sponsored by all the Senate Republicans raises particular concerns. Under this proposal, spending would be capped at 18 percent of gross domestic product each year, a level far below the Draconian budget suggested by Congressman PAUL RYAN that would end Medicare as we know it.

The Senate Republican proposal enshrines the Republican philosophy in requiring a two-thirds vote in each House on any bill that increases taxes or revenue without any ability to waive that two-thirds requirement, even in time of war.

The effect of these reforms would devastate programs such as Medicare and Social Security while giving constitutional protection to tax expenditures currently enjoyed by corporations and the wealthy. This proposal is not sensible, it is not fair, it would not serve our country well.

In short, our hearing made it clear there has not been a balanced budget amendment proposed that would actually be enforceable and that would not cause great collateral damage to the economy.

I have served on several efforts, and continue to, in an effort to reduce spending, to find new revenue, and to balance our budget. I will tell you that it takes political will. This kind of approach, this idea that somehow we can pass a constitutional amendment and be done with our responsibility is not only shortsighted, I think it is counterproductive. I think it will make our situation worse instead of better. I thank Senator MARK UDALL for his offering on his balanced budget amendment. It is a better approach, and while I don't support a balanced budget amendment, if I were to support any balanced budget amendment it would be the Udall amendment. But I don't believe amending the Constitution at this point in time is the right way to approach this. I do not believe either amendment achieves it without creating terrific uncertainty in our future about enforcement.

I urge my colleagues to oppose efforts to amend our Constitution. I urge them, instead, to show political courage and work hard right now in a bipartisan way to address our fiscal challenges. That is what the American people expect of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to express my support for the Republican-offered balanced budget amendment, a measure I worked on with Senators TOOMEY, LEE, HATCH, and CORNYN, and thank those Senators for their leadership on the issue.

As Americans know, Washington has a spending problem. The Federal Government's fiscal position is unsustainable. It now borrows more than 40 cents of every dollar it spends. Indeed, our debt has climbed to over $15 trillion and will continue to grow and threaten our economy and our jobs and our way of life unless we do something about it.

Opponents say Congress should do its job. Sure, it should, but it has not. Events during the last 30 years have shown that Congress cannot be counted on to make the tough choices necessary to control spending and to balance the budget. Here is a little history. When the Senate passed a balanced budget amendment in 1982, that national debt was $1.1 trillion. In 1986, when the Senate failed by one vote to pass the balanced budget amendment, the national debt topped $2.1 trillion. By 1997, when the Senate again failed by one vote, the national debt was over $5 trillion. Today the debt is over $15 trillion. So there is no evidence that Congress has been willing to or able to reduce the debt without the Constitution requiring it.

The Republican balanced budget amendment simply requires Congress to do its job. It includes real reforms that would help the government live within its means, including having the President submit a balanced budget to Congress every year.

The balanced budget amendment does not etch rules into stone. Any of its requirements can be waived by a supermajority of the Congress; that is, if there is a real national consensus to do so. Let's remember we are in a crisis today because of deficit spending. Raising taxes and getting deeper in debt have been far too easy for Congress.

The Republican balanced budget amendment contains two key enforcement mechanisms that Congress would have to abide by. First, Congress would have to limit spending to 18 percent of the gross domestic product from the preceding calendar year. The balanced budget amendment would also prohibit spending from exceeding total revenues in a given year. Why 18 percent? Well, if the goal is to balance the budget, the only way to succeed is to limit the Federal spending to the level of revenue that the economy is willing to bear.

According to the Congressional Budget Office's August Budget and Economic Outlook, from 1991 to 2010—the most recent period of time—revenues averaged 18 percent of gross domestic product, and that is why that number is selected.

It is notable that the Democratic alternative does not contain a spending cap. It also contains a lower threshold of votes for waiving the balanced budget amendment, which, of course, would make deficit spending much easier.

The second mechanism in the Republican balanced budget amendment is a prohibition on any bill that increases taxes from becoming law unless approved by two-thirds of a rollcall vote of Members in each Chamber. When Congress cannot get its hands on enough revenue for its spending priorities, the temptation is always to look for more revenue and raise taxes. Well, it should be more difficult to take more money from the American people and to increase the size of the Federal Government.

Moreover, raising taxes is not a productive solution to budget deficits. Not only does projected revenue usually fail to materialize, higher taxes discourage work, production, savings, and investment which all results in lower revenues in future years. So we cannot balance the budget by raising taxes.

On the issue of tax increase restrictions, the Democratic alternative again falls short. It does not contain a mechanism to make it more difficult for Congress to raise taxes. In fact, it does the opposite. It contains a provision that makes it more difficult to lower taxes collected from American job creators.

Some of our friends on the other side of the aisle will paint a doomsday scenario that they say would result from the Republican balanced budget amendment, one that would mean immediate changes and draconian cuts. That is not accurate. As we know, Congress cannot amend the Constitution. We can only propose an amendment for States to consider in a ratification process that takes a long time. If it passed, the balanced budget amendment would not become effective until 5 years after ratification by three-fourths of the States. So it is not like we have some immediate concern that next year's budget is going to suffer if the balanced budget amendment were to pass.

Let's not punt again on getting our spending under control. Let's not keep kicking the can down the road. Let's put on some real constraints so Congress will have to do its job, the job the American people expect it to do.

I urge my colleagues to vote in favor of the Republican-offered balanced budget amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I rise today to join Senator KYL in supporting the balanced budget amendment that Senators LEE and HATCH have crafted. I commend them for their hard work, and I particularly thank Senator HATCH for his principled leadership over the years in this effort. In the mid-1990s he almost got us to a balanced budget amendment to send to the States, and this time I hope he—showing his leadership again—will be successful.

Washington's runaway spending and crippling debt burden underscore the need for us to have a balanced budget in this country. If Washington doesn't stop spending more than it takes in, I fear there will be an economic collapse, and, perhaps more profoundly, it will threaten the very foundation of our Nation—the freedom of individuals to thrive and to prosper.

There is plenty of evidence to show that the huge debt burden we have is already crippling the economy. There was a recent study done by respected economists Carmen Reinhart and Kenneth Rogoff that shows that the debt burden of 90 percent of the economy will reduce a country's economic growth by 1 or 2 percentage points. Our gross debt right now is 100 percent of our economy. Growth this year is likely to be closer to 2 percent total, pretty weak growth. So 1 percent to 2 percent more would mean a 50-percent or even a 100-percent growth increase in this country. This means over 1 million new jobs could be created right now if we didn't have these huge deficits building up annually to a record debt that is now over $15 trillion.

It is unacceptable that we have the economic growth that we do because it

is keeping people from achieving the opportunities they seek at a time when there are almost 22 million Americans who are unemployed or underemployed, and we need to do everything we can to give the economy a shot in the arm. Part of it is getting our fiscal house in order and stopping this record deficit and debt. We should not condemn people to chronic unemployment through inaction in Washington.

However much lawmakers at times want to do the right thing, it seems as though the political system and the budget rules around here create a bias for spending and deficits. When I left the post as Director of the Office Management and Budget in the last Presidential administration—that was in 2007—the budget deficit was $161 billion, which is about 12 percent of today's budget deficit, and I thought that was way too high. In fact, that year I proposed, on behalf of the President, a budget that actually balanced over a 5-year period because at that time we were so concerned about growing deficits and debts. Again, that was only 12 percent of today's deficit.

In that time, as OMB Director, I was convinced that we need to have a discipline in Washington to balance the budget because we need to have some incentive to prioritize. Washington, again, seems to have this bias toward spending and deficits that I think can only be resolved through what 49 States have, which, again, is this power to be able to tell the elected representatives that we have to figure out how to prioritize; we have to figure out how, at the end of the day what every family in America does, what every business in America does, which is to figure out how not to spend more than we take in.

Study and experience led the Founders of our country to create the best system of government ever devised: a Republic with enumerated powers. Similarly, study and experience should lead us to enact a balanced budget amendment. The times demand it. We need to reverse this system's bias in favor of deficits and debts. We need a balanced budget amendment in order to preserve the Founders' vision of a limited government of enumerated powers.

But the fact is, Congress has not been able to get its spending under control through any other means. Some have called for a far higher tax rate. In other words, instead of dealing with the spending that is increasing dramatically—by the way, spending has gone up 21 percent just in the last three years. But instead of dealing with that, people say: Why don't you just raise taxes to catch up with the spending? That way we would have a balanced budget through higher and higher revenues.

I guess what I would say is, Congress has a spending problem not a revenue problem. The growth in the entitlement programs, of course, is the long-term driver of this spending problem. The cost of these entitlements, along with interest on the debt, is projected to squeeze out the cost of every other Federal program within the next couple of decades, leaving little to nothing for other government priorities.

People say, well, the revenues as a percent of our economy are relatively low now, and that is true. Coming out of the recession, we have not had the growth we had hoped for and that has resulted in lower tax revenues coming in.

Historically, tax revenues have been 18 percent of our economy. Today they are lower than that and closer to 14.5 to 15 percent. Spending has been at about 20 percent of our economy historically since World War II. Today, that spending is over 24 percent of our economy.

What happens over the next several years, based on the Congressional Budget Office analysis, is the revenues begin to increase as a percent of the economy even if the 2001 and 2003 tax relief is not continued. In that case, the revenues increase even more dramatically up to 21 percent or 22 percent of the economy.

So the fact is, the spending is on a trajectory to go up from a historic 20 percent to 24 percent now to 30 percent to 40 percent to 50 percent over the decades. We cannot catch that spending with enough taxes. It simply cannot be done and have a viable economy. So we have to deal with the spending side of the ledger. Even if we do raise taxes to chase the trajectory, we will upset that balance between the Federal Government and a free, robust private sector that encourages innovation and gets people back to work.

If the Federal Government ends up taxing every dollar of earnings, we will have taken away the space for Americans to pursue and enjoy the rewards of their hard work, risk-taking and innovation. The Founders might have used another phrase to describe what a free economy promotes: life, liberty, and the pursuit of happiness. Today we are talking about how we ensure that we have economic growth so that we can bring back the jobs, and that will not happen through the level of taxation that would be required to catch up to the record levels of spending.

To address Washington's natural inclination toward taxing and spending, a successful balanced budget amendment needs to do more than just require the outlays be less or equal to receipts. Again, it should include a spending cap because of the problems I have talked about with regard to the projections by the nonpartisan Congressional Budget Office over the coming years and decades. It should also demand a supermajority should Congress seek to enact antigrowth tax hikes.

I think this balanced budget amendment, crafted by Senators HATCH and LEE, by doing that strikes a good balance. It also addresses the concern about a balanced budget amendment limiting the Federal Government's ability to spend in a time of war. If there is a declaration of war against a nation-state, a majority vote in both Houses would allow for deficit spending. If the Armed Forces are engaged in a military conflict that has not been given a full declaration of war, a three-fifths vote in both Houses would allow for deficit spending. This is in keeping with the intention of the Founders.

In Federalist 34, Alexander Hamilton drew a distinction between monarchies and republics. He said, the chief source of expense in every government was defense spending. But republics, Hamilton counseled, should not use this to live beyond their means. He wrote:

> There should be as great a disproportion between the profusion and extravagance of a wealthy kingdom in its domestic administration, and the frugality and economy which in that particular become the modest simplicity of republican government.

Washington has spent and overspent. This has led us away from that frugality that was the intention of our Founders. A balanced budget is the only way to get back to frugality and to that ''modest simplicity of republican government.'' And that is republican with a small ''r.''

If we don't restrain spending through a balanced budget amendment, we will effectively inhibit and ultimately undermine the liberty of the Americans. We will threaten the American dream, the hope that each generation is able to pass on to the next generation a better life so that they are able to flourish and to meet, again, their achievements, their objectives in life through opportunity that can be created through a growing economy.

It is time for Congress to prioritize. It is time for Congress to make tough decisions. We should do it with the discipline of a balanced budget. Time has shown us there is a need for a requirement to make those decisions.

My home State of Ohio has that discipline. In fact, over the past year, Ohio has had to make some tough decisions to close a budget gap of about $8 billion. Here in Washington, we have a budget gap that is far higher. This year the government will bring in about $2.2 trillion and spend about $3.7 trillion. This gap is huge and growing, and just as 49 States do, we need to discipline Washington to force Congress to make these tough decisions to prioritize on behalf of the American people so that we don't have this crippling effect on economic growth, so that we can begin to see the kind of robust recovery we hope for coming out of the recession.

For all these reasons I urge my colleagues to join me in support of the Hatch-Lee balanced budget amendment.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWN of Ohio pertaining to the submission of S. Res. 347 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. BROWN of Ohio. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, Congress cannot absolve itself of the responsibility to balance the budget by passing a constitutional amendment. Congress has an existing constitutional duty to control the purse. If Congress has the will to balance the budget, it can do so. If it does not have that will, no constitutional amendment can be a substitute.

We knew that in 1996, which I believe was the last time the Senate seriously evaluated a balanced budget amendment. While we did not pass the balanced budget amendment, we did adopt budgets and policies that created the first surpluses in decades, enabling the United States to begin to reduce its debt load. Unfortunately, that fiscal sensibility was washed away by irresponsible, unfunded Bush tax cuts in 2001 and 2003 and two unfunded wars. Once again, we find ourselves in a deep fiscal hole.

We can and must dig ourselves out of it, as we did in the 1990s, by taking a balanced approach, restoring revenues, and making sensible spending cuts. But that is not a constitutional question. That is a political one. Can we, as a Congress, pass the tough measures needed to restore fiscal discipline?

I have proposed a seven-point plan for reducing the deficit. Bipartisan commissions have proposed making spending cuts and increasing revenues and realistic folks from all parts of the political spectrum agree Congress needs to address revenues, as well as spending, if we are to achieve real deficit reduction.

Congress needs to make tough choices and is failing to do so. One more procedural promise—this time in the form of a constitutional amendment—is not going to get the job done.

While the details of the two amendments before us differ in many respects, there are real questions as to how either could be enforced.

For instance, the Udall amendment says:

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

What would happen if Congress failed to adopt the implementing legislation that lives up to the terms of the amendment? If it does not have the will to make cuts and raise revenues, what makes people think Congress will be able to agree on implementing legislation?

The amendments raise far more questions than they answer. For example, would a court be willing to hear a case alleging a failure by the Congress to fulfill its duties or would a court treat such a challenge as a political question that is beyond its reach? Who would even be able to bring a case alleging a violation? Who would the case be brought against and what would the remedies be?

Could a judge nullify a budget or a law on the basis that it somehow violated the amendment? Which appropriations bill pushed us over the limit—the last one adopted?

Would a judge have the power to put the budget in balance by ordering specific spending cuts? How would those cuts be identified and set? Would the judge be tasked with reviewing the entire Federal budget and then making cuts? Would the judge be able to compel Congress to enact cuts? What would happen if Congress failed to comply with such an order? Does the judge make changes and substitute his or her priorities for those of Congress?

These same questions could be asked about revenue increases as well. A judge cannot mandate revenue increases under the McConnell amendment. The resolution, apparently, would allow judges to make spending cuts, however. But that dangerous shift of power to the judiciary arises only by implication in the McConnell resolution. What is explicit under McConnell is that taxes and revenues can only be raised by a two-thirds vote. So even closing loopholes to end tax dodges and raise revenue would require a supermajority. That is the opposite of a balanced budget amendment provision. That makes it more difficult to balance the budget.

The American people do not need new processes or hollow promises. They do not need a constitutional amendment that raises more questions than it answers. They need Congress and the President to do our jobs. A balanced budget amendment will not force Congress and the President to do anything, because it is, as a practical matter, unenforceable. And when it does not work, public cynicism would only deepen. It already is plenty deep. There is only one way to balance the budget. That is with the willpower to make the hard choices. Those of us elected to public office have that obligation now. And if we fail, we as individuals will be judged by our own electorate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I stand today to urge my colleagues to support one of the most important pieces of legislation that has come before this body in decades, Senate Joint Resolution 10, the Hatch-Lee balanced budget amendment proposal.

The reason why I insist this is so important is because of a crisis we are facing today. We have accumulated about $15 trillion in sovereign debt on behalf of the United States—$15 trillion. It works out to about $50,000 for every man, woman, and child in America. This is an amount of money that could represent an expensive car. It could represent a college education. It could represent all kinds of things. But it represents ultimately debt that Congress has incurred, debt that Congress cannot afford to continue to incur at this same rate, which we are doing every day. We are adding to that debt at an unsustainable rate of about $1.5 trillion every single year.

Here is why that is so distressing to me. As the White House itself acknowledged a few months ago, we are now within about a decade, perhaps much less, of owing about $1 trillion a year just in interest on our national debt. Currently we are paying a little over $200 billion a year in interest. By the end of this decade, that number is likely to rise to an astounding $1 trillion a year. We could reach that number much sooner than that. It could happen perhaps in half that amount of time if interest rates suddenly started to climb, as they easily could do, particularly given the fact that we are about 350 basis points below the historic average for yield rates on U.S. Treasury instruments, the means by which our governmental debt is financed.

We have to get this problem under control now, because if we wait until then, until we have to pay $1 trillion a year in interest on our national debt, it will be too late to do anything. By waiting, by postponing the day of our accountability, we will have made a choice, a devastating choice, that will prove to signal the downfall of the greatest economy the world has ever known. We cannot allow that to happen—not now, not on our watch, not when the stakes are this high.

If we have to make up that difference, the difference between the $200 billion a year we are paying now and the trillion a year we will have to be paying in interest on our national debt a few years from now, that money has to come from somewhere. That money is not something we can expect simply to obtain through an increase in taxation.

Over the long haul, we have learned that our tax system is capable of generating a revenue stream equaling a little over 18 percent of all of the revenue that moves through the American economy every single year—a little over 18 percent of our gross domestic product. As this chart shows, that percentage remains relatively constant. It has remained that way for many decades, going back to at least 1960. It averages out a little over 18 percent of gross domestic product.

That remains true even when we go back 30 years or so when our top marginal income tax rates were approaching 90 percent. The economy finds a way to produce no more than a little over 18½ percent—a little over 18 percent of GDP. So we cannot just raise taxes at that point in order to generate more revenue, because our income tax system, no matter how we tweak it, no matter how high we raise top marginal rates, is not capable of generating that much revenue. What we do when we simply ratchet up those tax rates, if anything, is we shrink the size of our economy. We chill economic growth to the point where we are actually generating less revenue, not more. So we cannot tax our way out of that problem, nor can we at that point simply borrow our way out of that problem. In other words, we cannot borrow an additional $800 billion a year on top of the present-day $1.5 trillion a year we are borrowing, because if we did that, our interest rates would go up that much more. That would make our decision that much more crippling on our economy.

There are a lot of reasons why this matters. My colleague from Ohio, Mr. PORTMAN, acknowledged a few minutes ago that this chills job growth when we have this much debt. It is also true that this impairs our ability to fund every conceivable government program from defense to entitlements, such that if we wait in order to make the necessary changes to the way we spend money in Washington, we will wait at our own peril. We will wait at the peril of those who have become dependent on those very government programs that will have to have their budgets slashed immediately, abruptly, severely. We cannot afford to do that. Those who have become dependent on Social Security, on Medicare, on Medicaid, on other entitlement programs, on supplemental nutritional assistance, would be devastated if all of a sudden we cut off funding for those programs, we had to slash those budgets by 30, 40, 50 percent overnight. It is these abrupt changes that prove most difficult for our economy to absorb.

I have often said it is something that we can analogize to being on top of a large building. Let's say our $15 trillion debt can be compared to a 15-story building. If you need to get down off of that building, you need to get to the ground floor. If you want to do it quickly, you could decide to jump. If you decide to jump, it is not the fall that will kill you, it is the abrupt halt at the end of that fall. So you need to do something to cushion the fall, to slow it down a little bit so it can be accomplished gradually, so nobody gets hurt. That is where the balanced budgeted amendment comes in. The Hatch-Lee balanced budget amendment, Senate Joint Resolution 10, would bring about severe, significant, systemic changes, but it would do so gradually so that the cuts, while significant over the long haul, are not abrupt, so that the impact is not severe, other than avoiding the severeness of the impact that would otherwise occur.

We have to get down from that 15-story building, from that $15 trillion debt. We do that through a balanced budget amendment, one like Senate Joint Resolution 10, which contains a 5-year delayed implementation clause. That would give us time to work out a phased-in glidepath toward balancing our budget. That is what we need do in order to protect and preserve our economic stability, our jobs market, and our ability within the Federal Government to fund everything from defense to entitlements.

Those who ignore the need for this amendment ignore the fact that our spending continues to escalate. I want to talk about how much we have spent as a country as a percentage of our overall economy, as a percentage of our gross domestic product. Between the early 1790s and the early 1930s, the Federal Government spent, on average, between 2 and 4 percent of gross domestic product every single year with only two notable exceptions, once during the Civil War and the second time during and in the immediate aftermath of World War I. With those two exceptions, Congress's spending was modest, between 2 and 4 percent of GDP.

That all started to change in the early 1930s when we reached the double digits during peacetime for the first time in our history. We have, unfortunately, never retreated from that cycle. Federal spending today, as a percentage of GDP, stands close to 25 percent, meaning that for every dollar that moves through the American economy, a quarter of that goes to Washington, is sucked in by the Federal Government, and cannot move on and help to continue to stimulate the economy.

That pattern of increased Federal spending as a percentage of GDP is expected to increase in the next few years. It is expected, based on the data provided by the Congressional Budget Office, to reach 26.4 percent of GDP within the next 10 years, by 2021. Some say that figure is too optimistic and that it could actually be much higher than that, it could be significantly higher than 30 percent. At a minimum, we know it will be 26.4 percent or more unless we take pretty significant steps to control our spending.

So I find it interesting that many are saying we do not need to make changes, that we can somehow have Congress do its job, that Congress needs to follow the Constitution and do its job and balance its budget.

Let me tell you the problem with that. First of all, there is nothing currently in the Constitution that restricts Congress's power to borrow money. Clause 2 of article I, section 8 of the Constitution gives us power to do that, and we have done it. We have done it again and again and again. We have done it so many times in recent years that we have almost lost track.

Congress first placed a statutory limit on the acquisition of new Federal debt in 1917, which was the Second Liberty Bond Act. Since 1962, Congress has altered the debt limit through 74 separate measures, and has raised it 10 times since 2001, in the last 10 years.

Since 1990, the debt limit has been raised by a total of $10.1 trillion. Nearly half of that increase has occurred in the last 4 years, since late 2007. So this is not a situation in which we are seeing the normal growth of government spending, either in normal numbers, in numbers adjusted for inflation, in numbers measured as a percentage of GDP. By any metric, the amount of Federal spending and the amount of debt acquisition has grown exponentially, giving us this hockey stick-like curve in the acquisition of Federal debt.

We cannot continue this practice. We especially cannot continue it given the fact we know that the natural limit on our ability to receive revenue through the income tax system is a little over 18 percent of GDP. So we have to have something in place that keeps us from spending more than we take in. That cannot possibly by accomplished, in my opinion, without something that ups the ante, something that makes it structurally more difficult on a permanent basis for Congress to engage in deficit spending and to spend more than 18 percent of GDP. That is why there are a few critical features in Senate Joint Resolution 10, the Hatch-Lee balanced budget amendment proposal, that I think any viable balanced budget amendment proposal ought to have. First, it needs to apply to all spending. Second, it needs to cap spending at 18 percent of GDP. It also needs to require a supermajority vote in order to exceed that percentage of GDP spending limit in order to raise taxes or in order to raise the debt limit. Without these kinds of provisions, this kind of redundant protection against the inexorable growth of Federal spending generally, and the inexorable growth of deficit spending in particular, our debt will crush the very programs we purport to be protecting.

Those who plot against this say we cannot limit spending to 18 percent of GDP or else we will hurt program X, Y or Z. While they are making this argument, it is in reckless disregard of the fact that those same programs will be jeopardized if we continue to borrow recklessly, without structural spending restraint or reform on the horizon.

Others have argued we don't need this because somehow it is unenforceable. I am not quite sure what they mean. Perhaps they don't know what a court would do with it. They are forgetting we have other provisions in the Constitution that raise the vote threshold, which is essentially what the Hatch-Lee balanced budget amendment does. In other words, we have other provisions in the Constitution that are followed routinely, without the need for litigation, just based on Members of Congress taking an oath to uphold the Constitution, as we are all required to do pursuant to article VI. Those are complied with every day.

For instance, we all know none of us will dispute the fact that it takes a two-thirds supermajority vote in both Houses of Congress to override a Presidential veto. It takes a two-thirds supermajority vote in both Houses of Congress to propose a constitutional amendment. It takes a two-thirds supermajority vote in the Senate to ratify a treaty. We don't dispute the fact that these vote thresholds exist. We don't have to wait for the courts to intervene for us to enforce them within Congress. We follow them. That is what this would do.

This says that because Congress has the ability to destroy itself, destroy the economy, destroy the very government we have created through reckless, indefinite, perpetual deficit spending, we must protect Congress from itself—perhaps better said, we must protect people from Congress by requiring that Congress approve any amount of money spent in excess of what Congress brings in or in excess of 18 percent of GDP or in excess of the debt limit by a supermajority vote. We have to have that. It will be followed, and it is absolutely necessary.

It is interesting that few, if any, of my colleagues will dispute the fact that Congress should balance its budget. There is perhaps a difference of opinion—maybe even a widespread difference of opinion—as to how best we should try to close this gap, how best we should close the gap between the money Congress brings in each year through the tax system and the money it spends. There is widespread dispute about where cuts need to be made. I think we all agree we need to balance our budget.

That begs the question, if we all agree, as I think we all do, then why can't we agree we need to adopt a permanent structural mechanism that will be embodied in the Constitution that will ensure that actually happens? This proposal remains agnostic as to where cuts will be made. All it says is if we are going to spend more than we take in or more than 18 percent of GDP or raise taxes or the debt limit, we are going to do it by a supermajority vote. That is something the American people support. In fact, 75 percent of the American people support the basic principle that Congress should not, for example, spend more than it takes in each and every year.

That brings me to the question of why it is that we should support S.J. Res. 10, the Hatch-Lee balanced budget amendment, and not another proposal—for example, S.J. Res. 24, which I might refer to alternatively as the ''Trojan horse'' balanced budget amendment or as the ''do nothing'' amendment proposal, which purports to be a solution when, in fact, it is not, for one simple reason: It gives Congress unfettered discretion to exempt itself out of the budget balancing requirement it contains. This would, in effect, I am certain, render this amendment, were it to take effect, virtually a dead letter provision.

We have seen what Congress does when it has the option of exempting itself out of statutory spending caps—in the pay-go rule, the Gramm-Rudman-Hollings Deficit Control Act, and in other statutory provisions such as this. Congress giveth and Congress taketh away. Congress has become a walking, breathing waiver unto itself. When Congress is given the option of saying: I know we are supposed to balance the budget, but we don't feel like it today, it ends up doing that. All Congress would have to do under S.J. Res. 24—the ''do nothing'' amendment proposed—is simply acknowledge that the United States is involved in a military conflict, and by simple majority vote it can exempt itself out of these provisions entirely.

By contrast, the Hatch-Lee balanced budget amendment proposal acknowledges that in a time of war or military conflict, it may be necessary to spend more than we take in. But in the case of an armed military conflict, it requires a three-fifths supermajority vote, and in either a war or another armed military conflict, it specifically provides that in that war or conflict, any overage, any amount spent above and beyond what Congress brings in has to be limited to that required to prosecute that war or that military conflict effort. That is a huge difference. We can't simply give Congress the option of complying with a balanced budget amendment provision only when Congress feels like it. This is a little akin to telling an alcoholic they have to give up drinking, while leaving an open container of whiskey on the table and requiring that person to walk past that bottle or even to carry it around every day. It doesn't work. You have to take it out of the house. You certainly have to take it out of the possession of the recovering alcoholic.

This is the challenge of our time—to figure out how to prevent Congress's chronic abuse of its own borrowing authority from collapsing under its own weight, from bringing about the economic collapse of the United States of America.

We have to have these structural spending reform mechanisms because our government is run by imperfect people. Benjamin Franklin has often been quoted for a line that says: ''He'll cheat without scruple who can without fear.'' When looking at Congress today, we might say Congress will spend more money than it has whenever it possibly can, whenever it has the option of spending more.

As Madison said: ''If men were angels, no government would be necessary. And if angels were to govern men, neither external nor internal controls on government would be necessary.''

We are, as human beings, not angels, and our government isn't run by angels either. This is why we need the structural permanent spending reform mechanism. We cannot afford to accept a substitute, a cheap imitation, a ''Trojan horse'' balanced budget amendment such as S.J. Res. 24, because if we adopt something such as that, we will create the illusion to the American people that we are actually undertaking efforts to control our out-of-control deficit spending program when, in fact, we are doing nothing. Because it is always the case that we are involved in a military conflict somewhere. Congress will always be able to muster a simple majority, saying we cannot be expected to balance our budget because of that.

We have to draw that line in the sand and stand for those who support everything from defense to entitlements. We have to stand for our children and our grandchildren, those who will come after them, those who are not yet old enough to vote, those who have not yet been born and whose parents have yet to meet. Those people are not here to vote against us as we spend their money.

This is a particularly pernicious form of taxation without representation. We fought a war over two centuries ago over that practice, and we won that war. We should not subject our children, their children, and their grandchildren after them to that same practice. This is contrary to liberty, contrary to economic prosperity. We cannot stand for it to occur anymore.

We have two choices. One choice involves supporting, passing, and submitting to the States for ratification of the Hatch-Lee balanced budget amendment proposal, putting in some permanent restraint, at long last, on Congress's self-destructive borrowing capacity.

The other option can take many forms. It can take the option of supporting S.J. Res. 24, which doesn't solve the underlying problem, or it can take the form of doing nothing at all. If we do nothing, we have still made a choice—a devastating choice—a choice that will inure to the detriment of the American people and of the Federal programs that we all rely on, the Federal programs that people rely on to keep them safe, protect them from the ravages of nature, and protect them from the conditions of poverty we seek to avoid in this country. It is, after all, the objective of us all to seek a better, more prosperous, more safe country, but we jeopardize all those interests the longer we allow this practice of perpetual deficit spending to continue.

At the end of the day, we have to face our own constituents. Those who choose not to vote for the Hatch-Lee balanced budget amendment will have to face their constituents and tell them why they were unwilling to stand for a proposition so basic as we should balance our budget.

There is no excuse, based on the fact that we cannot do this overnight, because it has a delayed implementation clause. It will not take effect until 5 years after it has been ratified by the States. In the meantime, we will be able to set in motion a sequence of

events, a series of implementing bills that will allow us to put ourselves on a smooth glidepath toward balancing our budget. We will be able to do that. Those who vote against this cannot look their constituents in the eye and tell them they did everything they could do to get our out-of-control spending habits or our out-of-control deficit spending habits under control.

I urge each of my colleagues to do this for themselves, for the programs they want to save, and for their children and grandchildren. Our prosperity, our success as Americans, our survival as a nation, and the success of our government requires nothing less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KIRK. Mr. President, I rise to talk about the balanced budget amendment. It is obvious America's government is spending, taxing, and borrowing too much. That is why Congress should approve the balanced budget amendment to the Constitution. It was a good idea when Thomas Jefferson supported it, and it is an even better idea today.

America is a great experiment in self-government. Self-government requires self-control. Early thinkers about America's democracy worried about the capacity of the government to borrow in a way that would cripple our freedom.

Children cannot vote, but the Congress of their parents can put our kids into debt. We should fight fiscal child abuse by ending such borrowing that hurts our kids' long-term economic future.

In recent days, we witnessed clear warning signs that the days of big borrowing are ending, not because Congress has changed its free-spending ways but because lenders are increasingly worried that they will never be repaid. This summer, America lost its triple-A credit rating, according to Standard & Poor's. This loss of confidence mirrors a crisis in Europe reflecting a collective judgment that Greece and Ireland and Portugal and Spain and even Italy may not be able to repay the amount of money they have borrowed. As Prime Minister Thatcher reportedly said, ''Eventually governments run out of other people's money.''

In this environment, it is important to show how we are different from Europe. If we approve the balanced budget amendment and cut spending, we will restore confidence in the Federal debt, in America's economy, but most important, in the ideal of self-government.

America owes $15 trillion or about $40,000 for each new American born. For their sake, we need to restrict the ability of the current generation to obligate young Americans to pay their debts.

Should this amendment fail, we will wound the long-term credit of the United States. More deeply, we will hurt the ideal of self-government and self-control that is the foundation of our freedom.

EGYPT

I would like to take this moment to talk about another issue; that is, we as Americans support freedom and democracy and the rights of all peoples. But, as Gaza taught us in 2006, free elections by themselves do not make up a democracy. There are times when people are offered a chance to elect party leaders who offer them only one election to affirm a dictatorship. We can also learn from the year 1938 that the dangers of ignoring developments abroad are huge. Now, in the wake of the Arab Spring, we turn away from that region at our own peril.

On November 28, the first stage of the Egyptian elections began, which will inaugurate a new electoral system forming a bicameral legislature. This first stage determines about 30 percent of the 498 seats for the government's lower chamber, called the People's Assembly.

Before Egyptians arrived at the polls, protesters filled Tahrir Square in Cairo. As a result, over 40 Egyptians were killed. Many are objecting to the military's interference in the electoral process and the decision to force elections well before secular parties had time to build their capacities. According to public polling and sources on the ground, this will likely hand an electoral victory to the Muslim Brotherhood and more radical Islamist elements within the Egyptian society. Although elections will last until March of 2012, the prediction of a Muslim Brotherhood victory is already becoming a reality. Early data shows an alarming trend of Islamist domination of the Egyptian Parliament.

On December 5, the High Electoral Commission announced that leaders of the Freedom and Justice Party, the political arm of the Muslim Brotherhood, had received a plurality of 36 percent of the vote, while the secular Egyptian Bloc had gained less than 12 percent. When we include the runoff elections, which took place last week, it appears that the Muslim Brotherhood has won 73 out of 150 seats or 49 percent of the currently contested outcomes. This is the same party that led a pre-election rally of 5,000 chanting ''one day we shall kill all the Jews'' and ''Tel Aviv, Tel Aviv, Judgment Day is coming.''

While many expected the Brotherhood to do well, there were other surprises. Salafist parties, made up of anti-Western hardliners who follow a particularly radical version of Islam, are also faring particularly well. Surpassing predictions, they received 24 percent of the vote in the first round.

Importantly, these elections also included the so-called liberal districts of Cairo and the Mediterranean port city of Alexandria. The weakness of liberal parties—namely, their inability to reach out to voters effectively with a serious agenda—is now fully exposed. Islamists are taking full advantage of deeply rooted networks that extend from the mosques into Egypt's poor districts. Their grip in the traditionally conservative areas of Alexandria proved particularly tight, and these areas are also home to a majority of the Coptic Christian community.

It is clear that if Islamist parties and candidates continue their currently won gains in other elections, they will capture 60 percent of the national vote in Egypt. This will situate the new Egyptian Parliament around deep ideological differences between Salafis, the Muslim Brotherhood, and liberal groups, making the Brotherhood the power brokers between Egyptian left and right.

What does this all mean? By January, the United States could face an Egypt defined by a hatred of Israel and many of the freedoms we hold dear—a freedom of expression, of women's rights, and the right to practice any religion. This Egypt counts Iran as a friend and poses a threat to the Camp David Peace Accords, which have served as the cornerstone for Egypt's strategic position for 30 years.

Do we expect that an Islamist-led Egypt will prevent weapons from arriving in the hands of Hamas? Will an Islamist-led Egypt help preserve a free South Sudan? Will an Islamist-led Egypt act to protect Coptic Christians who make up about 10 percent of Egypt? Will we see continued violence, as we saw on October 9 in Maspero, which killed 27 civilians and injured hundreds? Will an Islamist-led Egypt do what we expect with more than $1 billion of U.S. foreign assistance? Will they continue to share intelligence and to work against terrorism? These are all questions that may become critical issues for the national security of the United States very shortly.

All of this instantly prevents foreign investment and tourism that would help the Egyptian economy. The IMF has forecasted a little over 1 percent growth for the Egyptian economy next year. They said inflation will top 11 percent, while almost 12 percent of Egyptians will be out of work. Recently, the Egyptian pound traded at its lowest level against the dollar in 7 years.

This time last year the region was on the threshold of exciting change, but today Egypt sits instead on the threshold of a very dangerous path.

The United States—and especially our State Department in particular—should do what it can to keep Egypt attached to peace and good relations with the West. The United States is now on the verge of a historic defeat and reversal of American interests in Egypt. Currently, if there is an Obama administration plan for handling a new Islamist Egypt that rejects peace with

Israel and allies with Iran, I don't know it, and I don't know if anyone does. We must keep our finger on the pulse of this process. Liberal voices in Egypt must work to preserve the democratic goals of the January revolution.

Recently, I had the privilege of meeting some of Egypt's best and brightest young liberal leaders. They would like to build a free Egypt that respects women's rights and religious minorities and the rule of law. I was encouraged in meeting with them but only hope that the coming election is not like a 1930s election in Germany, where people in Egypt are given one choice—to affirm a dictatorship—and then that is the end.

If a radical Islamic government arises in Egypt—one that disavows the Camp David Peace Accords and no longer acts as a stable strategic partner in the Middle East—then we will look back on the recent election in Egypt and its successors in December and January as the turning point for a historic reversal of the United States.

My hope is that the State Department watches this very carefully. My hope is that we have a plan to make sure this critical country stays within the U.S. orbit. But my fear, given the recent elections in Egypt, is that we have already lost quite a bit of ground.

If current trends continue, then by the middle of next year we will have a Muslim Brotherhood government in command of the Suez Canal, in charge of Cairo—the second center of learning in the Arab world—along the border of our Israeli allies, friendly to Hamas, friendly to Iran, and hostile to Europe and the United States. My hope is that over the holidays we will work very hard and diligently with our allies—and especially liberal forces in Egypt—to make sure that reversal doesn't happen.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

DEAD ON ARRIVAL

Mr. REID. Mr. President, the bill just passed by House Republicans tonight is a pointless, partisan exercise. The bill is dead on arrival. It was dead before it got to the Senate. The Senate will not pass it. The sooner we demonstrate that, the sooner we can begin serious discussions on how to keep taxes from going up on middle-class Americans. Democrats were ready to vote tonight to prove that the bill was DOA, dead on arrival. But I spoke to Minority Leader MCCONNELL this evening, and he told me he will need more time. He will not be able to make a decision until tomorrow morning on when to vote on the House-passed bill. I cannot set the vote without his approval at this time.

This is a 180-degree change in his position from just a few hours ago. Just this morning, Senator MCCONNELL said we should ''take up the House bill, pass it right here in the Senate, and send it to the President for signature without theatrics and without delay.'' That is a direct quote. I repeat, he said we should vote on this bill ''without delay.''

He is correct, and I can only wonder what happened in the last 8 hours to change his position so dramatically, so radically. As I said, we already know this bill is dead. We need to begin real negotiations on how to prevent a $1,000 tax hike on American families. The sooner we get this vote, the sooner those negotiations can begin in earnest.

I will speak with Senator MCCONNELL again tomorrow to determine how soon we can hold this vote—an exercise in futility. Work continues toward finalizing an omnibus to fund the government for the rest of the year. In the meantime we should not hold up this middle-class tax cut.

On January 1, every American worker will have less money. In fact, 160 million American workers will have less money to spend on groceries and gas and rent unless Congress acts on their behalf.

T.S. Eliot said it about as good as I could figure a way to say it, when he said: ''Hurry up please, it's time.''

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING FRANK ANDERSON

Mr. BROWN of Ohio. Mr. President, I rise to honor a long-time friend and a hero to veterans and to those who believe in justice in Ohio: Frank Anderson, a long-time leader of paralyzed veterans in Ohio, who passed away last week from complications of an infection.

Frank was a friend and a trusted advocate. He always spoke eloquently about issues facing veterans and people living with disabilities.

Confined to a wheelchair as a paraplegic for the overwhelming majority of his adult life, Frank was soft spoken, yet larger than life, with a commanding presence.

As a leader of the Buckeye Chapter of the Paralyzed Veterans Association, he drove himself to veterans events across Ohio.

He spoke out against inequality in disability pay—and the barriers that face disabled veterans, from health care to transit accessibility, to economic opportunity.

He was a strong advocate for the Americans with Disabilities Act. He fought to ensure housing was affordable and accessible for all Americans.

He testified in front of Congress on issues facing veterans in rural areas and would return that night to Cleveland to fight for veterans in cities.

He would always do so the right way—prepared in facts and figures, armed with anecdotes and stories.

Born in Cleveland in 1953, Frank Anderson graduated from East Tech High in 1971.

In 1976, he left Bowling Green State University to enlist in the Ohio Army National Guard's 107th Armored Cavalry Regiment.

In 1981, Frank was paralyzed after an 18-wheeler crashed into an Ohio National Guard convoy he was traveling in. He recovered and rehabbed at what is now the Louis Stokes VA Medical Center in Cleveland, meeting other disabled veterans—hearing their stories, learning from them, all becoming advocates charged with helping veterans.

While taking away his ability to walk for the rest of his life, the experience strengthened his will to serve and to live his life on his terms.

He remained active in wheelchair sports—playing tennis, lifting weights, and throwing a discus and a javelin.

He became a longtime leader for all Americans with disabilities and became a trusted leader in the African-American community.

He embraced life's challenges. He made the world better for all of us—even dressing as Santa for children at the Cleveland Clinic's Children's Hospital.

He traveled the country. He cooked his favorite seafood. He listened to his favorite old rhythm and blues music.

Mr. President, I ask unanimous consent to have printed in the RECORD Frank Anderson's obituary from the Cleveland Plain Dealer and a letter about Frank's life from Bill Lawson, president of the Paralyzed Veterans of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Dec. 8, 2011]

(By Grant Segall)

EAST CLEVELAND.—Crashing into an Ohio National Guard convoy, an 18-wheeler paralyzed Frank W. Anderson in 1981 and inspired him to become a statewide leader for disabled veterans.

Anderson, 58, died Tuesday, Dec. 6, at the Stokes Cleveland VA Medical Center from complications of an infection.

''He was a guiding light,'' said Ray Saikus, president of the Joint Veterans Commission of Cuyahoga County, whose first vice president was Anderson. ''He was well-versed, respectful and assertive about issues.''

Among many roles, Anderson was government relations director for the Paralyzed Veterans Association's Buckeye Chapter. Buckeye President Carl Harris said, ''He was very effective. He did his homework. We didn't just go in and say, 'Do something

about this and figure it out.' We always had ideas on, 'You could do it this way and that way.'''

Anderson spoke about many problems, from illegal parking in spaces for the handicapped to inequities in disability pay. ''There should be a standard rate for all veterans across the U.S.,'' he told The Plain Dealer in 2008.

Despite paraplegia, he drove himself and wheeled his chair to countless veterans' events. ''We do this in remembrance,'' he said in 1993. ''We want our children to be proud of what we did for this country.''

Anderson was born in Cleveland and graduated East Tech High in 1971. In 1976, he left Bowling Green State University and enlisted in the Ohio Army National Guard's 107th Armored Cavalry Regiment. He was on active duty in Michigan when paralyzed. He was discharged the next year as a sergeant.

He joined the Paralyzed Veterans' Buckeye board in 1985, then switched to a paid job in 1987 as the group's advocacy director. He was also vice president of the Memorial Day Association of Greater Cleveland and a commissioner of Ohio Rehabilitation Services.

He belonged to the Governor's Council on People with Disabilities, ADA Ohio Network, Maximum Accessible Housing of Ohio, and Greater Cleveland RTA Citizens Advisory Board. As a trustee of the Soldiers and Sailors Monument, he took charge of getting it a wheelchair lift.

Anderson often played Santa at what's now the Cleveland Clinic Children's Hospital. He liked to cook seafood, travel around the country and listen to music, especially old rhythm and blues.

Frank William Anderson, 1953–2011. Survivors: Wife, the former Joe Ann Huff; children, Yolanda Anderson of East Cleveland, Patrice Anderson of Cleveland, Chemenda Wilbourn-Anderson of Cleveland, Tamika Savior-Greer of Cleveland Heights and Franklin Savior of Cleveland; seven grandchildren; a sister and two brothers.

PVA BUCKEYE CHAPTER MOURNS THE LOSS OF FRANK ANDERSON

It is with deep sadness that we inform you of the passing of Frank Anderson, long-time Buckeye Chapter Government Relations Director. We were informed by the Buckeye Chapter that Frank passed away in the early morning hours of December 6, 2011.

Frank was the consummate advocate for people with disabilities known throughout the greater Cleveland area and Ohio as a vigorous and articulate spokesman on behalf of disability rights.

For Frank no effort was too small nor challenge too large if it would benefit the greater disability community and he should be remembered as a leader in the fight to secure passage of the Americans with Disabilities Act. A mentor to his fellow Chapter Government Relations Directors and the 2010 recipient of the Richard Fuller Outstanding Achievement in Government Relations Award, Frank exemplified the active member devoted to the goals of Paralyzed Veterans of America.

Frank leaves behind a community that is better for his efforts. On behalf of all of PVA, we extend our deepest sympathies to his many friends, colleagues, and most specifically, his loving wife Joanne and family.

Once PVA executive offices receive pertinent memorial service information from the Buckeye Chapter, we will forward to you. Thank you for sharing this news with those who may not yet be aware and would appreciate knowing.

Sincerely,

BILL LAWSON,
PVA National President.

HOMER S. TOWNSEND, Jr.,
PVA Executive Director.

Mr. BROWN of Ohio. Mr. President, Frank served as director of government relations for the Paralyzed Veterans Association's Buckeye Chapter in my State.

He served as vice president of the Memorial Day Association of Greater Cleveland, as well as a commissioner of the Ohio Rehabilitation Services.

He belonged to the Governor's Council on People with Disabilities, the ADA Ohio Network, the Maximum Accessible Housing of Ohio, and the Greater Cleveland RTA, the transit system's Citizens Advisory Board.

He was a trustee of the Soldiers and Sailors Memorial in downtown Cleveland, responsible for installing its wheelchair lift.

I will miss Frank. I will miss his friendship, his wit, and his humor. But his State and Nation will miss him more—his strong will and his dedication to public service and the lives he helped to improve.

Frank was an inspiration to anyone in or out of a wheelchair—a tireless advocate whom everyone loved and respected.

On Thursday, December 15—a couple days from now—at Mount Sinai Baptist Church, on Woodland Avenue in Cleveland, Frank's family and friends will gather for his funeral—his going home.

I wish I could be there. I will be here. But I wish I could be there to say goodbye—to join his wife Joe Ann, their children Yolanda, Patrice, Chemenda, Tamika, Franklin and seven grandchildren and Frank's sister and two brothers.

For them, I offer my condolences but also reaffirm a commitment to serving Frank's cause on behalf of all disabled Americans, especially those who are disabled and paralyzed in service to our country.

TRIBUTE TO LEO F. WEDDLE

Mr. MCCONNELL. Mr. President, I stand today to honor an exemplary Kentuckian and patriot, Mr. Leo F. Weddle of Somerset, KY. Mr. Weddle is a veteran of the Korean war; he selflessly served our Nation as a machine-gunner during that conflict.

In 1950, just 3 years after graduating high school, Leo decided to enlist in the Marines, an idea he had already given considerable thought to. Leo was inspired one day by the obvious pride and glamour that was exhibited by a young marine in uniform whom Leo saw from the window of his Greyhound bus as Leo was traveling home to Somerset, KY, from his sister's house in Beaumont, TX. It was at that exact moment, somewhere in a small Arkansas town, that Leo decided to enlist to serve his country.

After his introduction into the Marine Corps, Leo spent the next several months enduring the rigors of boot camp in Parris Island, SC, and combat training at Camp Pendleton in Oceanside, CA. When combat training concluded, Leo and his unit boarded the troopship USS *General William Weigel*. Leo's unit eventually landed in Yokuska, Japan, after 2 weeks at sea.

On June 5, 1951, the day Leo arrived in Korea, he was immediately transported to the front line for combat, where he joined George Company, 3rd Battalion, 1st Marine Division, later nicknamed ''Bloody George.'' Leo's unit was under heavy fire from the moment he arrived. ''They had just lost a machine gunner and were asking for a volunteer,'' he said. ''Fools really do rush in where angels fear to tread, and I volunteered for the position. I served as a machine gunner for the duration of my time in Korea.''

On September 21, 1951, Leo was wounded by a mortar that killed two officers and six enlisted men. Ironically, to Leo, the shell exploded closer to him than any other person, but the shrapnel propelled from it that hit him only left small pieces of metal in his legs and head. Those farther away were hit with larger pieces of metal that inflicted more severe, even fatal injuries. Six decades later, Leo still has fragments of the mortar in has legs and forehead.

Today at 77 years of age, Leo feels blessed to be able to look back on his wartime experiences as a veteran who has since lead a healthy and successful life. ''I recall vividly many images of the horrors of war,'' Leo says, ''but I also remember my fellow Marines, courageous young men with whom I shared the most intense life-and-death experiences most of us would ever face.''

Leo was so inspired by these experiences that he wrote a poem while he was still in Korea to help him share the love and appreciation for America he felt half a world away. Leo believes he may never have had the opportunity to truly express these feelings had he not had the opportunity to serve his country in battle as he did.

Mr. President, I would ask that my Senate colleagues join me in thanking Mr. Leo F. Weddle, a valiant Kentucky veteran, for his courage and selflessness in fighting to preserve our country's freedom. Mr. Weddle is an honorable man whose sacrifice and lifelong success serve as an inspiration to the people of our great Commonwealth. The Commonwealth Journal, a Somerset-area publication, recently published an article written by Mr. Weddle recounting his time as a U.S. marine. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonwealth Journal, November 11, 2011]

A VETERAN REMEMBERS

(By Leo F. Weddle)

In 1950, three years after my high-school graduation, the Korean War was under way and I had given considerable thought to joining the service. One beautiful autumn day I

was riding a Greyhound bus from my sister's home in Beaumont, Texas, to my hometown of Somerset, KY.

Somewhere along the way, in a small town in Arkansas, I saw from the window a young Marine, resplendent in his dress blue uniform. The glamour of that uniform and the obvious pride of the man wearing it captivated me. At that moment I decided to volunteer for the Marines, and I did so as soon as I arrived in Somerset.

After my introduction into the Marine Corps, I endured weeks of stress and intimidation in boot camp at Parris Island, South Carolina, followed by combat training at Camp Pendleton in Oceanside, California. After completing my training, my unit boarded a troopship, the USS General William Weigel, and after two weeks at sea, we landed in Yokuska, Japan.

On June 5, 1951, I arrived in Korea and became a member of George Company, 3rd Battalion, 1st Marine Division, later nicknamed ''Bloody George.'' The day I arrived, I was transported to the front line and immediately entered combat. My unit was under heavy fire. They had just lost a machine gunner and were asking for a volunteer. Fools really do rush in where angels fear to tread, and I volunteered for the position. I served as a machine gunner for the duration of my time in Korea.

Minutes after I arrived on the line, a mortar shell hit a few feet from me. Luckily, it turned out to be a dud. If it had exploded, I would almost certainly have been killed on my first day of battle. As it was, I was wounded by another mortar a few months later, on September 21, 1951. We were on Hill 751, which came to be known as ''Starvation Hill.''

For three days and three nights, the fighting was so intense that our Korean supply carriers could only bring ammunition. Food was a lower priority in this situation than the much-needed ammo, so we had to make do with what we had until the shelling diminished.

A friend of mine was hit, and I climbed out of my foxhole to help him. While I was out of the foxhole, a mortar shell came in. It killed two officers and wounded six enlisted men. The irony of the situation was that the mortar landed closer to me than to anyone else, but the explosion propelled shrapnel that embedded only small pieces of metal in my legs and head, while dispersing larger pieces to the men who were killed or more seriously wounded.

The mind is a strange and wonderful thing. If I close my eyes, even to this day, I can still see the dirt, debris and shrapnel exploding as clearly as I could at the moment it happened. Fifty-five years later, I still have small fragments of that mortar in my legs and forehead. During the months that I served in Korea, I saw great acts of courage by my fellow Marines as they dealt with the brutality and mayhem of war. I came to realize that heroism often involves reacting to a situation in a way that seems to be most expedient at a given moment.

I recall many images of the horrors of war, of course, but I also remember my fellow Marines, courageous young men with whom I shared the most intense life-and-death experiences most of us would ever face.

While I was still in combat in Korea, I wrote the following poem. My experiences there gave me a love and appreciation for America that I might never have been able to express had I not had the opportunity to serve my country in this way.

Today I am 77 years old and looking back on my own wartime experiences from the vantage point of a healthy and successful life. I hear the stories of today's young Marines who are risking their bodies and lives for the same principles that motivated me and my comrades in Korea so many years ago. For any soldier or Marine who serves his country in time of any war, I believe this poem expresses the love and pride that he feels for his homeland, the United States.

MR. YOU AND MR. ME

What is America? I ask myself,
It is happiness, contentment, success and wealth,
With a touch of hardship, dirt and grime,
Mixed together with work and time,
Is Mr. You or Mr. Me?

America is a sweetheart, modest and dear,
It's high school and college, or a cheerleader's cheer.
It's a bright hello or a sad good-bye,
It's all these things and much more too,
That go into making the Red, White and Blue.

America is football, baseball and track,
Or just a little afternoon snack.
It's a drive in the country, a walk into town,
or just a policeman making his round.
It's a chocolate sundae or a picture show
That forms the pattern of this land we know.

It's Mom and Dad—Sister too,
And a little brother, or me and you.
It's Brooklyn and Jersey, the Dodgers and Phils,
Or a beautiful river with valleys and hills.
But it takes these things and the heavens above
To make our America, the land we love.

It's barefoot boys who skip school for fishing,
And pigtailed girls who tag along, wishing.
It's the old and the young, the brave and the true,
But mostly America is made up of you.
It's what you believe and what you can see
That count in this land of democracy.

The names of Washington, Lincoln and Jones,
The Tom Smiths, Dick Phillips, and Harry Malones
Are parts of America we see every day
As we walk along its crowded highway.
Yes, all of these things we daily see,
Until they are a part of you and me.

America is brown, yellow and white,
With a touch of red, it's quite a sight,
For we are a mixture from many lands
Who believe in liberty and freedom's stands,
And we back up this faith with blood and tears
Shed by patriots throughout the years.

It's soldiers, sailors, pilots, Marines,
Who make up our nation's fighting machines.
It's ''blood and guts'' when the time demands,
For freedom's cause we take our stands.
It's all America, just one big show,
Of the things we do and the things we know.

It's our faith in God to do His will,
Our belief that we have His protection still,
That makes America strong and free,
It's a wonderful place for you and me.
And though many places our feet may roam,
May they safely return us to our home,
America.

TRIBUTE TO TOM BIRCH

Mr. ROCKEFELLER. Mr. President, it is a distinct honor and privilege for me to congratulate Thomas L. Birch, the legislative counsel and founding director, of the National Child Abuse Coalition, for his decades of service to children.

After more than 30 years as head of the coalition, Tom is retiring. Mr. Birch established the National Child Abuse Coalition three decades ago as a way to focus greater attention on the more than 700,000 children who are abused and neglected each year.

From his earliest days, Tom was inspired to make a difference in the lives of some of our most vulnerable children and families. His interest was first peaked as a high school student working at a public housing project in Stamford, CT. He noticed that not all kids had the same opportunity and that not all children had the same start at life. His experiences also demonstrated that with the right kind of support, we could make a difference in these young lives. We could even the playing field.

Tom continued on to college and became an attorney, but when he reached Washington, he brought with him that same passion to make a difference. We all talk about how important children are to this country's future, but Tom felt you had to do more than just say that—he had to act. He began his new job on Capitol Hill working for the chair of what we now call the HELP Committee, under Senator Walter Mondale. In fact, the week Tom Birch started his work for the future Vice President, the Child Abuse Prevention and Treatment Act, or CAPTA, was signed into law. He would continue advocating for children and the prevention of child abuse by working on the staffs of Senator Paul Simon and Congressman John Brademas.

When Tom ended his career as a Capitol Hill staffer he moved on but didn't move away from his main mission in life: to continue to make a difference for the most vulnerable children in the land. He formed a coalition to focus attention on preventing the abuse and neglect of children. In 1981 the National Child Abuse Coalition was created under the leadership of Mr. Birch. His pride and constant inspiration has been to shape the growth of CAPTA, and that, too, would be the mission of the coalition he founded.

Because of Tom Birch's efforts, more than 30 national member organizations, working through the coalition, have been able to coordinate and strengthen their Federal advocacy on behalf of the millions of vulnerable children. Through this time period Tom has contributed to important developments, including the creation of children's trust funds across the States; the establishment of national child abuse data; greater focus on community-based solutions, including the community-based grants to prevent child abuse and neglect; and more recently he and the coalition were an important voice of support for the new home visitation program enacted by Congress in 2010.

Through his leadership the coalition has also served as an advocate in the appropriations process for CAPTA and similar programs such as the Social Services Block Grant, SSBG, and the Promoting Safe and Stable Families

Program, PSSF. When opportunities have arisen he has worked to highlight ways to strengthen programs such as Head Start and childcare to make sure the country took every opportunity to address child neglect and to prevent it.

Others have recognized Mr. Birch's contributions, including the American Psychological Association, which honored him in 2003 with their Award for Distinguished Contribution to Child Advocacy. Later in 2006 Casey Family Programs honored Tom again by giving him their Leadership Award.

I want to join the many others in recognizing Tom Birch. These days we talk a great deal about lobbyists and special interests in Washington, DC, but there are certain groups of people here in Washington you don't hear about. They won't be featured on the evening news or the front page of the newspaper. These are the men and women who patiently and quietly walk these halls to tell the stories of vulnerable children. These people do it not to get rich or to promote the fortunes of the powerful; they work on behalf of our most vulnerable. Tom is one of these people, an unsung hero who has made a true difference for vulnerable children. It has been a job well done for Tom. I hope his retirement is successful and rewarding in every way he wishes it to be, and I thank him very much for all the contributions he has made to the lives of all the most vulnerable children all across this country.

VOTE EXPLANATION

Mr. NELSON of Nebraska. Mr. President, I was mistakenly recorded as a ''no'' on vote No. 227 on December 12, 2011. I would like to state for the record I intended to vote for cloture in relation to the nomination of Mari Carmen Aponte to be Ambassador to the Republic of El Salvador.

TRIBUTE TO ROBERT GRIFFIN III

Mrs. HUTCHISON. Mr. President, in Texas, football and team loyalty is a key part of our identity. Today, I know that Baylor University students, alumni, and fans—known as the Baylor Nation—are bursting with pride over the first Bear to win the Heisman Trophy. Robert Griffin III was named the 2011 Heisman Trophy winner for his incredible accomplishments on the football field. Baylor finished this season ranked No. 15 nationally with a 9 to 3 record which included impressive victories over nationally ranked TCU, Oklahoma, and Texas. While Baylor and Big 12 fans have witnessed Griffin's football prowess, many more American sports fans will have the opportunity to watch him lead the Bears in the Valero Alamo Bowl on December 29, 2011.

But it is not only his football talent that makes Robert such a remarkable young man. RG3, as he is known to his friends and fans, is the consummate student-athlete. An honor roll student at Baylor, he graduated with a degree in political science in only 3 years with a 3.67 GPA. While he was leading the Bears this year on the gridiron, he was studying for his master's degree in communications, and he has indicated that he would like to attend law school as well.

Robert's career at Baylor balances academics and athletics and should serve as a role model for other aspiring young athletes. The discipline to succeed was instilled in him at a very early age by his parents, Robert, Jr., and Jacqueline Griffin, both Army noncommissioned officers, who laid the groundwork for his strong work ethic. A graduate of Copperas Cove High School just outside Ft. Hood, Robert was a three-sport star athlete—he still owns Texas' High School State records for the 110-meter and 300-meter hurdles—and a top student.

Throughout his career at Baylor, Robert set 52 school records in passing, rushing, and total offense. He has thrown for an incredible 10,070 yards, and 77 touchdowns, while rushing for 2,220 yards and 32 touchdowns. During his impressive 2011 Heisman winning season, Robert passed for almost 4,000 yards and 36 touchdowns, while rushing for 655 yards and 7 touchdowns. He also earned the Davey O'Brien Award, presented annually to the best NCAA quarterback.

On Saturday, December 10, 2011, Robert Griffin III was recognized as the greatest college football player of the year. The Heisman Trophy is the most prestigious and coveted award in college sports, and no one is more deserving of this honor than Robert Griffin III.

Congratulations to Robert Griffin III on an incredible season; to his family, who provided the foundation for his abilities; to his teammates and the entire Baylor Nation. This is truly a storybook ending to a tremendous season.

Mr. CORNYN. Mr. President, on December 10, the most prestigious sports fraternity in the country welcomed its newest member, Baylor University's Robert Griffin III, as the 77th winner of the Heisman Memorial Trophy. Griffin is Baylor's first recipient of the Heisman Trophy and the first player from the school to be named a finalist for the award since quarterback Don Trull finished fourth in 1963. The son of two retired U.S. Army sergeants, Griffin led the 15th ranked Baylor Bears to a 9 to 3 record and their second straight bowl appearance. The Big 12 Offensive Player of the Year has energized the football program and helped to end Baylor's 16-year absence from bowl games.

Hailing from Copperas Cove, TX, Griffin put up spectacular numbers, completing 72 percent of his passes for 3,998 yards with 36 touchdown passes. He also led the Nation in passing efficiency with a rating of 192.3, which broke the single-season Football Bowl Series record. On top of his impressive passing statistics, Griffin averaged 4.0 yards per carry for 644 yards and nine touchdowns on the ground. Although Griffin is only a junior, he holds 46 of Baylor's career offensive records including passing yards, passing touchdowns, and rushing touchdowns by a quarterback. While leading Baylor to one of its greatest seasons in history, he helped accomplish other important firsts for the program. After winning a combined 4 games in November during their first 15 seasons in the Big 12, Griffin guided the Bears to a perfect 4 to 0 record in the same month, with 3 of the wins against rivals Oklahoma, Texas, and Texas Tech. The late-season victory over Oklahoma marked the first time in school history that Baylor was able to defeat the mighty Sooners.

Robert Griffin's skills are not limited to the football field. In addition to being an All-American in the 400-meter hurdles, Griffin is also a model student. He completed his undergraduate work in 3 years with a 3.67 GPA, earning a bachelor's degree in political science, and is currently working on a master's degree in communications. Griffin also plans to earn a law degree. I applaud his commitment to excellence in both academics and athletics.

Today, I join with my colleagues, and Robert's friends and family, including his parents, Robert Jr. and Jacqueline Griffin, in celebrating this fine achievement. Robert Griffin joins a special class of Texas athletes who are also Heisman Trophy winners: TCU's Davey O'Brien, SMU's Doak Walker, Texas A&M's John David Crow, the University of Houston's Andre Ware, and the University of Texas's Earl Campbell and Ricky Williams.

ADDITIONAL STATEMENTS

TRIBUTE TO THE LONG FAMILY

• Mr. BOOZMAN. Mr. President, I wish to congratulate the Long family for earning the distinction of 2011's Arkansas Farm Family of the Year.

This honor reflects Heath and Betsy Long's dedication to farming and the importance of agriculture as Arkansas's No. 1 industry. As owners of Long Planting Company, a rice, soybean, and wheat operation of more than 2,200 acres of land, the couple has taken advantage of technology and improved farming efficiency while expanding their farm.

Heath has devoted his life to farming, spending his childhood on the farm and earning a degree in agriculture from Arkansas State University. As a fourth-generation farmer, his commitment to the agriculture industry has helped his farm as well as other farms within the State, as he serves as the vice president of the Arkansas County Farm Bureau board of directors and a member of the Arkansas and USA rice councils.

The Arkansas Farm Bureau's program honors farm families across the

State for their outstanding work both on their farms and in their communities. This recognition is a reflection of the contribution to agriculture at the community and State level and its implications for improved farm practices and management. The Longs are well deserving of this honor.

I congratulate Heath and Betsy and their daughters, Shelby and Sydney, for their outstanding achievements in agriculture and ask my fellow colleagues to join me in honoring them for this accomplishment. I wish them continued success in their future endeavors and look forward to the contributions they will offer in the future to Arkansas agriculture.●

TRIBUTE TO MIKE RISKA

● Mr. COONS. Mr. President, I would like to take a moment to reflect on the career of the executive director of the Delaware Nature Society, Michael E. Riska. Mike is retiring this year after serving as executive director for 28 wonderful years spent opening the minds and hearts of Delawareans young and old to the splendor of our natural world.

Mike Riska attended West Chester University and earned a bachelor of science with a double major in biology and physical education. He also earned his master's in education in Natural Science from the University of Delaware. He is a certified teacher in biology, general science, health, and physical education.

Truly devoted to educating students in the natural sciences, Mike began his career as a teacher at the Tatnall School in Greenville, DE. He taught science to students in the first through eighth grades and taught eight 5-week upper-school marine ecology courses based on Sanibel Island, FL.

Mike took his love of science and education to the Delaware Nature Society in 1969, where he started as a part-time instructor and youth programs director. He was part of the initiative to transform the H.B. DuPont Farm into a learning environment for students across Delaware. For my first job, as a seventh grader, I was hired by Mike to assist other Delaware youngsters in building the trails that would soon become Ashland Nature Center. Every year thousands of students, including my own children, attend summer camps and class field trips at the Ashland Nature Center, where they learn about nature, ecology, and conservation.

Mike Riska was appointed to executive director of the Delaware Nature Society in 1984, just the third person to serve in this capacity. With Mike at the helm, the Delaware Nature Society earned record donations for furthering its mission of fostering understanding, appreciation, and enjoyment of the natural world through education. The society also worked to preserve ecologically significant areas and advocate stewardship and conservation of natural resources.

Mike has been recognized with several awards, including the Nature Conservancy Lifetime Conservation Achievement Award in 1997, an Exceptional Leadership Award from the Association of Nature Center Administrators' Board of Directors in 1999, and the 1999 President's Award of Association of Nature Center Administrators for dedication and service to the nature center profession. The Association of Nature Center Administrators recognized him as the recipient of its 2002 Leadership Award.

Mike has worked closely with several other Delaware nature conservancy organizations and is admired and respected by his peers. Andrew Manus, director of conservation programs of the Delaware Chapter of the Nature Conservancy, said:

> Let me add my voice of congratulations to others who have benefitted from the years of dedicated service that Mike Riska has brought to conservation in Delaware. The Delaware Nature Society has been well served by his leadership, as has the greater conservation community in Delaware. Mike's thoughtful advocacy for the natural world in Delaware will be his endearing legacy for us all to enjoy.

Roger L. Jones, State director of the Delaware Chapter of the Nature Conservancy, stated:

> Mike Riska's legacy is very simple—he instilled a passion for nature and a boundless commitment for protecting our environment within thousands of people in Delaware.

Lorraine Fleming, 2005 Delaware Audubon Conservation Award recipient, said:

> Natural science and environmental education is Mike Riska's first love. It has been the foundation for his visionary leadership of the Delaware Nature Society over 28 years as executive director and before that as assistant director. Recognition and cultivation of staff and volunteers is Mike's natural strength. While he is always quick to give credit to his staff members and the society's large cadre of volunteers, the overall direction and support for DNS' accomplishments has consistently come from Mike. Mike's legacy is an enduring preeminent Delaware environmental organization that is nationally renowned among nature centers.

Mr. President, today I honor Mike Riska's legacy and accomplishments at the Delaware Nature Society. It is an honor to call him my first boss, a fellow advocate, and my friend.●

KATHERINE BOMKAMP AND WVU

● Mr. ROCKEFELLER. Mr. President. I wish to recognize Katherine Bomkamp, a promising sophomore at West Virginia University, WVU, who invented a new prosthesis that reduces phantom pain for amputees, including many returning veterans. Last month, she was in New York City being honored by Glamour magazine as one of its ''21 Amazing Young Women of 2011,'' to celebrate the 21st anniversary of its Women of the Year awards.

At the age of 16, following frequent visits to Walter Reed Army Medical Center while her father was stationed at the Pentagon with the U.S. Air Force, Katherine conceptualized the ''pain free socket,'' a prosthetic device that combats the phantom limb pain experienced by 80 percent of amputees. After two-and-a-half years of research, Katherine is now at West Virginia University, where the WVU Entrepreneurship Center is helping her obtain a patent for the device and find funding to make it available for injured veterans and other patients. The WVU Entrepreneurship Center is playing an important role in helping Katherine commercialize the ''pain free socket.'' It is a great example of how America's research universities are supporting innovative entrepreneurs, whose ideas are vital to economic growth today.

Ms. Bomkamp didn't just sit on the sidelines and feel sorrow for the afflicted men and women she encountered at Walter Reed. She listened to their stories and learned that many amputees experienced phantom pain, the feeling of pain in an absent limb.

By researching the topic, Katherine found that no medications have been approved for specifically treating phantom pain. Instead, many amputees are prescribed antipsychotics and barbiturates, treatments that can be expensive and highly addictive.

For a 10th-grade science project, Katherine decided to leap into action. She created the ''Pain Free Socket,'' incorporating thermal biofeedback into prosthetics to eliminate phantom pain in amputees. Phantom pain is caused by the brain continuing to send signals and commands to the limb. Bomkamp's device would help force the brain to focus on the heat produced through thermal biofeedback, rather than sending signals to the nonexistent limb.

Katherine Bomkamp deserves our praise and educational enrichment. She was the first WVU student to be inducted into the National Museum of Education's National Gallery for America's Young Inventors. Now that she is one of the ''21 Amazing Young Women of 2011,'' the sky is the limit for what she might achieve.

Success stories such as this one show us that academic and student innovation are alive and well at universities such as WVU, and promise a brighter future for all Americans. It is essential that as we in Congress review our budget priorities, even in the midst of today's financial pressures, we continue—or even expand—our support of higher education and students like Katherine Bomkamp.●

TRIBUTE TO RICHARD L. COTTA

● Mr. THUNE. Mr. President, today I wish to recognize Richard L. Cotta on the occasion of his retirement from California Dairies, Inc., CDI.

Since 2007 Richard has held the title of president and CEO of California Dairies, Inc., CDI. He has spent his entire career in the dairy industry in virtually all aspects of the business.

Richard Cotta's career at CDI began in 1993, when he joined San Joaquin

Valley Dairymen, a dairy processing and marketing cooperative, as its general manager.

In 1999, San Joaquin Valley Dairymen merged with Danish Creamery and California Milk Producers to form CDI. Cotta was named senior vice president of producer affairs and government relations at CDI, a role he held until he was named CEO in 2007. Under his leadership, CDI profits have reached record levels. Today, CDI is California's largest dairy provider and the second largest in the United States.

From 1980 to 1984 Richard was the CEO of United Dairymen of California, a producer trade organization, until it merged to form Western United Dairymen. Then from 1984 to 1993, he served as the CEO of Western United Dairymen, the largest producer trade association in the state.

Previously, Richard worked as a sire analyst for American Breeders Service, a classifier for the Holstein Association of America, and a principle in Genetics, Inc. For several years he was a dairy consultant on feeding, breeding and management systems.

Richard is a graduate, with honors, of California State Polytechnic University, San Luis Obispo, with a degree in dairy husbandry. He also owns and operates Cotta Farms and is a partner in Terra Bella Farms, both almond farming operations.

Richard sits on the following boards: U.C. Davis Deans Advisory Council, California State University Chancellors Ag Advisory Council, Sacred Heart School Foundation, and the Innovation Center for U.S. Dairy. In addition, he sits on the Globalization Operating Committee for the U.S. Dairy Export Council.

At the request of the Secretary of Agriculture, he has participated in world trade missions to open the U.S. dairy market overseas.

Please join me in congratulating Richard Cotta on his notable career and his retirement from California Dairies, Inc.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries incurred in connection with their employment.

S.J. Res. 22. Joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

The enrolled bills and joint resolution was subsequently signed by the President pro tempore (Mr. INOUYE).

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2158. An act to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the ''Wayne Grisham Post Office''.

H.R. 2845. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2158. An act to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the ''Wayne Grisham Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3220. An act to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following joint resolutions were discharged from the Committee on the Judiciary pursuant to the Budget Control Act of 2011:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution relative to requiring a balanced budget.

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1633. An act to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3630. An act to provide incentives for the creation of jobs, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED

The Assistant Secretary of the Senate reported that on today, December 13, 2011, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4245. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants'' (RIN3150–AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4246. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Interim Staff Guidance: Emergency Planning for Nuclear Power Plants'' (RIN3150–AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4247. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Development of Evacuation Time Estimate Studies'' (RIN3150–AI10) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4248. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of the Significant New Use Rule on a Certain Chemical Substance'' (FRL No. 8892–2) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2011; to the Committee on Environment and Public Works.

EC–4249. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Technical Revisions to the Petroleum and Natural Gas Systems Category of the Greenhouse Gas Reporting Rule'' (FRL No. 9501–9) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4250. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program'' (FRL No. 9502–2) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4251. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; General Conformity Requirements for Federal Agencies Applicable to Federal Actions'' (FRL No. 9504–7) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Environment and Public Works.

EC–4252. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Availability of Medicare Data for Performance Measurement'' (RIN0938–AQ17) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Finance.

EC–4253. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to Hong Kong for the manufacture of transformers, inductors, and coils for power supplies in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4254. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''The President's Emergency Plan for AIDS Relief, Fiscal Years 2009–2010 Report on the Global Fund to Fight AIDS, Tuberculosis and Malaria''; to the Committee on Foreign Relations.

EC–4255. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date; Impact on Prevailing Wage Determinations'' (RIN1205–AB61) received in the Office of the President of the Senate on December 6, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4256. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, USAID's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4257. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4258. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4259. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Railroad Retirement Board's Performance and Accountability Report for Fiscal Year 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4260. A communication from the Deputy Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4261. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4262. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4263. A joint communication from the Chairman and the Acting General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4264. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4265. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Saugus River, Lynn, MA'' ((RIN1625–AA11) (Docket No. USCG–2011–0857)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4266. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Route 24 Bridge Construction, Tiverton and Portsmouth, RI'' ((RIN1625–AA11) (Docket No. USCG–2011–0868)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4267. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; IJSBA World Finals; Lower Colorado River, Lake Havasu, AZ'' ((RIN1625–AA00) (Docket No. USCG–2011–0838)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4268. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Monte Foundation Fireworks Extravaganza, Aptos, CA'' ((RIN1625–AA00) (Docket No. USCG–2011 0805)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4269. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mississippi River, Mile Marker 230 to Mile Marker 234, in the vicinity of Baton Rouge, LA'' ((RIN1625–AA00) (Docket No. USCG–2011–0841)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Waverly Country Club Fireworks Display on the Willamette River, Portland, OR'' ((RIN1625–AA00) (Docket No. USCG–2011–0899)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; The Florida Orchestra Pops in the Park Fireworks Display, Tampa Bay, St. Petersburg, FL'' ((RIN1625–AA00) (Docket No. USCG–2011–0834)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4272. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rotary Club of Fort Lauderdale New River Raft Race, New River, Fort Lauderdale, FL'' ((RIN1625–AA00) (Docket No. USCG–2011–0589)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mainardi/Kinsey Wedding Fireworks, Lake Erie, Lakewood, OH'' ((RIN1625–AA00) (Docket No. USCG–2011–0848)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 2011 Head of the South Regatta, Savannah River, Augusta, GA'' ((RIN1625–AA00) (Docket No. USCG–2011–0861)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4275. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Fireworks Displays in Captain of the Port Long Island Sound Zone'' ((RIN1625–AA00) (Docket No. USCG–2011–0870)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; The Old Club Cannonade, Lake St. Clair, Muscamoot Bay, Harsens Island, MI'' ((RIN1625–AA00) (Docket No. USCG–2011–0907)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Truman-Hobbs Alternation of the Elgin Joliet and Eastern Railroad Drawbridge, Morris, IL'' ((RIN1625–AA00) (Docket No. USCG–2011–0961)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4278. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Swim Around Charleston, Charleston, SC'' ((RIN1625-AA00)(Docket No.

USCG–2011–0575)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4279. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; M/V Davy Crockett, Columbia River'' ((RIN1625-AA00)(Docket No. USCG–2010–0939)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4280. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Annual Firework Displays within the Captain of the Port, Puget Sound Area of Responsibility'' ((RIN1625-AA00)(Docket No. USCG–2010–0842)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4281. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; 2011 Asia-Pacific Economic Cooperation Conference, Oahu, HI'' (Docket No. USCG–2011–0800) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4282. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Potomac River, Georgetown Channel, Washington, DC'' (Docket No. USCG–2011–0929) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4283. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Captain of the Port Lake Michigan Zone'' (Docket No. USCG–2011–0489) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4284. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Columbia and Willamette Rivers, Dredge Vessels Patriot and Liberty'' (Docket No. USCG–2011–0939) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4285. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Passaic River, Harrison, NJ'' ((RIN1625-AA09)(Docket No. USCG–2011–0268)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4286. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Bear Creek, Sparrows Point, MD'' ((RIN1625-AA09)(Docket No. USCG–2011–0816)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4287. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Apponagansett River, Dartmouth, MA'' ((RIN1625-AA09)(Docket No. USCG–2011–0335)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Line of Sail Marine Parade, East River and Brunswick River, Brunswick, GA'' ((RIN1625-AA08)(Docket No. USCG–2011–0830)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4289. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC'' ((RIN1625-AA08)(Docket No. USCG–2011–0885)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4290. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia'' ((RIN1625-AA08)(Docket No. USCG–2011–0934)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Maurice A. Jones, of Virginia, to be Deputy Secretary of Housing and Urban Development.

*Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development.

*Thomas Hoenig, of Missouri, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

*Thomas Hoenig, of Missouri, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Mr. BURR, Mr. VITTER, Mr. BOOZMAN, and Mr. MANCHIN):

S. 1981. A bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Mr. FRANKEN):

S. 1982. A bill to amend the Older Americans Act of 1965 to develop and test an expanded and advanced role for direct care workers who provide long-term services and supports to older individuals in efforts to coordinate care and improve the efficiency of service delivery; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. LEAHY, and Mr. DURBIN):

S. 1983. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Ms. COLLINS):

S. 1984. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. CORKER, Mr. ENZI, Mr. KIRK, and Ms. MURKOWSKI):

S. 1985. A bill to allow a bipartisan group of Members of Congress to propose and have an up or down vote on a balanced deficit reduction bill pursuant to this Act, such as proposed by the National Commission on Fiscal Responsibility and Reform report, reducing the deficit by a goal of $4,000,000,000,000 over 10 years; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET:

S. 1986. A bill to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 1987. A bill to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio (for himself, Mr. MORAN, Mr. KERRY, Mrs. FEINSTEIN, Mr. CARDIN, Ms. STABENOW, Mr. LAUTENBERG, Mr. LEVIN, Mr. TESTER, Mr. CASEY, Mr. INOUYE, Mrs. MURRAY, Mr. HARKIN, Mrs. MCCASKILL, Mr. BEGICH, Mr. SANDERS, Ms. MIKULSKI, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, Mr. MERKLEY, Ms. LANDRIEU, Mr. COONS, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. REED, Mr. BENNET, Mr. WYDEN, Ms. KLOBUCHAR, Mr. KOHL, Mr. BROWN of Massachusetts, Mr. ROBERTS, Mr. BLUNT, Mr. COCHRAN, Mr. BOOZMAN, Mr. HELLER, Mrs. HUTCHISON, Mr. WICKER, Mr. BURR, and Mr. KIRK):

S. Res. 347. A resolution recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 113, a bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 484

At the request of Mr. BENNET, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 645

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 645, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1523

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1537

At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1537, a bill to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center, and for other purposes.

S. 1571

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1571, a bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1610

At the request of Mr. BARRASSO, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1683

At the request of Mrs. HAGAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1683, a bill to provide the Department of Homeland Security, U.S. Customs and Border Protection, and the Department of the Treasury with authority to more aggressively enforce trade laws relating to textile and apparel articles, and for other purposes.

S. 1749

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1765

At the request of Mrs. HAGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1765, a bill to amend the Public Health Service Act to provide grants to strengthen the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking.

S. 1821

At the request of Mr. COONS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1821, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

S. 1876

At the request of Mr. BROWN of Ohio, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Washington (Mrs. MURRAY), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from South Dakota (Mr. JOHNSON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 1930, a bill to prohibit earmarks.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1963

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1963, a bill to revoke the charters for the Federal National Mortgage Corporation and the Federal Home Loan

Mortgage Corporation upon resolution of their obligations, to create a new Mortgage Finance Agency for the securitization of single family and multifamily mortgages, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. COLLINS):

S. 1984. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, each year more than 6 million children in the United States are reported as victims of child abuse and neglect. Tragically, at least 1,700 of those children lose their lives—most under the age of four. Maltreatment deaths are preventable and it is our duty to fight for those who are too young to defend and speak for themselves.

Currently, the United States does not have a comprehensive strategy for addressing child abuse fatalities. We also lack a national standard for reporting these fatalities, leaving many of these deaths to be largely underreported. That is why today I am introducing the Protect Our Kids Act, which will establish the Commission to Eliminate Child Abuse and Neglect Fatalities.

This commission will be comprised of a variety of professionals with diverse experience and perspectives. They will develop a national strategy for reducing child abuse and neglect fatalities, and provide comprehensive recommendations for all levels of government. They will analyze the effectiveness of existing programs designed to prevent or identify maltreatment deaths and learn more about what works and what doesn't. Child abuse fatalities are not isolated to one part of our country or another.

Once the commission completes their, work they will submit a report with their findings to Congress and the report will be publicly available. The loss of just one child to abuse is one child too many. I would like to thank my colleague, Senator COLLINS, for working with me on this bipartisan bill to protect our Nation's children. A number of organizations have been integral to the development of the legislation and have endorsed it, including the National Coalition to End Child Abuse Deaths whose members include the National Association of Social Workers, NASW, the National Center for the Review and Prevention of Child Deaths, NCRPCD, National Children's Alliance, NCA, Every Child Matters Education Fund, ECMEF, and the National District Attorney's Association, NDAA.

I look forward to our continued progress in developing a more effective approach to improving child welfare and ask all of my colleagues to support this important legislation.

Ms. COLLINS. Mr. President, I rise today to join Senator KERRY in introducing the Protect Our Kids Act, to create a commission with the goal of eliminating child abuse fatalities. The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue. This is an American issue. One that we can't wish away, but that we must face head on and work to eradicate. Earlier this year, Senator KERRY and I introduced a resolution recognizing April as Child Abuse Prevention Month. The Protect Our Kids Act further represents our commitment to put an end to child abuse in the United States.

Child abuse fatalities are preventable; yet, approximately 1,770 children are reported as dying from child abuse each year, and many experts believe the actual number may be significantly higher. This legislation would establish a commission to develop a comprehensive national strategy for reducing child abuse fatalities. The commission will include a variety of professionals with expertise in areas such as child welfare advocacy, child development, pediatrics, medical examining, social work, law enforcement and education.

Through new research, hearings and the use and coordination of existing information, the commission will provide a report with their recommendations. In order to develop a comprehensive strategy, the commission must consider several questions including what is the extent to which incidents of child abuse and neglect fatalities are increasing in number, how to develop a system to track and record incidents, and what models exist for preventing child maltreatment deaths.

Increased understanding of maltreatment deaths can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect. Therefore, it is imperative that we take action to capitalize on the commission's findings. This legislation requires the commission's report to be submitted to relevant Federal agencies and Congressional committees. All agencies with recommendations that fall under their jurisdiction must then submit their reaction and plans to address such recommendations to Congress within 6 months.

Approximately 6 million kids are reported to be abused or neglected each year. We know this can be prevented. This legislation is an important step that Congress and our Nation should take in order to better protect our kids.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 347—RECOGNIZING THE 40TH ANNIVERSARY OF THE NATIONAL CANCER ACT OF 1971 AND THE MORE THAN 12,000,000 SURVIVORS OF CANCER ALIVE TODAY BECAUSE OF THE COMMITMENT OF THE UNITED STATES TO CANCER RESEARCH AND ADVANCES IN CANCER PREVENTION, DETECTION, DIAGNOSIS, AND TREATMENT

Mr. BROWN of Ohio (for himself, Mr. MORAN, Mr. KERRY, Mrs. FEINSTEIN, Mr. CARDIN, Ms. STABENOW, Mr. LAUTENBERG, Mr. LEVIN, Mr. TESTER, Mr. CASEY, Mr. INOUYE, Mrs. MURRAY, Mr. HARKIN, Mrs. MCCASKILL, Mr. BEGICH, Mr. SANDERS, Ms. MIKULSKI, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, Mr. MERKLEY, Ms. LANDRIEU, Mr. COONS, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Mrs. BOXER, Mr. REED of Rhode Island, Mr. BENNET, Mr. WYDEN, Ms. KLOBUCHAR, Mr. KOHL, Mr. BROWN of Massachusetts, Mr. ROBERTS, Mr. BLUNT, Mr. COCHRAN, Mr. BOOZMAN, Mr. HELLER, Mrs. HUTCHISON, Mr. WICKER, Mr. BURR, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 347

Whereas 40 years ago, with the passage of the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778), the leaders of the United States came together to set the country on a concerted course to conquer cancer through research;

Whereas the passage of the National Cancer Act of 1971 led to the establishment of the National Cancer Program, which significantly expanded the authorities and responsibilities of the National Cancer Institute, a component of the National Institutes of Health;

Whereas the term ''cancer'' refers to more than 200 diseases that collectively represent the leading cause of death for people in the United States under the age of 85, and the second leading cause of death for people in the United States overall;

Whereas cancer touches everyone, either through a direct, personal diagnosis or indirectly through the diagnosis of a family member or friend;

Whereas, in 2011, cancer remains one of the most pressing public health concerns in the United States, with more than 1,500,000 people in the United States expected to be diagnosed with cancer each year;

Whereas the National Institutes of Health estimated the overall cost of cancer to be greater than $260,000,000,000 in 2010 alone;

Whereas approximately 1 out of every 3 women and 1 out of every 2 men will develop cancer in their lifetimes, and more than 570,000 people in the United States will die from cancer this year, which is more than 1 person every minute and nearly 1 out of every 4 deaths;

Whereas the commitment of the United States to cancer research and biomedical science has enabled more than 12,000,000 people in the United States to survive cancer, 15 percent of whom were diagnosed 20 or more years ago, and has resulted in extraordinary progress being made against cancer, including—

(1) an increase in the average 5-year survival rate for all cancers combined to 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971;

(2) average 5-year survival rates for breast and prostate cancers exceeding 90 percent;

(3) a decline in mortality due to colorectal cancer and prostate cancer; and

(4) from 1990 to 2007, a decline in the death rate from all cancers combined of 22 percent for men and 14 percent for women, resulting in nearly 900,000 fewer deaths during that period;

Whereas the driving force behind this progress has been support for the National Cancer Institute and its parent agency, the National Institutes of Health, which funds the work of more than 325,000 researchers and research personnel at more than 3,000 universities, medical schools, medical centers, teaching hospitals, small businesses, and research institutions in every State;

Whereas the commitment of the United States to cancer research has yielded substantial returns in both research advances and lives saved, and it is estimated that every 1 percent decline in cancer mortality saves the economy of the United States $500,000,000,000 annually;

Whereas advancements in understanding the causes and mechanisms of cancer and improvements in the detection, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas continued support for clinical trials to evaluate the efficacy and therapeutic benefit of promising treatments for cancer is essential for translating new knowledge and discoveries into tangible benefits for patients, especially because all standard cancer therapies began as clinical trials;

Whereas, despite the significant progress that has been made in treating many cancers, there remain those cancers for which the mortality rate is extraordinarily high, including pancreatic, liver, lung, multiple myeloma, ovarian, esophageal, stomach, and brain cancers, which have a 5-year survival rate of less than 50 percent;

Whereas research advances concerning uncommon cancers, which pose unique treatment challenges, provide an opportunity for understanding the general properties of human cancers and curing uncommon cancers as well as more common cancers;

Whereas crucial developments have been achieved in cancer research that could provide breakthroughs necessary to address the increasing incidence of, and reduce deaths caused by, many forms of cancer;

Whereas research into the effect of certain forms of cancer on different population groups offers a significant opportunity to lessen the burden of the disease, because many population groups across the country suffer disproportionately from certain forms of cancer; and

Whereas a sustained commitment to the research of the National Institutes of Health and the National Cancer Institute is necessary to improve the entire spectrum of patient care, from cancer prevention, early detection, and diagnosis, to treatment and long-term survivorship, and to prevent research advances from being stalled or delayed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 40th anniversary of the National Cancer Act of 1971 (Public Law 92–218; 85 Stat. 778); and

(2) celebrates and reaffirms the commitment embodied in the National Cancer Act of 1971, specifically, that support for cancer research continues to be a national priority to address the scope of this pressing public health concern.

Mr. BROWN of Ohio. Mr. President, I rise to submit a bipartisan resolution recognizing the 40th anniversary of the National Cancer Act of 1971—supported by 33 Democrats and 11 Republicans.

A special thank-you to Massachusetts Senator JOHN KERRY and Kansas Senator JERRY MORAN for their leadership on this issue.

It is unfortunate but likely true that we each know someone who has been affected by cancer. We know a survivor. We remember a victim. We know cancer affects not just the patient but the parents, the family, the friends, and the loved ones.

This year more than 1.5 million Americans are expected to be diagnosed with cancer. One out of every three women, one out of every two men will develop some form of cancer in their lifetimes.

More than half a million Americans die from cancer year after year after year, in any 1 year. More than one person every minute and nearly one out of every four deaths is from cancer.

We also know that behind the statistics there are thousands of people representing thousands of friends, families, and loved ones, with ribbons, donations, and races for the cure.

These are the stories that motivate us to fight harder and to fight with one voice. It is also a story of a nation's commitment to cancer research. There is interest in dealing with environmental causes. There is great interest in dealing with cures and prevention and all that we should as a nation and usually do know what to do.

Forty years ago, Senator Ted Kennedy from Massachusetts, as chairman of the Health Subcommittee, forged a bipartisan consensus and public demand to bolster investments in cancer research.

He held hearings. He worked with leading public health advocates and economists who understood the need for bipartisanship on such an urgent national need. His work, along with Jacob Javits, a Republican Senator from New York, led to the framework of the National Cancer Act.

When it was clear President Nixon would only sign the act into law if Kennedy's name were not on it, Kennedy backed off.

The goal was to put cancer research into a new era of discovery, and that is what the National Cancer Act did. It established a national cancer program, which expanded the authority and the responsibilities of the National Cancer Institute, and its parent agency, the National Institutes of Health. The National Cancer Institute is, by far, the biggest of the two dozen or so National Institutes of Health.

Today, 12 million cancer survivors are alive because of the advances in the way we prevent, detect, diagnose, and treat cancer. Because of the investments by the NCI, the National Cancer Institute, and the National Institutes of Health, critical cancer research is being conducted in hospitals and foundations and communities and in all kinds of centers everywhere and in our universities.

Mr. President, I ask unanimous consent that a list of more than 100 cancer research institutions, physicians, and researchers who have endorsed this resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CANCER ACT 40TH ANNIVERSARY RESOLUTION ENDORSEMENTS

American Association for Cancer Research; Dana-Farber Cancer Institute; LiveStrong; Duke Cancer Institute; Massachusetts General Hospital Cancer Center; American Cancer Society Cancer Action Network; Gary D. Hammer, M.D., Ph.D., Millie Schembechler Professor of Adrenal Cancer, University of Michigan, Director—Endocrine Oncology Program, Director—Center for Organogenesis; Pancreatic Cancer Action Network; MD Anderson Cancer Center; Memorial Sloan-Kettering Cancer Center; Susan G. Komen for the Cure Advocacy Alliance; University of Kansas Cancer Center; American College of Gastroenterology; Michael A. Choti M.D., M.B.A., Jacob C. Handelsman Professor of Surgery, Chief, Handelsman Division of Surgical Oncology, Johns Hopkins University; The Ohio State University Comprehensive Cancer Center; Mark O. Thornton, M.D., M.P.H., Ph.D., President, Sarcoma Foundation of America; Tito Fojo, M.D.; U.S. Department of Health and Human Services National Cancer Institute Medical Oncology Clinical Research Unit Center for Clinical Research; Cleveland Clinic Taussig Cancer Institute; Mayo Clinic Cancer Center; Kavita Patel, M.D., M.S., Former Director of Policy for the White House of Public Engagement and Intergovernmental Affairs, Former Deputy Staff Director for the Senate Health, Education, Labor and Pensions Committee under the leadership of the late United States Senator Edward M. Kennedy; Richard J. Gilbertson, M.D., Ph.D., Director, Comprehensive Cancer Center, St. Jude Children's Research Hospital; Norris Cotton Cancer Center at Dartmouth; Siteman Cancer Center at Washington University School of Medicine and Barnes-Jewish Hospital; Penn State Hershey Cancer Institute.

Martin A. Makary, M.D., M.P.H., The Mark Ravitch Chair, General Surgery, Associate Professor of Health Policy, Johns Hopkins University; Stand Up to Cancer (SU2C); Vermont Cancer Center; The University of Pittsburgh Cancer Institute; Andrew Schorr, Founder, Host, and Author, PatientPower.Info; University of Chicago Comprehensive Cancer Center; Boston University/Boston Medical Center Cancer Center; Columbia University Medical Center; Anna Raven, Founder and President, Over Come ACC; UCSF Helen Diller Family Comprehensive Cancer Center; Case Comprehensive Cancer Center; University of North Carolina's Lineberger Comprehensive Cancer Center; Betsey de Parry, Patient, Advocate, & Author; Beverly S. Mitchell, M.D., George E. Becker Professor of Medicine, Director, Stanford Cancer Center; UC Davis Designated Cancer Center; Bruce Shriver, Founder and President, Liddy Shriver Sarcoma Foundation; James P. Wilmot Cancer Center at the University of Rochester Medical Center; Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for

Medical Sciences; UCLA Jonsson Comprehensive Cancer Center; Alan Cupal, Patient, Advocate, and Director, Adrenal Cancer Hope; The National CML (Chronic Myelogenous Leukemia) Society; UC San Diego Moores Cancer Center; The Robert H. Lurie Cancer Center of Northwestern University; Association of American Cancer Institutes; Gregory J. Gagnon, M.D., Medical Director, Cyberknife Frederick Memorial Hospital, Regional Cancer Therapy Center, Radiation Oncology; Chao Family Comprehensive Cancer Center at UC Irvine.

Claire Verschraegen, M.D., Director, Hematology Oncology Unit, Director, FAHC Cancer Service Line, Director, Vermont Cancer Center; Society of Gynecologic Oncology; University of Colorado Cancer Center; National Brain Tumor Society; National Patient Advocate Foundation; Women Against Prostate Cancer; Intercultural Cancer Council Caucus; Dario Altieri, M.D., Director, Cancer Center, The Wistar Institute Cancer Center; American College of Surgeons Commission on Cancer; CureSearch for Children's Cancer; Fight Colorectal Cancer; Huntsman Cancer Institute at the University of Utah; Oncology Nursing Society; Bill Bell, President, Spencer Bell Legacy Project; National Coalition for Cancer Survivorship; Prevent Cancer Foundation; National Comprehensive Cancer Network; The Leukemia and Lymphoma Society; Ovarian Cancer National Alliance; One Voice Against Cancer Coalition; Deadly Cancer Coalition; Asian and Pacific Islander American Health Forum; Howard Ozer, M.D. PhD., Director, University of Illinois Cancer Center; Cancer Clinics of Excellence; The Adenoid Cystic Carcinoma Research Foundation; The International Myeloma Foundation; Manish Agrawal, M.D., Associates in Oncology/Hematology; Chordoma Foundation; Research!America; Frederick Memorial Hospital Regional Cancer Therapy Center; Prevent Cancer Foundation; National Coalition for Cancer Research; Melanoma Research Alliance; National Association of Chronic Disease Directors; The Lymphoma Research Foundation; American Society of Pediatric Hematology and Oncology; International Cancer Advocacy Network.

Fred Hutchinson Cancer Research Center; Oregon Health and Science University's Knight Cancer Institute; Robert Mannel, M.D., Director, Peggy and Charles Stephenson Cancer Center, University of Oklahoma; The University of Virginia Medical Center; Herbert Irving Comprehensive Cancer Center; City of Hope National Medical Center; Oncology Nursing Society; American Institute for Cancer Research; University of Puerto Rico Comprehensive Cancer Center; Roswell Park Cancer Institute; Moffitt Cancer Center; American Society of Clinical Oncology; Lymphoma Foundation of America; University of Wisconsin Carbone Cancer Center; New York University Cancer Institute; Barbara Ann Karmanos Cancer Institute; Sanford-Burnham Medical Research Institute; Holden Comprehensive Cancer Center; Prostate Cancer Foundation.

Mr. BROWN of Ohio. It includes scientists and physicians working together on cancer research everywhere from the James in Columbus, to Case and UH and the clinic in Cleveland.

Ohio's universities and medical schools, teaching hospitals, Cincinnati Children's Research, small businesses, and other research institutions help bring cutting-edge cancer research to urban cities and small towns alike.

For the last 40 years, our Nation's commitment to cancer research has seen a tremendous return on investment in the millions of lives and the billions of dollars saved.

We have increased survival rates. We have advanced understanding of the diseases and the tools needed to cure them. We have better understood the connection between environmental factors and public health and diseases. We have realized the importance of prevention. We also know challenges remain—from finding more treatments to learning more and carrying out prevention better than we have, from dealing with environmental factors that we know cause large numbers of cancers and reducing costs for patients, to reducing disease burdens for different population groups.

Today's bipartisan cancer resolution on the 40th anniversary of the National Cancer Act reaffirms a commitment to address this national priority, to make sure cancer is a thing of the past.

Senator Kennedy said in those days, 40 years ago, when his legislation began to move forward:

There are few better investments in our future than the investment we make in health research.

Mr. MORAN. Mr. President, earlier today, I submitted a resolution with my colleagues from Ohio and Massachusetts, Senators BROWN and KERRY, to recognize the 40th anniversary of the signing of the National Cancer Act of 1971 and to reaffirm our Nation's strong, bipartisan commitment to cancer research and the more than 12 million cancer survivors alive today because of that research.

This commitment to cancer research is supported by 40 Senators from both sides of the aisle who cosponsored this resolution. Additionally, this resolution is endorsed by more than 105 cancer institutes and hospitals, medical schools, and patient groups, including the University of Kansas Cancer Center.

Forty years ago this month, President Nixon signed the National Cancer Act into law. The creation of this law marked a turning point in our Nation's efforts to prevent and cure cancer and set in motion a coordinated and focused approach to cancer research.

The return on our commitment to cancer research is measured in lives saved, a better quality of life for cancer survivors, and an enormous economic benefit to our country and world.

Since the National Cancer Act became law in 1971, the 5-year survival rate for all cancers combined has risen consistently—this rate is now at 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971.

It is estimated that every one percent decline in cancer mortality saves the U.S. economy $500 billion annually.

Our country has made significant progress in combating this devastating disease, but more work remains. This year, more than 1.5 million Americans are expected to be diagnosed with cancer. Of those individuals, many will face a very serious, life-changing diagnosis.

Today, I am proud to help submit a resolution that reaffirms our sustained, strong commitment to cancer research that will help improve the entire spectrum of care for patients, from prevention to early detection and diagnosis, to treatment and long-term survivorship, and most importantly—cures.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1459. Mr. UDALL, of Colorado proposed an amendment to the joint resolution S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States.

SA 1460. Mr. HATCH proposed an amendment to the joint resolution S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States.

SA 1461. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill H.R. 2867, to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

TEXT OF AMENDMENTS

SA 1459. Mr. UDALL of Colorado proposed an amendment to the joint resolution S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States; as follows:

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

SA 1460. Mr. HATCH proposed an amendment to the joint resolution S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States; as follows:

To amend the title so as to read:

''Joint resolution proposing a balanced budget amendment to the Constitution of the United States''

SA 1461. Mr. REID (for Mr. DURBIN) proposed an amendment to the bill H.R. 2867, to reauthorize the International Religious Freedom Act of 1998, and for other purposes; as follows:

Beginning on page 2, strike line 6 and all that follows through ''(3)'' on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

On page 5, line 3, strike ''(c)'' and insert ''(b)''.

On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: ''Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.''.

On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike ''and 2013'' and insert ''through 2014''.

On page 7, line 9, strike ''2013'' and insert ''2014''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Breaking the Silence on Child Abuse: Protection, Prevention, Intervention, and Deterrence'' on December 13, 2011, at 10:15 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 13, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 13, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on December 13, 2011, at 2:30 p.m., to conduct a hearing entitled ''Helping Homeowners Harmed by Foreclosures: Ensuring Accountability and Transparency in Foreclosure Reviews.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 13, 2011, at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled, ''Our Nation's Water Infrastructure: Challenges and Opportunities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PIPELINE SAFETY, REGULATORY CERTAINTY, AND JOB CREATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 2845.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2845) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2845) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZING THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. REID. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of H.R. 2867.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Durbin amendment which is at the desk be agreed to and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1461) was agreed to, as follows:

(Purpose: To limit appointments to the United States Commission on International Religious Freedom to 2 2-year terms, to authorize employees of the Commission who have filed a discrimination complaint under section 717 of the Civil Rights Act of 1964 to complete such proceedings, and to clarify that travel by members of the United States Commission on International Religious Freedom is subject to the Federal Travel Regulation and the Department of State Standardized Regulations)

Beginning on page 2, strike line 6 and all that follows through ''(3)'' on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

On page 5, line 3, strike ''(c)'' and insert ''(b)''.

On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: ''Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures,

reimbursement payments, and expense reporting and documentation requirements.''.

On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike ''and 2013'' and insert ''through 2014''.

On page 7, line 9, strike ''2013'' and insert ''2014''.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2867), as amended, was passed, as follows:

H.R. 2867

Resolved, That the bill from the House of Representatives (H.R. 2867) entitled ''An Act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.'', do pass with the following

Amendments:

(1)Beginning on page 2, strike line 6 and all that follows through ''(3)'' on page 4, line 18, and insert the following:

(a) TERMS.—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term.''; and

(2)

(2)On page 5, line 3, strike ''(c)'' and insert ''(b)''.

(3)On page 5, strike lines 9 through 19 and insert the following:

(c) APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: ''Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.''.

(4)On page 5, strike line 21 and insert the following:

(a) IN GENERAL.—Section 204 of the International Religious Freedom

(5)On page 6, between lines 16 and 17, insert the following:

(b) PENDING CLAIMS.—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

(6)On page 6, line 21, strike ''and 2013'' and insert ''through 2014''.

(7)On page 7, line 9, strike ''2013'' and insert ''2014''.

Mr. REID. I ask unanimous consent the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

ORDER OF PROCEDURE—H.R. 3630

Mr. REID. I ask unanimous consent that not withstanding the lack of receipt from the House with respect to H.R. 3630, it be in order for the bill to be considered read for the first time and placed on the legislative calendar under the heading ''Bills and Joint Resolutions Read the First Time.''

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, DECEMBER 14, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 14, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S.J. Res. 10 and S.J. Res. 24, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be two rollcall votes at approximately 10:45 a.m. tomorrow on the balanced budget amendment resolution. We also hope to consider the DOD authorization conference report as well as the House Republican payroll tax bill tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Wednesday, December 14, 2011, at 9:30 a.m.

EXTENSIONS OF REMARKS

HARVEY TEYLER TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. TIPTON. Mr. Speaker, I rise today in honor of Mr. Harvey Teyler, manager of the Alamosa Mosquito Control District. Mr. Teyler has been awarded the Special District Association of Colorado's 2011 Distinguished Manager of the Year Award.

Presented in September at the SDA's annual conference, this honor recognizes managers who have demonstrated outstanding leadership, dedication and service to their district. The SDI is an association consisting of over a thousand members who promote the effective and economical operation of special districts in Colorado. These districts function as a form of local government that provides basic services and public needs.

Mr. Teyler was recognized for increasing the Alamosa Mosquito Control District's quality of service under the motto ''Effective and Efficient.'' He is well respected for his leadership style, a commitment to thoroughly educating and training his employees, and for never asking them to do something that he has not done himself.

Mr. Teyler leads the District's efforts to protect public health through the surveillance of mosquitoes, counting and identification, various methods of extermination, and West Nile Virus testing, all while adhering to environmentally sensitive practices. After humble origins in a shed with no utilities, the District now operates out of a fully furbished 5500 square foot facility. The citizens of Alamosa, known in the past to be overrun with mosquitoes, are certainly grateful for Mr. Teyler's dedication.

Mr. Teyler is also an active member of the Alamosa community, where he has been a part of the Kiwanis Club, the Blue Peaks organization for the mentally challenged, and the Ranch Advisory Board.

Mr. Speaker, it is an honor to recognize Harvey Teyler. I rise today to thank him for his public spirit and devotion to the health of Alamosa's Citizens.

HONORING BRIAN HUDSON OF THE PENNSYLVANIA HOUSING FINANCE AGENCY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. FATTAH. Mr. Speaker, Pennsylvanians in need of affordable housing, and those of us who advocate for quality, safe housing accessible to all, have a quiet superstar in our midst.

Since 2003, Brian A. Hudson Sr. has served as Executive Director and CEO of the Pennsylvania Housing Finance Agency, the agency that turns the portfolio of affordable housing programs into brick and mortar. His ascension to leadership is well deserved: he has worked at the agency for three decades.

Brian Hudson's work frequently brings him into Philadelphia where PHFA has accomplished near-miracles in public-private-nonprofit partnerships and Brian Hudson is legendary for the art of the deal. Those deals provide affordable housing for seniors, for young families, for veterans, for low-income families, for individuals facing substance abuse and Philadelphians with disabilities.

Brian Hudson may not be well-known by the public but those who work with him and his agency hold the man in awe. Mr. Hudson's presence at a ribbon-cutting or turnkey dedication or groundbreaking is a welcome sight, and I've been pleased to share that podium with him on many occasions as an advocate in Congress for these critically needed programs. When Brian Hudson is on the scene, it means the hard work has been done, and it's been done right.

Most recently, on October 31, Mr. Hudson and I, joined by Mayor Michael Nutter and a ''who's who'' of business and community leaders as well as older residents who were already in residence, dedicated The Apartments at Cliveden in Philadelphia's Germantown neighborhood. The NewCourtland Network's latest development is a $14.6 million project, launched with major help from Brian Hudson and PHFA, to provide 62 units of affordable, dignified, modern living for seniors 62 and older.

Brian Hudson's list of credits—and responsibilities—in the housing field is long and impressive. He has been a Director of the federally chartered Federal Home Loan Bank of Pittsburgh since 2007. He has served as Vice President and on the board of the National Council of State Housing Agencies. He is a member of the Consumer Advisory Council at The Federal Reserve System.

Since its founding in 1972, the Pennsylvania Housing Finance Agency has financed more than 130,000 houses and 54,000 apartment units while assisting 40,000 homeowners threatened with foreclosure.

In recent months Mr. Hudson's PHFA performed an astounding feat of public service under extreme deadline conditions. PHFA was able to administer and distribute more than $100 million made available to Pennsylvanians under the Emergency Homeowners' Loan Program (EHLP) by the U.S. Department of Housing and Urban Development—within less than six months.

I sponsored the EHLP program in Congress and secured its inclusion in the Wall Street Reform Act. This emergency assistance was based on an earlier program, the Homeowners Emergency Mortgage Assistance Program (HEMAP) that I developed as a young legislator in the Pennsylvania General Assembly in the early 1980s. That's just about the time a young housing whizkid named Brian Hudson came to work for PHFA, helping that agency turn HEMAP into the nation's premier state-based emergency mortgage assistance program.

Over a quarter century HEMAP provided more than $433 million in emergency mortgage assistance loans. Nearly 90 percent of Pennsylvania homeowners receiving this assistance have avoided foreclosure. Those clients were Pennsylvanians who had been making their mortgage payments until, through no fault of their own, they lost a job or other income stream and tumbled toward default. Thanks to HEMAP, 17,000 Pennsylvania families were able to stay in their homes, get back on their feet, and even to repay HEMAP for that home-saving loan. In fact, over its lifetime, HEMAP actually turned a modest profit for the taxpayers!

That outstanding track record was worth duplicating, and it became the model for the EHLP program I introduced. This federal program provided up to $50,000, or 24 months, of continuing financial assistance, to families who were in danger of losing their homes due to lost income from involuntary unemployment, under-employment or medical expenses. Unfortunately we were able to fund EHLP only for FY2011. Faced with the rapidly approaching Sept. 30, 2011, deadline and a complex set of regulations for homeowners in need of emergency assistance, Mr. Hudson oversaw the processing and approval of 3,056 applications in Pennsylvania, with distribution of $108 million in emergency home-saving aid in less than six months. That's more than 10 percent of the EHLP funds made available coast to coast.

We will be working to bring EHLP back to life. Meanwhile, Brian Hudson and the Pennsylvania Housing Finance Agency have plenty of work to do. They've been funding a housing locator service for state residents dislocated by Hurricane Irene and Tropical Storm Lee. They are expediting affordable housing developments everywhere in the Commonwealth involving a myriad of municipal, state and federal programs.

The record builds, and tens of thousands of Pennsylvanians are already saying thank you. Through it all, the simple formula for success remains: Brian Hudson = Affordable Housing.

U.S. POSTAL SERVICE BREAST CANCER RESEARCH AUTHORITY ACT

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of S. 384, which will reauthorize the sale of the highly successful Breast Cancer Research Stamp. I am a proud cosponsor of House companion legislation.

Breast cancer has or will eventually touch all of our lives. According to the National Cancer Institute, more than 230,000 women in the

United States will be diagnosed with breast cancer this year and nearly 40,000 will die. Breast cancer is the most common non-skin cancer among women. It is also the second leading cause of cancer-related death among women.

Designed by Ethel Kessler of Bethesda, Maryland and illustrated by Whitney Sherman of Baltimore, Maryland, the Breast Cancer Research Stamp was first issued in 1998. Since then, it has raised over $74 million for cancer research at the National Institutes of Health and the Department of Defense. By renewing this stamp today, Congress is reaffirming its deep commitment to increasing awareness and finding a cure for this terrible disease.

Mr. Speaker, I urge my colleagues to support this bipartisan, lifesaving legislation.

CELEBRATING THE WORK OF CAROL FIXMAN OF THE PHILADELPHIA EDUCATION FUND

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. FATTAH. Mr. Speaker, on December 16, advocates for educational excellence in Philadelphia will be celebrating the service of a dear friend of mine, Carol Fixman, the soon-to-retire Executive Director of the Philadelphia Education Fund. Together, Carol and I have worked to make the dreams of Philadelphia's school children a reality and to brighten the future of our city.

Under Dr. Fixman's direction, the Ed Fund has been actively engaged in issues of school reform, teacher quality, college access, and community engagement in support of public education. Prior to her appointment at the Ed Fund, Dr. Fixman was Vice President for Academic Affairs and Dean of the Faculty at Philadelphia University, where she provided leadership for more than 40 undergraduate and graduate programs in business, design, architecture, engineering, science, and health.

She has held positions directing international programs at Temple University and at the Association to Advance Collegiate Schools of Business. She has also served as Director of the Philadelphia Education Fund's College Access Program and the Philadelphia Scholars, a citywide initiative to improve access to and success in postsecondary education for Philadelphia public school students. Dr. Fixman has played a critical role in GEAR UP, the nation's premier early college awareness and readiness program and CORE Scholars, a place-based scholarship program serving students in Philadelphia—two programs that I am proud to have launched, nationally and locally.

Dr. Fixman has a distinguished academic record in addition to her achievements in the field of education. She holds a Ph.D. and M.A. in German literature from Brown University and a B.A. in Russian literature from Indiana University (Bloomington).

I want to take this opportunity to acknowledge Carol Fixman's dedication and perseverance toward improving the quality of public education in the Philadelphia region so that underserved youth are prepared for college and careers and thank her for making Philadelphia a better place.

As she retires from the Philadelphia Education Fund, she will surely be missed by all. I urge this body to recognize her contributions and continue to support her work.

CONGRATULATING DR. DAVID HALTIWANGER

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. SARBANES. Mr. Speaker, I rise today to honor and congratulate Dr. David Haltiwanger for his tireless efforts on behalf of the health and well-being of people living with HIV/AIDS and the lesbian, gay, bisexual and transgender community. In his work as a clinician, administrator, teacher and advocate, Dr. Haltiwanger has demonstrated a deep well of compassion, a vision for true inclusiveness and a commitment to using his voice and organizing the voices of others to improve the lives of those in Baltimore, in Maryland, and across the United States.

Dr. Haltiwanger has been involved in the fight against AIDS from the very beginning, first as support to friends and later as a therapist, clinical supervisor and administrator overseeing a range of mental health, substance abuse, health promotion and case management services at Chase Brexton Health Services, Maryland's largest community-based provider of healthcare services to people living with HIV/AIDS. At Chase Brexton, he served as Mental Health Director and later as Director of Clinical Programs and Public Policy. Even as his other responsibilities increased, Dr. Haltiwanger continued to see patients, giving him keen insight into the challenges on the ground and enabling him to be an especially effective advocate in Annapolis and here on Capitol Hill, where he has been a valuable resource to members and staff alike.

Dr. Haltiwanger has channeled his expertise and commitment into the work of two very important national organizations. He served for six years as a member of the Board of Directors of the Communities Advocating Emergency AIDS Relief (CAEAR) Coalition, a leading national voice for the treatment and care needs of people living with HIV/AIDS, and also as a Board Member and Co-Chair of the National Coalition for LGBT Health, which is committed to improving the health and well-being of LGBT individuals through federal advocacy focused on research, policy, education, and training.

In his work as an advocate, Dr. Haltiwanger has been especially committed to educating others in his community about the importance of participating in public policy issues and mentoring them in those efforts. Throughout his career, Dr. Haltiwanger has made an enormous impact on Baltimore and has changed the lives of countless individuals and families in the State of Maryland and beyond. As he retires from Chase Brexton, I would like to thank him for his many years of service and his visionary leadership.

CELEBRATING THE WORK OF THOMASENNIA AMOS OF THE PHILADELPHIA EDUCATION FUND

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. FATTAH. Mr. Speaker, Philadelphia's educational advocacy community will be losing one of its most respected and versatile leaders with the retirement of Thomasennia Amos.

Thomasennia Amos is stepping down as the Director of the College Access Program at the Philadelphia Education Fund, where she has served the cause of public education since 1999. Ms. Amos also has directed the Student Success Centers, a partnership between the College Access Program and the School District of Philadelphia to create a sustainable college-going culture within local neighborhood high schools. In addition, she has supervised the Scholarship Coordinator of the Ed Fund's Philadelphia Scholars.

Among her earlier assignments at the Ed Fund, it is noteworthy that she served as Director of the GEAR UP Initiative (Gaining Early Awareness and Readiness for Undergraduate Programs). GEAR UP, which I developed and guided into law in 1998, has been a national as well as local success story, impacting the educational prospects, jump-starting the higher education opportunities and improving the life chances of 12 million young people in 49 states plus U.S. territories. The GEAR UP partnership of the Ed Fund and the School District of Philadelphia has been a particularly fruitful one.

The Philadelphia Education Fund is simply the latest stop for Thomasennia Amos in her rich and varied career throughout my home town. Before joining the Ed Fund, Ms. Amos served as an instructional supervisor in the School District of Philadelphia. Throughout her career, she has worked in professional development, supporting new teachers and introducing and coaching instructional best practices to school communities. She served under several superintendents in a central office capacity.

Ms. Amos is a dedicated educator who has supported students and teachers in every region of the School District of Philadelphia. She has served as an Adjunct Faculty member at Temple University, University of Pennsylvania, Arcadia University, Drexel University, and Chestnut Hill College. She is also certified as a Principal, and has a strong personal commitment to improving education for Special Education students.

Ms. Amos holds an M.Ed. in Special Education from Arcadia University, and a B.S. in Elementary Education and K–12 Special Education from Pennsylvania State University. She has won countless honors for educational achievement and advocacy, including, in 2010, an award from the Philadelphia Alliance of Black School Administrators.

I ask my colleagues to join with me in congratulating Thomasennia Amos on a lifetime of hard work, dedication and success instilling generations of Philadelphia's young people, especially those from underserved communities with the tools, the will and the incentive to succeed. For an educator as talented as Ms. Amos, transitioning to retirement, this is the highest honor of all.

A TRIBUTE TO MRS. PHYLLIS CAUSEY

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to pay tribute to a great friend and remarkable Kentuckian, Mrs. Phyllis Causey. In January, after over 39 years of honorable and selfless public service, she will retire.

Her Lewisburg High School yearbook in 1968 contained a prophecy for her, saying, ''Phyllis will be in President Nixon's Cabinet in ten years.'' And although Nixon resigned while she was at basic training for the Army Reserve in 1974 and she never did make it to the White House, lucky for us she still decided to follow her passion for politics and public service.

Phyllis graduated from Hopkinsville Community College in 1970 and received her Bachelor's degree from Western Kentucky University in 1972. Upon her graduation, Phyllis worked for WKU for the following 23 years.

In 1995, she was hired as a field representative for Congressman Ron Lewis and when I was elected to replace Congressman Lewis upon his retirement, Phyllis was kind enough to continue working for me.

While traveling as a candidate for Congress, I met so many individuals whose first question to me was, to ask if I was keeping Phyllis on staff if I was elected. Their question was a testament to Phyllis' compassion, hard work, and dedication to the individuals in the counties she served. She was, and still is, irreplaceable.

Phyllis grew up on a farm in Logan County, where her parents taught her the value of hard work and the importance of giving and caring for others. And throughout the nearly 20 years I have known Phyllis she has exemplified these values every day.

She has been such an inspiration to me. She has always been devoted to the causes she believes in—church, family and friends. Phyllis is an incredible wife, daughter, sister and mother. I know her family, especially her husband Larry, will be happy to have her around more often.

Although I will miss her, I know this is in no way a goodbye. I am positive she will continue to be active and touch the lives of those of us who have had the privilege of calling her a friend.

I ask my colleagues to join me in honoring Mrs. Phyllis Causey, who exemplifies what it means to be an American, a Kentuckian, a Christian and a public servant.

REMEMBERING MARY BOYCE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. RYAN of Ohio. Mr. Speaker, today I rise to remember the life of Mary Boyce, who passed away on the morning of Thursday, December 1, 2011. Mary was the mother of my good friend Barry Boyce; my thoughts and prayers are with his family. She was a wonderful woman who lived life to the fullest and always knew the importance of love and family. Therefore, on behalf of the family and friends of Mary, I would like to include her obituary, which appeared in the Public Opinion on December 2, 2011, in today's CONGRESSIONAL RECORD:

MARY T. BOYCE OBITUARY

Mary T. Boyce, 97, of The Village of Laurel Run, Fayetteville, died in the early morning on December 1, 2011. Mary was born in New York City, on January 15, 1914, to Cornelius (Neil) Gibbons, a New York City Police Sergeant, who was killed in the line of duty in 1924, and Mary Calhoun, both from County Donegal, Ireland. She graduated from Cathedral High School in Manhattan, 1932. She and her future husband, Donald C. Boyce, Jr., met while they were both working at the 1939 World's Fair, and they were married in New Orleans in 1941. Mary and her husband moved to Chambersburg, where he became personnel manager of T.B. Woods' Sons Company. Mary lived in Chambersburg from 1947 to 1949, and again from 1956 until 1982, shortly after Donald's death. Mary returned in 2006. In addition to raising her children, Mary worked at Sears & Roebuck and as a real estate and economic data gatherer for the Census Bureau.

During her time in Chambersburg, Mary was active in the Corpus Christi Catholic Church. She took part in the Red Stocking Revue and the garden club and was a dedicated member of the Chambersburg Country Club and played golf until age 88. She was a voracious reader and bridge player, a diligent letter writer, and an excellent cook. She kept track of the activities of her far-flung family on a daily basis until her final days. In April 2009, a video interview with Mary reflecting on her early life and memories of the Great Depression was featured on the New York Times website. The video may be viewed at the site's ''The New Hard Times'' section. Mary was predeceased by her eldest son, Donald, of New York City. She is survived by six children: Brian, of Virginia Beach; Neil, of New York City; Robert, of Fayetteville; Mary Jane, of Fairhope, Alabama; Margaret Anne, of Ashland, Oregon; and Barry, of Halifax, Nova Scotia. She is also survived by 14 grandchildren and 12 great-grandchildren.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. GERLACH. Mr. Speaker, unfortunately, on Monday December 12, 2011, I missed four recorded votes on the House floor. Had I been present, I would have voted ''aye'' on Rollcall 913, ''aye'' on Rollcall 914, ''aye'' on Rollcall 915, and ''nay'' on Rollcall 916.

MONI PIZ WILSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Moni Piz Wilson for her outstanding service to our community.

As owner and operator of Grandma's Frozen Egg Noodles, Moni carries the entrepreneurial spirit necessary to keep her business successful. Moni bought the business in 2001 without formal business training or experience running a company. She took her business from a small shop to one that delivers 200,000 cases of noodles each year.

Moni tackles all tasks with a get-it-done-today attitude. Her spirit for success is not constrained to her business, but extends to the Arvada community as well. Moni not only serves as Vice President of the Arvada Economic Development Association (AEDA) board of directors, but was instrumental in the Foothills Animal Shelter ''Raising Capital'' campaign to fund the construction of the new animal shelter.

Moni's success and community outreach won her the Lloyd J. King Entrepreneurial Spirit Award.

I extend my deepest congratulations to Moni Piz Wilson for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. FILNER. Mr. Speaker, on rollcall 916, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''no.''

CHRISTINE COOK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Christine Cook for her outstanding service to our community.

Christine is CEO of INGATHER Research, where she has been a huge influence on the market research industry, developing the first residential home in market research called ''The Reality House.'' Several facilities across the Nation have mirrored her model and efforts of thinking outside the box. With Christine's help, INGATHER Research received BBB's Gold Star Award for Excellence for the past 4 years and has also been chosen as a ''Colorado Company to Watch'' by Colorado Biz Magazine.

Christine is a leader in the community. She has served as president of Colorado Chapter of BMA (Business Marketing Association), MRA (Marketing Research Association), Colorado Chapter of AMA (American Marketing Association), and Celiac Disease Foundation. In 2010 Christine was awarded the Communicator of the Year Award from the Business Marketing Association and the Colorado Ethics in Business Award.

I extend my deepest congratulations to Christine Cook for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING RICHARD L. COTTA

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. NUNES. Mr. Speaker, I rise today to honor Richard L. Cotta, a pillar of the California dairy industry, on the occasion of his retirement.

Mr. Cotta has spent virtually his entire career in all aspects of the dairy business; from dairy farming to dairy genetics and from dairy processing to dairy politics.

Mr. Cotta is a graduate, with honors, from California State Polytechnic University, San Luis Obispo, with a degree in dairy husbandry.

From 1980 to 1984 he was the CEO of United Dairymen of California, a producer trade organization, until it merged to form Western United Dairymen.

From 1984 to 1993, Mr. Cotta served as the CEO of Western United Dairymen, the largest producer trade association in California.

Since 2007, Mr. Cotta has held the title of President and CEO of California Dairies, Inc. (CDI). His career at CDI began in 1993 when he started as General Manager at San Joaquin Valley Dairymen, a dairy processing and marketing cooperative. In 1999, San Joaquin Valley Dairymen merged with Danish Creamery and California Milk Producers to form CDI. At this time, Mr. Cotta was named Senior Vice President of Producer Affairs and Government Relations, and held this position until he was named CEO in 2007. Under his leadership, CDI profits have reached record levels. Today, CDI is California's largest dairy provider and the 2nd largest in the United States.

Previously, Mr. Cotta worked as a sire analyst for American Breeders Service, a classifier for the Holstein Association of America and a principal in Genetics, Inc. For several years he was a dairy consultant with many successful dairies on feeding, breeding and management systems.

Mr. Cotta has testified before the U.S. Congress and the California Legislature on behalf of the dairy industry. At the request of the Secretary of Agriculture, he has participated in world trade missions to open foreign markets to U.S. dairy products.

Mr. Cotta currently owns and operates Cotta Farms and is a partner in Terra Bella Farms, both almond farming operations. He sits on the following boards: U.C. Davis Deans Advisory Council; California State University Chancellors Ag Advisory Council; Sacred Heart School Foundation; and the Innovation Center for U.S. Dairy. He is also on the Globalization Operating Committee for the U.S. Dairy Export Council.

Please join me in congratulating Mr. Richard L. Cotta on his retirement from California Dairies, Inc.

DR. REBECCA WIEBE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dr. Rebecca Wiebe for her outstanding service to our community.

Rebecca is a skilled surgeon and businesswoman as well as a wife and passionate community member. Rebecca dreamed of a facility where cancer patients could receive all medical needs under one roof. Her vision recently became reality when the Red Rocks Cancer Center in Golden opened its doors. Rebecca had her hand in every piece of the cancer center, from raising money to purchasing real estate and even outlining logistics on how the cancer center should run. Rebecca's vision not only is a beacon of light for cancer patients in Jefferson County, but has attracted several medical practices and helped create jobs in Golden.

Rebecca maintains a successful practice as a general surgeon. She is confident, compassionate and highly skilled. Rebecca is not only a leader in Jefferson County, but her leadership extends to the surgical community in Colorado as well where she is the chair of the Surgical Service Line at the Exempla Lutheran Medical Center.

I extend my deepest congratulations to Dr. Rebecca Wiebe for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. HANNA. Mr. Speaker, on Monday, December 12, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted ''yes'' on rollcall 913, ''yes'' on rollcall 914, ''no'' on rollcall 915, and ''no'' on rollcall 916.

KATHLEEN CURTIS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathleen Curtis for her outstanding service to our community.

Kathleen is a woman that never rests. After losing her mother to cancer, Kathleen provides much sweat equity in fundraising for cancer treatment organizations by running marathons. She works a very busy daily schedule, but always has time to support the causes she cares for dearly.

Kathleen is a woman that never says no to a person in need. She and her husband have owned and worked for the Village Roaster for 28 years. Kathleen donates many products and services to nonprofits for special events, especially coffee.

I extend my deepest congratulations to Kathleen Curtis for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE COPPELL HIGH SCHOOL COWGIRL VOLLEYBALL TEAM

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize the Coppell High School Cowgirl volleyball team for winning the 2011 Texas state championship title.

The Cowgirls finished the season with a 42–8 record and the program's first ever state championship. Coppell High School competes in the University Interscholastic League Class 5A, the most competitive athletic class composed of the largest schools in Texas. The Cowgirls have appeared in the state tournament three times in their 29–year history. Their last appearance was 14 years ago.

Coppell had an exciting 2011 season, finishing second place in District 7–5A. With their second-place district standing, the Cowgirls went on to the bi-district game where they defeated Flower Mound High School with match scores of 22–25, 25–22, 25–12 and 25–19. Following the bi-district victory, the Cowgirls played Colleyville Heritage High School in the area championship. Coppell won the game with the match scores of 25–11, 25–9, 18–25 and 25–16.

In the regional tournament, the Cowgirls defeated the defending state champions, Hebron High School, in a dramatic five-game match. Coppell lost the first two matches, and in an amazing turnaround, the Cowgirls won the next three matches to advance to the regional tournament. The match scores for the Coppell-Hebron quarterfinal game were 22–25, 23–25, 28–26, 25–21 and 15–10.

In the regional semi-final game, Coppell swept Arlington High School with match scores of 25–23, 25–16 and 25–13. Prior to the Coppell-Arlington matchup, Arlington had been on a 17–match winning streak. Coppell continued their sweep by defeating Marcus High School in the regional championship in three matches. The Coppell-Marcus match scores were 22–20, 25–20 and 25–15.

The Cowgirls made it through the regional tournament to the state semi-finals, where they played San Antonio Johnson High School in a dramatic five-game match series. The Cowgirls took the win with the match scores 14–24, 25–16, 21–25, 25–20 and 15–10. In the Texas volleyball state finals, Coppell defeated McKinney Boyd High School to take the state championship title. The Coppell-McKinney Boyd match scores were 25–22, 25–19, 20–25 and 25–19.

I am extremely proud of the Coppell Cowgirl volleyball team. I would like to recognize each player on this state championship team: Megan Kennedy, Kristen Dickerson, Sarah Arnold, Erica Bohannon, Cassidy Pickrell, Kierra Hoist, Kylie Pickrell, Jordan Jones, Bear Bass, Chiaka Ogbogu, Lindsay Stivers, Mary-Kate Marshall and Kate Dicken. The team was guided by an exceptional coaching staff that included head coach Julie Green and assistant coaches Megan Geeslin, Megan Boyd and Robyn DeArmond. Lastly, the Cowgirls were taken special care of by their student trainers, Makenna Hares and Erin Gillen.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating the Coppell Cowgirl volleyball team on winning the state championship title.

VIONA MAE HADER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Viona Mae Hader for her outstanding service to our community.

Viona is an inspirational and active member of the Golden community. She first moved to Golden in 1941 where she helped to establish and revitalize community events. In an effort to expand local trail rides, Viona helped revitalize the Buffalo Bill Days parade. She played an instrumental role in establishing the Foothills Art Center by purchasing the building and converting it into a gallery.

Viona is knowledgeable and observant. When she saw veterans receiving American flags for their service, she wondered how she could showcase these amazing soldiers' accomplishments. Soon after, she started the Flag Project at the Golden Cemetery. At the beginning, there were only eight flags, but now there are over 315 flags every Memorial Day, July 4th and Labor Day.

Viona is a pioneer. She was the first full-time employee of the Golden Chamber of Commerce and helped develop the first Golden tourist program. Among her many firsts, Viona is credited for writing the first History of Golden.

I extend my deepest congratulations to Viona Mae Hader for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

RECOGNIZING CONTRA COSTA COLLEGE PRESIDENT MCKINLEY ''MACK'' WILLIAMS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to recognize Contra Costa College President McKinley "Mack" Williams and congratulate him as he approaches his well earned retirement.

Born in San Francisco and raised in Richmond, California, McKinley attended local elementary schools and graduated from Richmond High School. He earned his Masters of Science degree in Counseling from San Francisco State University and a Masters of Arts degree in Clinical Psychology from the University of Colorado, Boulder. It was in Colorado that McKinley began his teaching career as a Professor of Ethnic Studies.

Upon his return to the Bay Area, McKinley worked as a marriage and family counselor as well as a Professor of Psychology at Merritt College. During his early career, McKinley served as a Director of Research and Planning and Dean of Instruction at Merritt College, as well as Dean of Instruction at the College of Alameda.

As a well-respected expert in his field, McKinley has presented professional papers at many conferences dealing with community colleges and conducted research on critical issues facing educators. In 1990, McKinley joined the administration of Contra Costa College as Dean of Instruction. In 2005 he was appointed Interim President until July of 2006 when he was named President of the college. The college faculty and staff as well as the students who attended Contra Costa College are justifiably proud of the development of programs under McKinley's leadership. He has assembled a staff of educators who day after day helped him deliver on the promise of a quality education for all. Dedicated to breaking barriers to education for all students, particularly African American males, McKinley Williams has made a decided difference in the lives of thousands of our Bay Area youth.

In addition to his commitment to higher education, McKinley has lent his time and talent to a wide variety of organizations in our community. He serves on the board of the Richmond Children's Foundation, on the Schools-To-Careers Advisory Board for West Contra Costa Unified School District, is a member of the Leadership Advisory Committee for El Cerrito High school and serves on the Executive Board of the National Consortium of Middle College High School. He is also one of the few honored male members of The Black Women Organized for Political Action and is a lead singer for the popular gospel group Consonance. He is active on both the Richmond and San Pablo Chambers of Commerce and an active member of the Richmond-Pinole Lions Club.

I am pleased to have this opportunity to publically recognize Costa Community College President McKinley Williams and thank him for his tireless work that has left an indelible imprint on our community. Through his leadership, he has ensured that students of all ages are well prepared for continuing education, new careers, and life. On behalf of our children, families and the communities served so well by his tenure I thank McKinley Williams, and wish him a healthy and happy retirement.

BUNNY MALM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Bunny Malm for her outstanding service to our community.

Bunny has been active in the Lakewood community since it was first incorporated. Bunny served as Lakewood's first Charter Chairman of the city's Board of Adjustment. Among Bunny's many board positions in the Jefferson County community, she served two years as chairman of the Jefferson County Planning Commission. Bunny currently serves as a Board member of the Lakewood Historical Society and the West Colfax Community Association.

Bunny's get up and go attitude has led her to become a volunteer ambassador for the Lakewood-West Colfax Business Improvement District. When Bunny isn't busy working on one of her many board duties or volunteering at a local charitable group, she can be found picking up trash on West Colfax. That's who Bunny is—compassionate, outgoing and always willing to lend an extra hand.

I extend my deepest congratulations to Bunny Malm for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. JORDAN. Mr. Speaker, I was absent from the House floor on Monday, December 12. Had I been present, I would have voted "aye" on rollcalls 913, 914, and 915, and "no" on rollcall 916.

AMY SHERMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Amy Sherman for her outstanding service to our community.

Amy Sherman is a woman of integrity, vision, and perseverance. While serving ten years as the President of the West Chamber, Amy founded and helped develop many organizations geared to help businesses flourish in Jefferson County. These organizations include the Jefferson County Business Resource Center, the Rooney Valley Association, and the Celebrate Women of Jefferson County Event. Amy also started the tourism initiative named Experience Jefferson County.

Amy sees the bigger picture and is willing to take the risks necessary for her projects to succeed. Due to her keen eye and purposeful spirit, Amy was awarded the Colorado Chamber of Commerce Executive of the Year in 2008.

Awards and congratulations are not what drive Amy; she strives to make every person's life in the community better. Whether sitting on one of 14 boards throughout her ten years as the West Chamber President, or volunteering with the Twin Connection to mentor a meth-addicted mother of twins, or chairing events for her children's school PTA, Amy focuses on the betterment of her community for now and many years to come.

I extend my deepest congratulations to Amy Sherman for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. FILNER. Mr. Speaker, on rollcall 915, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

JENNIFER HERRICK

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jennifer Herrick for her service to the people of Colorado.

Jennifer exudes the character of a caring citizen and passionate mother. She is a consistent foster mother to troubled, at-risk teens and rescue animals. As a foster mother, Jennifer cares for her foster children long after they have left her care, no matter where the children end up. As a rescue animal enthusiast, Jennifer is especially compassionate for larger breeds including Newfoundlands and Great Danes, and is a large contributor to Rocky Mountain animal rescue organizations.

Jennifer owns a small consignment shop in Evergreen named CRAVE. She is known for being environmentally conscious and community-friendly by donating unwanted items from her store to EChO (Evergreen Christian Outreach).

She is a large supporter of small businesses, by offering area retailers and organizations frequent discounts at her store. Jennifer also sends email notices to her customers asking that they shop locally and support their community.

I extend my deepest congratulations to Jennifer Herrick for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING BAKER COLLEGE'S 100TH YEAR OF EDUCATIONAL SUCCESS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. KILDEE. Mr. Speaker, I rise today to honor Baker College as it celebrates 100 years of educational success.

Baker Business University, as it was known then, was founded by Eldon E. Baker of Flint, Michigan in 1911. Mr. Baker focused on creating a school that provided higher education and training that would enable graduates to have a successful business career. Eldon Baker's vision remains a guiding light for Baker College and its students.

After years of success Baker Business University received regional accreditation from the North Central Association of Colleges and Schools, its three campuses merged to form the Baker College System. The following year Baker Junior College was authorized to grant a Bachelor of Business Administration degree and became what is known today as Baker College of Flint. Following the accreditation, Baker College of Flint made an $11 million investment to renovate the former Mandeville School property. Today, that is the foundation for the state of the art campus that resides in Flint.

Presently, Baker College serves more than 40,000 students on 12 campuses, including Baker College Online, and in four satellite locations; grants certificates and associate, bachelor's and master's degrees in business, health sciences, education, human services, and various technical fields, as well as a doctorate of business administration. Baker College is a principal in the Greater Flint economy and tool for thousands to better themselves and their families.

Mr. Speaker, please join me in congratulating Baker College on 100 years of growth and success. I wish continued prosperity for the college, its employees, and most importantly the students.

MARIAN METSOPOULOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Marian Metsopoulos for her outstanding commitment to our community.

Marian is dedicated to preserving the history and heritage of Lakewood and Jefferson County. As a dedicated historian, Marian looks to the future and the generations impacted by her efforts to save the past.

Her passion extends to the arts as well, where she served as coordinator of the Foothills Arts Center for twenty four years. Marian was a pioneer in making the Foothills Arts center a known name in the community. Her collaboration with local artists and business put the center on the map.

Marian's many accomplishments include support for heritage education, restoration projects for Lakewood's Heritage Center and the Buffalo Bill Museum and grave.

I extend my deepest congratulations to Marian Metsopoulos for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

WAYNE GRISHAM POST OFFICE

SPEECH OF

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2011

Mr. DREIER. Mr. Speaker, I rise today to recognize Wayne Grisham. From serving as a decorated combat pilot during World War II, to his public service as Mayor of La Mirada and later, as a Member of Congress, Wayne Grisham honorably served his nation, his state and his community.

After graduating from Jordan High School in Long Beach, California, Wayne Grisham joined the Army Air Corps. During World War II, he became a prisoner of war after his aircraft was shot down on a combat mission over Germany. For his valor, he was awarded the Purple Heart. After the war, Wayne completed his studies at Whittier College and the University of Southern California and went on to build a successful real estate company.

In 1970, Wayne began his political career on the La Mirada City Council and soon became the city's mayor. Wayne was elected to Congress in 1978 and was immediately known for his civility. President John F. Kennedy said in his inaugural address that "civility is not a sign of weakness." This was certainly true of Wayne Grisham. In 1982, Wayne and I found ourselves in the unfortunate circumstance of having our districts drawn together. I was honored to call Wayne Grisham, not only a colleague, but a friend, and while we engaged in a rigorous campaign, I will never forget Wayne's strength of character and enduring friendship. Wayne continued his dedication to public service through elected office in California and as the director of the Peace Corps in Kenya.

Mr. Speaker, it was a privilege to have served in Congress with Wayne Grisham and I am pleased that we are able to honor him today.

HONORING THE SOCIETY OF INNOVATORS CLASS OF 2011–2012

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend Ivy Tech Community College Northwest and its regional partners, who recently celebrated their 7th Annual "Spirit of Innovation" Induction Ceremony, in which twenty-three individuals and sixteen teams were inducted as members of the 2011–2012 class of the Society of Innovators of Northwest Indiana. Individuals were selected from these new members and inducted as Society Fellows for their exceptional efforts in innovation. These individuals include: Mayor Jon Costas, Robert Johnson III, Julie Rizzo, Angela Hambling, and Janet Brown, Ph.D. Also honored was the Chanute Prize team recipient, IVDiagnostics at Entech, Valparaiso. For their outstanding efforts, these honorees were inducted during a prestigious event that took place in the Pavilion Ballrooms located at the Horseshoe Casino in Hammond, Indiana, on October 20, 2011.

The Society of Innovators of Northwest Indiana was created by Ivy Tech Northwest with the goal of highlighting and encouraging innovative individuals and groups within the not-for-profit, public, and private sectors, as well as building a "Culture of Innovation" in Northwest Indiana. The importance of innovation in Northwest Indiana, as well as globally, is crucial in today's ever-changing economy.

The five Fellows selected by the Society of Innovators were chosen for their remarkable

diversity of innovation and the impact of their efforts throughout the community of Northwest Indiana. The 2011–2012 individuals named Society Fellows are as follows: Mayor Jon Costas, of Valparaiso, has worked hard to ensure that the City of Valparaiso is an innovative leader. Revitalizing the downtown area, creating a new urban park, improving the city's infrastructure, and launching a citywide bus service, as well as a commuter bus to Chicago, are some of the many outstanding projects completed under the direction of Mayor Costas. Robert Johnson III is the President/CEO of Cimcor, Inc., Merrillville. Robert developed cutting edge information technology security software that takes real time change detection to the next level by offering instant remediation of unauthorized changes. This security software system is used by the United States Army and the National Nuclear Security Administration, among others. Julie Rizzo is the President of US Greenworks, LLC and is also Executive Director of My Choice Recycling, Saint John. Julie's network of granite recycling centers has saved an estimated five million pounds of granite and stone scraps from being dumped into landfills nationwide. Angela Hambling, Principal of Rolling Prairie Elementary School in La Porte County, created an offsite activities center that is used to improve the educational outcome of underserved minority students. Angela, along with school administrators and teachers, was able to help over 100 students this past year. As a result of this exceptional program, the school's status was raised to ''exemplary.'' Janet Brown, Ph.D. is the Dean of the College of Nursing, Valparaiso University. Under Dr. Brown's direction, the College of Nursing's enrollment went from 25 students to 350 undergraduate students, 45 master's program students, and 28 doctoral students. Dr. Brown also initiated the overseas ''cultural immersion'' experiences for nursing students.

The recipient of the Chanute Prize for Team Innovation is: IVDiagnostics at Entech Innovation Center, Valparaiso. IVDiagnostics launched a new diagnostic tool to help in the fight against cancer by indentifying rare circulating tumor cells in vivo. This procedure is non-toxic and also helps to eliminate issues that arise in current methods, which calculate high false positives and negatives. Preclinical studies have been conducted at two medical centers which illustrate the effectiveness of this innovative technology.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding innovators on being named Society Fellows and the Chanute Prize recipient. Their dedication and commitment to innovation is truly an inspiration. Their years of hard work have played a major role in shaping future development in Northwest Indiana and communities worldwide, and each recipient is worthy of the highest praise.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, December 13, 2011, I was unable to attend the first vote of a Point of Order for Unfunded Mandate on H.R. 3630 raised by Representative MOORE. The Chair then called a Question of Consideration to Rule for H.R. 3630.

As you know, the House was not scheduled to be in Session this week and Monday evening I held a listening event with concerned citizens in the town of Savoy. I could not, in good conscience, cancel on a group that had been on my schedule for several months. On Tuesday, December 13, 2011, I was traveling from my district to Washington, DC, when this unanticipated Point of Order was raised.

Had I been present, my votes would have been as follows: for Question of Consideration of the Resolution, I would have voted ''yea.''

REMEMBERING MRS. GRACE TYSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with deep sadness but with great respect that I take this time to remember one of Northwest Indiana's finest citizens, Mrs. Grace Tyson, of East Chicago, Indiana. Mrs. Tyson's many contributions to the Northwest Indiana community as a civil servant and as a leader within her church are worthy of our deepest admiration. Grace passed away at the age of 103 on Friday, November 25, 2011, but the impact and influence she has had on her community will surely live on for generations to come.

Grace Tyson was born in Unity, Illinois, to Mary and Dee McCondle. She attended elementary school in Unity, Illinois, graduated from high school in Sandusky, Illinois, and later attended college in Carbondale, Illinois. In 1940, she married Charles Tyson and they settled down in the city of East Chicago, Indiana. Grace graduated with distinction from Beauty and Cosmetology School in Gary, Indiana, in 1945. Her lifelong career as a licensed cosmetologist and beautician lasted 51 years, until her retirement in 1996. Grace joined Saint Mark African Methodist Episcopal Zion Church in the early 1940s. She became a faithful member of the church and Missionary Society, holding the offices of President and Secretary.

Throughout her life, Mrs. Tyson gave of her time to serve those in need. She was very passionate about helping others, and her life was centered around this type of work. She was one of the very first individuals to serve as a volunteer driver for Meals on Wheels, a position she held for over five years. She was a member of the Women's Improvement Club of East Chicago, for which she served as President, Secretary, and Treasurer. Grace also became the area representative and delegate for senior citizens at the Statehouse in Indianapolis. For her truly impressive determination to improve the lives of so many, she was awarded the Governor's Proclamation for her years of service. Grace was known as a quiet, effective leader who served as a positive role model for many young men and women throughout the community of Northwest Indiana.

While Grace Tyson was always active in her community and her church, she cherished her time with her family the most. She leaves to cherish her memory her nieces, Mary Perry and Martha Brownlee; nephew, Tommy (Gwendolyn) Daniel; godson, Edward Williams; and special neighbor Anna Williams; as well as many grand nieces and nephews. She will also be greatly missed by her many friends, neighbors, club members, and caretakers.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Grace Tyson for her outstanding devotion to her community in Northwest Indiana. Her unselfish and lifelong dedication to those in need is worthy of the highest commendation. Grace's selflessness was an inspiration to us all, and I am proud to have represented her in Congress.

TRIBUTE TO JAMES MARK MCNATT

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. GOHMERT. Mr. Speaker, I rise today to pay tribute to Mr. James Mark McNatt, a remarkable Texan who died on July 31, 2011. James was born in Denton, TX to James Arby and Margaret Revell McNatt and in 1966 he married the love of his life, Judy Blankenship. James and Judy went on to raise three children in Carthage, TX and James was the proud grandfather to seven grandchildren.

As a young man, James served in the U.S. Army and was stationed in Germany for two years. In 2007 he retired from East Texas Medical Center in Carthage after 25 years of service. James was a respected member of the New Life Baptist Church and The Gideons International, and was known to have the perfect scripture for any situation.

James loved his life in Carthage, where he resided for 28 years. All three of his children went to Carthage High School, where James and Judy could always be found cheering in the stands, working in the concession stand, or helping behind the scenes. James never stopped being an active community member—whether it was volunteer work or running his snowcone stand in the summer. Judy has worked for the local radio station for 20 years.

In 2002, James was diagnosed with Parkinson's disease, but he never skipped a beat. James and Judy still continued to travel to see the grandchildren's dance recitals, cheer competitions, and soccer games and visit the Longview Fire Station where his son was a firefighter. James adamantly believed a cure for Parkinson's was possible and planned for guests of his memorial to make donations to the American Parkinson's Disease Association. James also served time on the board of the local American Heart Association chapter.

His family will remember James as a man of faith and perseverance. One who made it a priority to have the whole family together, making sure the annual White Elephant Gift Exchange was on the calendar and one who loved others unconditionally.

James is survived by his wife for 45 years, Judy McNatt, daughters Jennifer Mattingly and husband Chris, Jessica Huff and husband Bill, and son (James) Michael McNatt and wife Melinda. He is also survived by his grandchildren, Molly and Riley Mattingly; Baylee,

Kennedy, Cooper and Hadley Huff; and Lani McNatt. In addition, James is survived by sisters Fran Ryals, Sissy Frady Hamlin, and brothers Buster McNatt and Bill McNatt. Finally, James leaves behind a large host of family and special friends throughout Texas and beyond.

TO RECOGNIZE THE CONTRIBUTIONS OF BEN ETTLEMAN

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Ben Ettleman, owner and Chief Executive Officer of Davis Industries and to congratulate him on the occasion of his 90th birthday.

Mr. Ettleman moved Davis Industries to the Lorton area in 1970, and, under his leadership, Davis Industries continues to be an involved and active community partner. When asked what advice he would give to a person entering business, he replied: ''You must establish good relationships with your employees, your vendors, suppliers and manufacturers—but you must never forget to develop a good relationship with your community. That's vital!'' Mr. Ettleman's life has been true to this philosophy; his robust support for area nonprofits has been invaluable to the Lorton and greater Fairfax County communities.

Countless local and national programs and charities have benefited from Mr. Ettleman's leadership and direction. He allows his metal crushing site to be used in training the Fairfax County Fire and Rescue Department in the ''Jaws of Life'' program. He also helped found the ''Police Unity Tour'' to honor fallen officers. In response to the bombing of the federal building in Oklahoma City, Mr. Ettleman donated $25,000 to help provide care for children who were burned as a result of the tragedy. He has provided critical leadership and financial support to local high school all-night graduation parties, renovations of public parks, food drives, holiday celebrations at local shelters, educational scholarships, little league teams, art programs, and even spay-and-neuter programs. The Lorton Community Action Center, Boys & Girls Club, Jewish National Fund, Georgetown University Parkinson's Research Center, Fairfax County Police and Fire and Rescue Departments, United Community Ministries, South County Little League, and the Lorton Arts Foundation are just a few of the many organizations that have been able to provide assistance, education, and public safety services to thousands of residents thanks to the leadership and generosity of Ben Ettleman.

Mr. Ettleman recently celebrated his 90th birthday on August 11, 2011, and in recognition of his many contributions and accomplishments, the Fairfax County Board of Supervisors has proclaimed the day as Ben Ettleman/Davis Industries Day in Fairfax County.

Mr. Speaker, I ask my colleagues to rise and join me in congratulating Mr. Ettleman on this prestigious recognition and wishing him a very happy birthday. I also want to thank him for his selfless contributions, which have benefited so many in our community. I hope that his record of leadership will serve as a model of community service to future generations.

IN SUPPORT OF THE FARM DUST REGULATION PREVENTION ACT AND THE SYNTHETIC DRUG CONTROL ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. RAHALL. Mr. Speaker, had I been present last Thursday, I would have voted for the Farm Dust Regulation Prevention Act, H.R. 1633, as well as the Synthetic Drug Control Act, H.R. 1254.

H.R. 1633 would prevent the EPA from issuing any new rule over the next year to regulate coarse particulate matter, or ''nuisance dust.'' While there is no such regulation currently pending, the concerns of my constituency with respect to the possibility that such a rule could be used to prevent coal mining or may interfere with farming or construction activities prompt my support of this bill.

H.R. 1254 would expand the list of Schedule I narcotics under the Controlled Substances Act to include cannabimimetic agents, the chemicals that are commonly known as synthetic drugs. The bill would prohibit the sale, distribution, or use of those chemicals without a permit issued by the Drug Enforcement Administration (DEA).

Synthetic drugs, sometimes known by their street names as K2, Spice, and bath salts, imitate the hallucinogenic and stimulant effects of illegal drugs. Synthetic drugs can affect the brain in a manner that is similar to Schedule I drugs and are sold to consumers as harmless alternatives to marijuana, cocaine, or methamphetamines. There are numerous instances where the use of these drugs has resulted in agitation, anxiety, seizures, tremors, hallucinations, paranoia, and death.

Drug abuse is a serious health problem in southern West Virginia, one that threatens our communities, our homes, and our children. Too often, there is a misconception that these imitation drugs are not as dangerous as the Schedule I narcotics they seek to simulate. That's a gross distortion that this legislation seeks to correct. I believe we must be unrelenting in getting these designer drugs off the streets and out of the hands of our children. Passing this legislation will help us to send a clear moral message that these synthetic drugs carry with them deadly consequences—not just for the users, but for their families and communities.

IN RECOGNITION OF GEORGE PAKIDIS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize George Pakidis for his years of service in the fight against drunk driving.

Each year thousands of people are injured or killed by drunk drivers. The numbers of accidents and fatalities skyrocket during holiday seasons, especially Independence Day and New Year's Eve. To help prevent these senseless tragedies, local business leaders worked with law enforcement and government agencies to develop programs that would keep intoxicated drivers off of our roads. George Pakidis is one of the leaders in this effort.

For 14 years, George has served on the Board of Washington Regional Alcohol Program (WRAP). Founded in 1982, WRAP is an award winning public-private coalition that seeks to prevent drunk driving, drugged driving, and underage drinking in the Washington metropolitan area through innovative education programs and advocacy. As Vice President of Red Top Cab, a regional taxi service based in Northern Virginia, George recognized an opportunity to decrease the number of instances of drunk driving by spearheading a free cab ride service known as SoberRide, which functions as part of the WRAP program. In the 12 years that George has been its Chairman, SoberRide has grown to include nine participating taxi companies and has kept more than 52,000 drunk drivers off of our roads. His innovative approach to this problem has prevented countless accidents and saved thousands of lives.

George will soon be retiring from Red Top Cab as well as from his positions with WRAP and SoberRide. His leadership and foresight will be greatly missed. During his tenure the number of accidents has declined significantly, and the regional alcohol-related traffic death rate is consistently lower than the national average.

Mr. Speaker, I ask that my colleagues join me in thanking George Pakidis for his immeasurable service to our community and for his efforts to eradicate drunk driving. Let us wish George continued success in his retirement.

HONORING OFFICER DERIEK WAYNE CROUSE

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. GRIFFITH of Virginia. Mr. Speaker, I submit these remarks in memory of Officer Deriek Wayne Crouse, a loving father and husband and dedicated law enforcement officer. Officer Crouse was killed in the line of duty on Thursday, December 8, 2011.

My deepest sympathies are with the family of Officer Crouse, the Virginia Tech Police Department, and the entire Hokie Nation. A 4-year veteran of the Virginia Tech Police Department, Officer Crouse was devoted to serving and protecting the students at Virginia Tech. This tragic event is a stark reminder of the many dangers law enforcement personnel face on a daily basis.

He joined the Virginia Tech Police Department on October 27, 2007, and served in the patrol division. Officer Crouse received his law enforcement certification on February 12, 2008, from the Cardinal Criminal Justice Academy. He was trained as a Crisis Intervention Team (CIT) officer, General Instructor, Firearms Instructor, Defensive Tactics instructor and most recently completed training for Advance Law Enforcement Rapid Response and Mechanical and Ballistic Instructor. Since February 2011, Officer Crouse was a member of

the Virginia Tech Police Emergency Response Team. In 2008, he also received an award for his commitment to the department's Driving Under the Influence efforts.

Before joining the Virginia Tech Police Department, Officer Crouse worked at the New River Valley Jail and the Montgomery County Sheriffs Department. He was a proud veteran of the United States Army.

Officer Crouse, formerly of Galax, resided in Christiansburg, VA. He is survived by his wife, Tina Akers Crouse; son, Dustin Crouse; stepchildren, Logan and Hayden Schack, and Tyler and Peyton Robinette; parents, Tony Crouse and Bonita Arnold; and brothers, Darris Upchurch and Kevin Crouse.

I am honored to pay tribute to this great man. Officer Crouse will be long remembered throughout the Virginia Tech and law enforcement communities. My continued prayers are with his family as they grieve this tragic loss. Southwest Virginia has truly lost one of its finest.

CELEBRATING THE 50TH ANNIVERSARY OF KING'S PARK AND THE 4TH ANNUAL POTLUCK DINNER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, it is my great honor to recognize the 50th Anniversary of the Kings Park Community, and the 4th Annual Potluck Dinner. The quality of life enjoyed by the residents of Kings Park is a testament to the strong community spirit that has existed for half a century.

King's Park is a community of 1100 homes located in central Fairfax County, in the heart of the 11th Congressional District of Virginia. Although this is a very large community, it maintains the feel of a true neighborhood or small town. Within the Kings Park boundaries, there are two elementary schools, a large public park, and a community swimming pool. The residents are well served by the local civic association; King's Park Civic Association (KPCA). KPCA publishes The Gazette news letter, helps to ensure the safety of the residents through its Neighborhood Watch and Block Captain programs, and sponsors community events such as the Annual Yard Sale, 4th of July Parade and Picnic, Children's Holiday Party, Senior's Lunch, and Community Potluck Dinner. In addition, KPCA oversees several citizen committees which address residents' concerns, provide assistance, and facilitate communication with the county on local governmental issues.

Fifty years ago, in 1960, the total population of Fairfax County was 261,417; in 2010 the population had more than quadrupled to 1,081,726. Despite this phenomenal growth, King's Park has retained its unique identity thanks to the efforts of the volunteers and community activists. The success of the King's Park Civic Association can be attributable to its ability to provide tangible benefits to its residents, and to promote a spirit of collaboration and inclusion.

Mr. Speaker, I ask my colleagues to join me in recognizing the 50th anniversary of King's Park, and the 4th Annual potluck dinner organized by the King's Park Civic Association. I also thank the residents and members of the Kings Park Civic Association for their efforts to ensure that Kings Park remains a wonderful place to call home.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. FILNER. Mr. Speaker, on rollcall 914, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yes."

RECOGNIZING THE 4TH ANNUAL LAFAYETTE VILLAGE ARBOR DAY CELEBRATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to celebrate Arbor Day 2011 and to recognize the Lafayette Village Community's annual neighborhood cleanup and tree planting.

Founded by J. Sterling Morton, the first Arbor Day was held in Nebraska April 10, 1872. Arbor Day has since grown to be celebrated in more than 30 countries around the world. Arbor Day recognizes and celebrates the value and beauty of trees in our communities, and it is observed by planting a new tree.

Lafayette Village is a community of 313 homes in Fairfax County, Virginia. This is its fourth annual Arbor/Earth Day ceremony, and tree planting is a longstanding tradition for Lafayette Village. In conjunction with the annual tree planting, Lafayette Village conducts a community cleanup as well. Children are encouraged to participate, which helps to instill the values of community service and teamwork.

Environmental stewardship leads to beautiful communities such as Lafayette Village. Hundreds of trees have been planted over the years as an affirmation of their commitment to this stewardship.

Mr. Speaker, I express my gratitude to the residents of Lafayette Village. Their efforts prove that beautifying a neighborhood requires only a generous amount of time and community spirit.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,054,018,277,569.01. We've added $10,252,613,102,274.73 dollars to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING THE RECIPIENTS OF THE 2011 LIFECIRCLE ALLIANCES KUDOS FOR CAREGIVERS AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the winners of the 2011 LifeCircle Alliances Kudos for Community Caregivers Awards. LifeCircle Alliances, a non-profit organization based in Fairfax County, Virginia, is a leader in promoting and enabling independent living for older and adults with developmental, intellectual, or physical disabilities, including our Wounded Warriors.

LifeCircle Alliances has created innovative public-private partnerships with its 45 members including businesses, individuals, educational facilities, philanthropic organizations and government agencies to showcase and raise money for creative and cost-effective long-term care solutions. The funds raised and the efforts of the LifeCircle partners help to create innovative long-term care initiatives, enhance existing programs, and address workforce, mobility and transportation issues. The goal of these efforts is independence for life; ensuring that our older adults and adults with disabilities are able to live independently and with dignity in their communities of choice.

The LifeCircle Alliances Kudos for Community Caregivers Award celebration recognizes the efforts of five outstanding caregivers, who provide dedicated care, day in and day out. The recipients of the 2011 Kudos Awards are:

Inas Eldarwish—For years, Inas and her husband Ayman provided care to their two disabled sons, Ahmed and Hazem. Sadly, Ahmed passed away several years ago. The grace with which Inas handled this tragic loss was remarkable. Through her mourning, she has remained a dedicated and selfless mom to Hazem supporting his interests and helping him reach his full potential.

The Belvoir Woods Healthcare Center Family Council at The Fairfax (BWHCC)—This council is comprised entirely of volunteer family caregivers of current or former BWHCC residents. Through their efforts, residents at Belvoir Woods enjoy guest speaker programs and quality of life resources such as dog therapy visits, loaner scooters, and wheelchairs. They also are able to keep in touch with out-of-area family and friends through the use of free Wi–Fi.

Linda Walthall and Family—Through considerable adversity Linda and Frank Walthall have provided exceptional care for the last 7 years to her elderly mother, who requires 24 hour supervision. It is this selfless devotion to family that warrants her recognition as an exceptional caregiver.

Colonel Christine Ingle (Rtd)—Col. Ingle has served as a volunteer mentor and caregiver to our Wounded Warriors at Fort Belvoir. She recently has started a program for Veterans who are interested in pursuing careers in the healthcare field after their discharge from the Warrior Transition Unit.

Deborah Dodge—Despite personal obstacles, Deborah has gone above and beyond in single-handedly providing care to her adult son for the last 12 years. Deborah's son is severely ill, and requires 24/7 care. She has served on the Northern Virginia Mental Health Board, and is an exceptional caretaker and maintains her positive and cheerful attitude despite the hardships that she faces.

I congratulate today's winners and recognize each of them for their devotion and personal sacrifices. These individuals are examples of the many thousands of caregivers who put the needs of their families, friends and colleagues above their own. I also would like to applaud the efforts of LifeCircle Alliances. As a strong advocate for public-private partnerships, I commend LifeCircle Alliances for its creative approach to addressing these very important challenges within our community.

Mr. Speaker, I ask that my colleagues join me in paying tribute to today's awardees and in thanking the volunteers, staff, and partners of LifeCircle Alliance for their efforts in providing assistance to not only those in need of care, but to those who provide the care here in our community.

PERSONAL EXPLANATION

HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. HULTGREN. Mr. Speaker, on rollcall No. 904, the RECORD indicates that had I been present, I would have voted "no." This is a mistake. The RECORD should indicate that had I been present, I would have voted "aye."

COMMENDING ANTHONY GRIFFIN FOR RECEIVING CAREER EXCELLENCE AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the many accomplishments of Anthony Griffin and commend him for receiving the International City/County Management Association's Award for Career Excellence in honor of Mark E. Keane. After a career as City Manager for Falls Church, Virginia, Tony came to Fairfax County in 1989.

In 2000 the Fairfax County Board of Supervisors, of which I was a member, appointed Tony as County Executive. As County Executive, Tony Griffin managed the day-to-day operations of a jurisdiction with more than 1 million residents and more than 11,000 employees. Tony provided over Fairfax County during some of its more challenging times including 9/11, the 2001 anthrax attacks, the Beltway Sniper, Hurricane Isabel, the flooding of Cameron Run in 2006, the 2007 recession, Hurricane Irene, and Tropical Storm Lee. Throughout it all, he has continued to provide outstanding leadership to Fairfax. During his tenure, Governing Magazine named Fairfax County its Best Managed County in the Country. Fairfax has won numerous e-government awards including the Digital Counties Survey and the Best of the Web. Time Magazine referred to Fairfax as, "the economic success story of our time."

I was pleased to work with Tony Griffin during my 13 years on the Fairfax County Board of Supervisors and I know the value he brought. I urge my colleagues and the residents of Fairfax County, Virginia to join me in commending Anthony Griffin for receiving this Award for Career Excellence, and thank him for his years of dedication to making Fairfax a safe and vibrant community to live and work.

HONORING THE SHORT LIFE OF ANGELO ZOLTAN SCHWARTZ

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. ROGERS of Michigan. Mr. Speaker, I am honored, yet saddened today to come to the floor to honor the short life of Angelo Zoltan Schwartz. The son of Lawrence Sanson Schwartz IV and his wife Allison, Angelo suffered from a rare bone disease, Osteogenesis Imperfecta (OI). He was born on Monday, November 28, 2011 at 11:29 a.m., just one minute after his twin sister Cecilia Anne Schwartz. Angelo was 4 pounds 15 ounces and was delivered at INOVA Fairfax Hospital in Virginia.

OI, which is a condition causing extremely fragile bones, was the main cause of Angelo's shortened life. Due to this condition his rib cage was fractured in utero and he succumbed to respiratory failure on December 1, 2011 at 3:45 a.m. Over his 64 hours of life, Angelo made a huge impact on everyone who met him, including the nursing and hospital administration staff, who worked together to modify hospital policy to ensure that the Schwartz family could spend as much time together as possible.

Angelo is loved and will be missed by his entire family including his grandparents, Debrah and Barry Shulman of Fayetteville, New York; Joanne and Lawrence Schwartz III of Anaheim Hills, California; and his parents Allison and Lawrence Schwartz IV, and his sister Cecilia Anne Schwartz of Alexandria, Virginia.

TO RECOGNIZE THE 50TH ANNIVERSARY OF MANTUA ELEMENTARY SCHOOL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 50th Anniversary of Mantua Elementary School. For half a century, Mantua Elementary has provided its students with a superior education and a solid foundation for lifelong learning and becoming productive and responsible citizens.

The school and community have a shared vision for elementary education based on Ernest Boyer's "Basic School" philosophy paired with tenets from DuFour's Professional Learning Communities. As part of the Basic School Network, Mantua focuses on proven elementary best practices; the school as a community, a curriculum with coherence, a climate for learning, and a commitment to character. Teachers and specialists at each grade level work in professional learning teams to assess their students' needs and design integrated curricula using the Basic School's eight commonalities: life cycle, use of symbols, group membership, time and space, the aesthetic, nature, producing and consuming, and living with purpose.

In addition, Mantua Elementary School offers programs in English for Speakers of Other Languages, Special Education for students who need additional assistance, Advanced Academics for exceptionally gifted and talented students, and Total Communication for students who are deaf or hearing impaired. These specialized programs when combined with the school's core educational philosophy ensure that every student is given access to a quality education. The result has been an award winning school and a vibrant, academically charged atmosphere that has enabled the children of our community to excel.

Mantua Elementary School has greatly benefitted under the leadership of its principal, Ms. Jan-Marie Fernandez, who has held this position since 2000. Ms. Fernandez is credited with applying brain-based research to instruction methods in order to improve literacy development for students with learning disabilities, and focus and attention issues. This innovative approach was one factor in Ms. Fernandez being named the 2010 Distinguished Principal by the Virginia Association of Elementary School Principals. As the parent of a child who attended Mantua Elementary School, I have personally witnessed her effectiveness as an administrator and an educator. She has led this large, very diverse school to great success and I thank her for her dedication and commitment to the students and to the community as a whole.

Mr. Speaker, I ask that my colleagues join me in recognizing Mantua Elementary School on the occasion of its 50th Anniversary and in congratulating the students, educators, administrators, and parents on working together as a team for the benefit of all.

HONORING JUDGE ELMER DAVIES, JR.

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mrs. BLACKBURN. Mr. Speaker, There are citizens making up this great country who never cease to explore, to learn, to grow. Skilled in multiple crafts, these men and women add much to our communities and the quality of our lives. Mr. Speaker, I rise today to celebrate the life and legacy of one such Renaissance man, Judge Elmer Davies, Jr. Patriot, master of the law, and passionate culinary artist, Judge Davies left an indelible mark on his family and our community.

After receiving his law degree from Tulane Law School, and serving as a Reserve Colonel with the United States Marine Corps, Davies began his public service in the legal field and followed in the footsteps of his father, Judge Elmer Davies. President Roosevelt appointed Davies, Sr. to the United States District Court and he became the first Chief

Judge of the Middle Tennessee District. Davies, Jr. served as District Attorney General from 1972 to 1982 and then as Circuit Court Judge from 1982 to 1989. Serving Tennesseans from Hickman, Lewis, Perry, and Williamson Counties, Davies cultivated a pristine and upstanding legal reputation.

Judge Davies certainly followed his passions; never settling to look from the outside onto a subject he loved. Wanting to learn more about the art of food, Davies went to France to study the culinary arts. Then seeking to serve folks in a very different way, Davies purchased a hotel in the South Pacific and lived his later years in service to one of his many dreams.

Mr. Speaker, I rise today in celebration of Judge Elmer Davies, Jr. and I ask my colleagues to join with me in honoring his legacy. May his life teach us all to serve with greater nobility and live out our dreams in service to others.

TO CONGRATULATE SANDI QUALLEY ON HER RETIREMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Ms. Sandi Qualley, Executive Director of the Hemophilia Association of the Capital Area (HACA), on the occasion of her retirement following 21 years of dedicated service to those individuals who suffer from bleeding disorders and their families.

HACA is a nonprofit organization that provides many needed services to people with bleeding disorders such as hemophilia and von Willebrand disease and their families. HACA serves more than 250 families in the Washington, D.C., metropolitan area, and it is a chapter of both Hemophilia Federation of America and the National Hemophilia Foundation, the two leading national hemophilia patient organizations. HACA's mission is to improve the quality of life for individuals suffering from bleeding disorders and their families through education, advocacy, and member services in order to promote research and to raise the resources needed to achieve these goals.

Sandi has been instrumental in ensuring that HACA continues to deliver on its mission. It sends children with bleeding disorders to camps that are equipped to address their specific medical needs. HACA offers educational programming to members of the bleeding disorders community at all stages of life: Families with newly diagnosed infants, school-age children, adolescents, adults, and those now confronting the additional complications that advancing age can pose for an individual with a bleeding disorder. HACA also helps provide financial assistance to needy families and resources to other nonprofit organizations that work with the hemophilia community in an expanding global network.

Mr. Speaker, I ask my colleagues to join me in commending Sandi Qualley for her years of service and in congratulating her on the occasion of her retirement. Her distinguished service has greatly contributed to the advancement and improvement of care and treatment available to individuals suffering from bleeding-related afflictions.

INTRODUCTION OF H.R. 3648, THE HARBOR FAIRNESS ACT OF 2011

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. BISHOP of New York. Mr. Speaker, today, I am introducing legislation to ensure that future expenditures for the maintenance of commercial harbors are equitably distributed, so that all communities—large and small—may optimize the economic benefits of their inland and coastal ports.

Over the past few administrations, far more funds have been collected by the Harbor Maintenance Trust Fund than have been expended on an annual basis—and unfortunately, the adverse signs of underfunding are becoming apparent. Year after year of insufficient maintenance dredging resources for coastal and inland ports has resulted in reduced depths at countless port facilities, and has all but passed over the dredging needs of moderately sized or smaller ports, such as Lake Montauk, in the New York's First Congressional District.

In recent years, there has been a concerted effort in Congress to fully utilize harbor maintenance funds in the Harbor Maintenance Trust Fund for the purpose they were collected. I am a strong supporter of these efforts because I have seen, firsthand, the adverse impacts of shoaled harbors on local and regional economies. When local harbors become filled with sediment, the corresponding reduction of commercial shipping can have a significant adverse impact on the national, regional, and local economies, as well as on the jobs that are directly and indirectly related to ports and shipping.

It is essential that Congress find a way to ensure that funds collected in the Harbor Maintenance Trust Fund be fully allocated—not only to ensure the viability of commercial shipping, but also to realize the jobs that can be created for port workers and dredgers, as well as through businesses that rely on local harbors for their livelihoods.

However, even if annual collections to the Harbor Maintenance Trust Fund were fully utilized, there is reason to believe that, under the status quo decision process for where funds are expended, the needs of many of the moderate-to-small harbors would remain unmet.

According to information from the U.S. Army Corps of Engineers (Corps), there is a significant backlog of maintenance dredging activities necessary to restore fully authorized project dimensions of existing commercial navigation projects. According to the Corps, the estimated annual maintenance cost to restore authorized projects to their full widths and depths is $2.3 billion during the first five years. Once this backlog is addressed, the Corps estimates that annual maintenance costs (for year 6 and beyond) would average around $1.8 billion per year.

Based on the Corps' projection on maintenance dredging needs, it appears that the annual operation and maintenance needs identified by the Corps exceed the amounts that have been collected, annually, by the Harbor Maintenance Trust Fund. This means that, even if annual collections to the Trust Fund are fully allocated, there will be an unmet annual maintenance dredging need far into the future. It is that unmet annual maintenance dredging need that makes the Harbor Fairness Act of 2011 critical to mid-size and small commercial harbors, so that these harbors are not continually left behind.

Over the past few years, I have heard numerous examples of commercial harbors that were passed over for critical maintenance dredging funds from the Corps, in essence, because insufficient funds were made available for maintenance dredging needs. However, in my view, it has been the mid-size and small commercial harbors that have been disproportionally impacted by the lack of annual maintenance dredging funds.

For example, according to the Corps, the agency is currently responsible for maintenance dredging at 1,067 harbors, nationwide. Of this number, only 59 harbors (or 5 percent) are characterized as ''high-use'' harbors—on those that use at least 10 million tons of commerce annually. The remaining 1,008 harbors that fall under the Corps' maintenance dredging responsibility are characterized as ''moderate'' or ''low-use'' harbors.

However, when you look at the President's budget request for the past two fiscal years, it is easy to see the disparity in funding allocations among these categories of harbors.

For example, in the fiscal year 2012 budget request, ''high-use'' harbors received 66 percent of available funds, while ''low-use'' harbors received only 6 percent of the funds. This would mean that, under the status quo process for allocating maintenance dredging funding—which has been followed by both Democratic and Republican Presidential administrations—approximately 5 percent of eligible harbors received over 66 percent of the funds made available from the Harbor Maintenance Trust Fund.

Mr. Speaker, as the Representative of a Congressional district with small commercial harbors, the status quo must change.

To my community, the benefit of small and mid-size commercial harbors to the local economy is not proportional to their size. As a witness from New York's First Congressional District, Ms. Bonnie Brady, testified before the Subcommittee on Water Resources and Environment, the small commercial fishing ports on Long Island are responsible for 99 percent of New York's landed seafood catch—worth over $49 million dollars at the dock.

That is why I am introducing the Harbor Fairness Act of 2011. This legislation attempts to balance the operation and maintenance needs of all commercial harbors, regardless of size, and to ensure that funding is equitably distributed between high-, moderate-, and low-use facilities.

First, the Harbor Fairness Act of 2011 would require the Corps to assess, on a biennial basis, the overall dredging needs of those commercial harbors that it is responsible for, including harbors used for commercial navigation, fishing, subsistence, domestic energy production, recreation, the transport of persons, and navigation safety.

This legislation would require the Corps to report its findings on operation and maintenance needs to the authorizing Committees of the House of Representatives and the Senate, as part of the President's budget submission to Congress. This information would be critical for Congress to comprehensively understand the overall operation and maintenance needs of all commercial harbors, as well as that portion of the national dredging need that would

be deferred to future years due to lack of available funding.

In addition, the Harbor Fairness Act of 2011 would require the Administration to identify future allocations of operation and maintenance funds, on a harbor-by-harbor basis. This information will allow commercial harbors to more accurately plan future operation and maintenance expenditures, both short-term and long-term, and more efficiently make critical decisions on the most efficient way to maintain safe commercial shipping at local harbors.

The central focus of the Harbor Fairness Act of 2011 is the requirement that expenditures for maintenance dredging is equitably allocated among all eligible commercial harbors. To accomplish this, the legislation requires the Secretary of the Army: (1) to utilize the information obtained from the assessment of dredging needs; (2) to consider the national and regional significance of harbor operation and maintenance; and (3) to make allocation decisions on factors beyond simply the amount of cargo tonnage transiting through a commercial harbor.

While the Corps is completing its assessment of national maintenance dredging needs, this legislation establishes a short-term, minimum allocation for maintenance dredging at midsize and small commercial harbors. The 40 percent guaranteed allocation for mid-size and small commercial harbors for fiscal years 2012 and 2013 represents only a modest increase in the allocation for these harbors over the previous two fiscal years (33.7 percent in fiscal year 2012 and 33.4 percent for fiscal year 2011), in part to address the disproportionate backlog faced by mid-size and small commercial harbors.

In addition, this mandatory allocation of 40 percent is temporary, and will be replaced in fiscal year 2014 by an allocation based on the actual maintenance dredging needs of all harbors, as identified by the Corps.

Mr. Speaker, the Harbor Fairness Act of 2011 recognizes the fundamental importance of all commercial harbors to the national, regional, and local economies. It calls for fairness in the allocation of critical maintenance dredging funds among large-, moderate-, and small-commercial harbors. But, most of all, it recognizes the importance of the nation's ports to America and to American workers. I urge my colleagues to join me in supporting this very important legislation.

RECOGNIZING THE WINNERS OF THE 2011 ELLY DOYLE PARK SERVICE AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the recipients of the 2011 Elly Doyle Park Service Awards. These awards, sponsored by the Fairfax County Park Authority Board in cooperation with the Fairfax County Park Foundation Board, recognize individuals and organizations for their extraordinary contributions to our environment and public park system.

Fairfax County is regarded as one of the best places in the country in which to live, work, and raise a family, and our nationally-recognized park system has played a key role in that distinction. Our community has a strong commitment to promoting and preserving our environment, including our public parks and outdoor spaces. Each year thousands of volunteers donate their talents and time to protect our natural and cultural resources and enhance public educational and recreational services.

The Elly Doyle Service Awards were established in 1988 in honor of former board member Ellamae Doyle's many years of outstanding service. In addition, recipients have also been named for the 2011 Eakin Philanthropy Award, named in honor of the Eakin family who donated the first parcels of parkland to the Park Authority over 50 years ago, and the 2011 Sally Ormsby Environmental Stewardship Award, named after the late Sally Ormsby who was a champion of environmental stewardship. I congratulate each of the 2011 recipients of these prestigious awards.

2011 Eakin Philanthropy Award Recipients:

Craig and Belinda Stevens for their generous financial support of numerous Park Foundation projects; and

Cox Communications, for their ongoing funding of the Summer Entertainment Series.

2011 Sally Ormsby Environmental Stewardship Award Recipient:

Stella Koch, in recognition of the central role she has played in many environmental issues including development of policies and preservation of our natural resources.

2011 Elly Doyle Service Award Recipients:

Friends of the Hidden Oaks Nature Center—For their exceptional efforts in supporting programs, activities, and facilities at the Hidden Oaks Nature Center in Annandale.

Charles and Jacque Olin—For the establishment of the Analemma Society in 1998 and their efforts in creating Observatory Park at Turner Farm.

Chris Robichaux—For creating the Mason District Dog Opportunity Group in 2000 which worked with Park Authority staff to identify suitable parkland for an off-leash dog area.

2011 Elly Doyle Special Recognition Awards Recipients: Jim Franks, Lynne Glasser, John Hopkins, James Jamison, and Judy Kirby, and student honoree, Morgan Volpe.

I also commend the 18 individuals who comprise the Class of 2011 Outstanding Volunteers.

Mr. Speaker, I ask that my colleagues join me in congratulating and thanking these honorees for their demonstrated commitment to our open spaces and public parks. Fairfax County is able to enjoy a high quality of life because of the efforts of these individuals and they are deserving of our praise and appreciation.

HONORING DONNA GORITY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. SHUSTER. Mr. Speaker, I rise today to honor the career and mark the retirement of Blair County Commissioner Donna Gority. Donna is a friend and colleague whose work has left an indelible mark on her community. It has been an honor to work with her over her extensive career in the Commissioner's office to help improve the lives of our shared constituents. I join many other local elected officials, friends and neighbors in wishing her well in her retirement.

It is difficult to fit in all of the things Donna has accomplished over her 28 years in public office. First and foremost, Donna has the distinction of serving as the first female member of the Blair County Board of Commissioners. Donna has long been known for being a champion for children and health and human services issues throughout the county. Over her time in office, Donna developed a track record as a strong advocate for funding the county's Human Services Office, which provides support for homeless families and juvenile delinquency prevention.

In addition, Donna has been deeply involved in a program that is also very important to me: Operation Our Town in Altoona, Pennsylvania. Operation Our Town is a successful partnership between businesses and communities throughout Central Pennsylvania whose mission is to rid neighborhoods of drugs and drug-related violent crime. Operation Our Town completes its mission through community policing and proven treatment and prevention techniques. I am proud to have had her as an ally in applying Operation Our Town's techniques to Altoona.

Donna has been the recipient of a number of awards over her career. She was recognized as part of the ''Outstanding Young Women in America'' in 1978, was named Boss of the Year in 1986 by the American Business Women's Association, won the President's Award by the County Commissioner's Association of Pennsylvania in 1994, received the Leadership Award from the Blair County NAACP in 2003 and the Lifetime Achievement Award this year by Blair Countians for Drug Free Communities. Again, these are but a few of her accomplishments.

Mr. Speaker, I congratulate Donna Gority on her successful 28 years in public office and wish her well in her retirement. She will leave Blair County's government and the people it represents in better shape than when she found it. In the end, I believe that should be the goal of every public servant. Without question, Donna accomplished that goal.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. FILNER. Mr. Speaker, on rollcall 913, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''yes.''

IN RECOGNITION OF REV. DR. KENNY SMITH AND HIS 25 YEARS OF SERVICE TO FIRST BAPTIST CHURCH OF VIENNA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Reverend Dr.

Kenny Smith and to celebrate his 25 years of service to the First Baptist Church of Vienna.

Born in Atlanta, Georgia, Pastor Smith earned his Bachelor's Degree in 1977, his Master of Divinity Degree from Howard University in 1987, and his Doctor of Ministry Degree from Virginia Union University School of Theology in 1992.

In December 1986, Pastor Smith arrived in Vienna, Virginia, with his wife, the Reverend Dr. Mary Smith, and he assumed leadership of the First Baptist Church. A relatively small church at the time, the membership of First Baptist was fewer than 200. Under his guidance and stewardship, First Baptist has witnessed significant growth and now has more than 30 active ministries, which provide spiritual guidance for its members and the entire community. I have had the pleasure of worshipping at First Baptist Church of Vienna on many occasions, and I always have been moved by Pastor Smith's words of inspiration and faith.

Like so many men of faith, Pastor Smith does not confine his dedication to within the walls of the sanctuary. He has ministered to the poor and disadvantaged in Nigeria, Ghana, Haiti, Coahoma, Maryland, South Carolina and Biloxi, Mississippi. First Baptist Church of Vienna contributed more than $53,000 to aid the victims of the Haitian earthquake and donated 1,000 bottles of multiple vitamins to aid the medical effort. Partnering with a sister church, Pastor Smith and the First Baptist Church family assisted with the finance of two Habitat for Humanity homes, contributing in excess of $42,000 for each home. He has established a Federal Credit Union with assets of more than $1 million, which provides members with safe and fair financial services.

Pastor Smith has long been recognized as a leader in faith and community service. He serves or has formerly served as president of the Baptist General Convention, president of the Fairfax County Branch of the NAACP, moderator of the NOVA Baptist Association, adjunct professor at Howard Divinity School and Wesley Theological Seminary, board member of the First Baptist Church of Vienna Federal Credit Union, board member of the Vienna Church Coalition for Housing, board member of Habitat for Humanity of Northern Virginia, and as a trustee of Virginia Union University.

His many accolades from the community include the Omega Psi Phi Fraternity (Omicron Kappa Kappa) 2006 Citizen of the year award; the James F. Jenkins Pillars of Faith Award (2005); Outstanding Service Award, Fairfax County Branch, NAACP (2004); the Dean's Pastor's Award, Howard University School of Theology (1999); the Outstanding Achievement in Religion Award, Howard University Alumni Club of Northern Virginia (1999); the Religious Affairs Award, Fairfax County Branch, NAACP (1998); the Outstanding Leadership Award, Northern Virginia Baptist Association (1998); Community Service Award, Horizon Community Outreach Group (1996); the Golden Eagle Award, Fairfax County School System (1994); the Award of Merit presented by the Old Dominion Bar Association (1994); the 1992 Human Rights Award presented by the Fairfax County Human Rights Commission (1993); the D. B. Barton Award in Pastoral Theology (1987); and the Joseph H. Jackson Award (1986) for Academic Excellence. He also was selected for Who's Who in American Colleges and Universities (1986/1987).

Pastor Smith does not only preach his faith; he lives his faith. He and his wife, Reverend Dr. Mary Smith, lead by example in their dedication to God, the community, and mankind, and I am proud to call them my friends.

Mr. Speaker, I ask that my colleagues join me in congratulating Rev. Dr. Kenny Smith on the occasion of his Silver Anniversary as Pastor of First Baptist Church of Vienna and in wishing him continued success.

HONORING MARY DONOVAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Mary Donovan, a valued Marin County employee who is retiring after over 36 years of service. As the Program Manager II of the Employment and Training Branch within the Department of Health and Human Services and the Director of the Workforce Investment Board of Marin, Ms. Donovan's skilled management and expertise has made a significant contribution to the effectiveness of this department.

In September, 1975, Ms. Donovan began her career with the County as an Eligibility Worker and earned repeated promotions over the years. Along the way, she was recognized for her calmness under pressure, delegates work well, has ability in a leadership role and her truly amazing ability to change roles, assume new tasks, learn new programs, and gain the respect of all around her. In 1994, she was named Program Manager II and continued to make full use of all these skills.

In her years of work within the County Ms. Donovan has managed many social service/public assistance programs including Aid to Families with Dependent Children, Food Stamps, MediCal, County Medical Services Programs, Job Training Partnership Act, Workforce Investment Board, and CalWORKs Welfare to Work. While serving on the newly formed Marin Child Care Commission, she provided key expertise in the navigation of the new CalWORKS program.

Originally from Pittsburg, PA, Mary Donovan was the oldest of 13 children. She is very family oriented with three children, all of whom were born in Marin. Jared, the oldest, works in Washington, DC; Logan is an actor in Southern California, and Margo works to travel. Mary, too, plans on traveling as well as enjoying a healthy lifestyle.

Mr. Speaker, please join me in thanking Mary Donovan for her years of service and wishing her well in retirement.

HONORING CAPTAIN ERWIN J. KORCZYNSKI

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. QUIGLEY. Mr. Speaker, on January 5th, Captain Erwin J. Korzynski passed away from prostate cancer. Today we honor Erwin as he was a great patriot and lead a selfless life.

Captain Erwin J. Korczynski was born in Chicago, Illinois on March 30, 1942. He was the product of first generation Polish American parents. His mother and father owned the Elm Hotel Restaurant in Chicago's Wicker Park Neighborhood from 1937 to 1947. His father also served as the Chief Chef on the Ann Rutledge train car operated by the Alton Railroad. Here he had the distinct honor of preparing meals for President Harry S. Truman aboard the Armed Forces Troop Trains. From 1947 to 1958 his parents became the owners of Helen's Food Shop, in the Gragin neighborhood of Chicago.

Captain Erwin J. Korczynski learned the value of public service while in Boy Scout Troop 153, eventually earning membership in Order of the Arrow by the Boy Scouting elite. He graduated from Chicago's Henry D. Lloyd Elementary School as a member of the class of 1956, and graduated from Chicago's Lane Technical High School in the class of 1960. During his time at Lane Tech he ''lettered'' on six separate occasions, as well as winning many state championships during his four-year athletic endeavors.

Captain Erwin J. Korczynski marched in the Chicago Cavaliers Drum & Bugle Corps from 1956 to 1963 and served as a lifeguard at the Knollwood Country Club before Northern Illinois University. He was selected as Lifeguard of the Year for saving the life of a young swimmer. He later enrolled in the Priesthood at St. Ambrose Seminary in Davenport, Iowa, followed by his novitiate for the Christian Brothers at St. Mary's College in Winnona, Minnesota.

In 1963, one year prior to graduation, he wanted to demonstrate his selfless commitment to serve our country during the Vietnam War, so he enlisted in the United States Marine Corps and was attached to Marine Attach Squadron, VMA 131. He attainted the rank of Sergeant and was honorably discharged from active duty on December 1st, 1969.

Erwin then went on to receive Eastern Airlines Flight Academy training in Miami, Florida, obtaining the rank of Captain and was awarded a Type Rating in a Boeing 727 series 100–200–225. As Captain, Erwin flew for Eastern Airlines, Evergreen Airline of McMinnville, Oregon, Emirates Airlines of Dubai, UAE, Saudia Airlines of Jeddah, Saudi Arabia, Air Lanka of Colombo, Sri Lanka, USAfrica of Cape Town, South Africa, and Eva Airlines of Taipei, Taiwan.

From 1990 to 1991, Captain Erwin J. Korczynski acted as Pilot-in-Command, flying twenty-five missions during Operation Desert Shield and Desert Storm. Captain Erwin J. Korczynski must be saluted for his bravery, courage and aeronautical abilities. He volunteered to fly in the Persian Gulf, and so did with the highest level of distinction. For the second time in his life, he demonstrated his selfless commitment and patriotism to serve our country.

Mr. Speaker, Captain Erwin J. Korczynski is the shining example of the citizen-soldier. He supported our military actions while maintaining his civilian obligations and participated in the Civil Reserve Air Fleet (CRAF) Operation during Operation Desert Storm. Although an honorably discharged United States Marine, Captain Erwin J. Korczynski was not an activated reservist during this conflict and instead served as a volunteer.

His loving brother, Major Edwin J. ''Ski'' Korczynski, USAF/CAP, and Precinct Captain to Alderman Richard F. Mell, Chicago's 33rd Ward, summed up his identical twin brother's call to duty in a letter he sent to President Bush, stating that ''from the first day of conflict, his brother cast his vote for our American traditions through his dedication and deeds, not merely a slip of paper.'' Through his actions, Captain Erwin J. Korczynski exemplified the ideals of the Colonial Army's soldiers who answered our fledgling Nation's call.

Captain Erwin J. Korczynslci's dedication to service and patriotism kept him from retirement. Instead, equipped with his thirty-five plus years of aviation experience, he shared his knowledge and skills with young, soon-to-be airline pilots. Captain Erwin J. Korczynski sought out and obtained his certification as a commercial airline Check Airman and Flight Instructor.

His remaining years, from age sixty thereafter, were spent as Airline Check Airman and Flight Instructor at the Gulfstream Flight Academy for Gulfstream Airlines based in Miami, Florida. Gulfstream Captain Erwin J. Korczynski trained hundreds of career starting airline pilots who admired and respected him for his zero tolerance flight and pilot standards. Theses new pilots coined the stories of his Marine Corps days, his Eastern Airline era, his six airline career and his world circles, as ''Erwinisms''

Mr. Speaker, our nation will forever be indebted to Captain Erwin J. Korczynski's patriotism and unfailing bravery. He was a loved son, brother, soldier, and instructor who's dedication to serving our country will inspire generations to come. He is survived by his identical twin brother Edwin, wife Henrietta, daughters Elizabeth and Lieutenant/Navy JAG Kriesten, sons Ryan and Christian, granddaughter Emmalyn, daughter to Ryan and Diana, and all his friends.

A TRIBUTE TO DR. DOROTHY TRAVIS MOORE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Ms. MOORE. Mr. Speaker, I rise to honor Dr. Dorothy Travis Moore an educator, author, minister, foster parent, mother, wife and visionary. In 1996, she founded Ceria M. Travis Academy, where she is CEO and President. The institution named in honor of her mother was started utilizing her personal savings to fund her passion to serve both the community and children. The school serves approximately 900 students enrolled at three campuses. Travis Academy began by educating central city boys in grades 6 through 8 with one student and one teacher. The school incorporated a girls program 10 years ago and has now expanded to grades K4 through 12.

Dr. Travis Moore is a veteran educator with over 35 years of experience and known nationally for her work with at risk students, both as a teacher and administrator. She was formerly a National Educational Consultant with the National School Safety Center. She fostered more than 11 children and has welcomed into her home international students from England, Mexico and Africa. She is the author of six books with the most recent project entitled ''From Violence to Victory—The Passion to Educate.''

Dr. Dorothy Travis Moore is a licensed minister and member of New Testament Church of Milwaukee. During the past 29 years, she has served in various capacities including Youth Fellowship Director and Sunday School Teacher. Currently she serves on the Associate Minister's Team. Dr. Travis Moore loves to preach the gospel of Jesus Christ and served as Director of Christian Education for the Wisconsin Full Gospel Baptist Church Fellowship. She is an international speaker at women's conferences, workshops, seminars and churches in the United States, the Caribbean and Europe.

Dr. Travis Moore received a Bachelor of Science Degree from the University of Wisconsin–LaCrosse, earned her Master of Arts Degree from Ball State University, Muncie Indiana and received Master's and Doctorate degrees in Christian Counseling from Grace Theological Seminary.

Dr. Travis Moore's honors include: ''Top Principal of Leadership,'' ''Who's Who Among Executives and Professionals in the United States,'' ''The University of Wisconsin Distinguished Alumni Award,'' the prestigious ''Rubies Award'' from the Women of Excellence at Greater St. Stephens Full Gospel Baptist Church in New Orleans, LA, ''The Women Who Shape Our World Award in Education'' and the ''2007 Pamela Bates Porch Outstanding Educator Award'' from Alpha Kappa Alpha Sorority, Inc.

Mr. Speaker, this is why I pay tribute to Dr. Dorothy Travis Moore, a trailblazer who celebrates 15 years as CEO/Founder of Ceria M. Travis Academy and over 35 years of educating our youth. She has stated that her greatest joy is in serving the Lord and has truly followed one of her favorite Bible verses ''I can do all things through Christ who strengthens me.'' I am proud to call Dr. Dorothy Travis Moore a lifelong friend to me and my family and proud that she works and educates children in the 4th Congressional District.

HONORING THE ARMY NATIONAL GUARD

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mrs. BLACKBURN. Mr. Speaker, they are our neighbors, cousins, sisters, and friends. They are called upon to protect America at home and her interests abroad and do so with swiftness and dedication. From humble beginnings to one of the largest military forces in the world, the National Guard is the oldest component of the Armed Forces and I rise today to celebrate their 375th birthday.

Three regiments were established on December 13, 1636 by the Massachusetts General Court in Salem. The early colonies knew the freedoms they sought must be defended. Seeing a great need for the protection of able-bodied men, but having not the money to pay mercenaries, the North, South, and East regiments were organized with the promise to keep a ready state of mind and preparation to fight when needed. Almost four centuries later, the National Guard operates still by these same watchwords: ready and prepared. From the Mexican War to the Global War on Terror, the men and women of the National Guard have answered this nation's call to service.

For 375 years, the citizen-soldiers of the Army National Guard have protected and defended this great land in times of war, times of peace, and times of calamity. We are ever-thankful for their dedication and watchful eye as they work to protect freedom and freedom's cause. I rise today to honor the National Guard and ask my colleagues to join with me in celebrating the three and a quarter centuries of swift and noble response.

IN HONOR OF FORMER GEORGIA STATE SENATOR ROBERT LOFTON BROWN

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2011

Mr. BISHOP of Georgia. Mr. Speaker, last week the state of Georgia lost one of its most committed community leaders, beloved public figures and dynamic elected officials with the death of former Georgia State Senator Robert Brown. Senator Brown was a close friend, confidant, and someone who I greatly admired not only for his notable legislative achievements on behalf of the people of Georgia but more importantly for his measured disposition, kind-hearted nature and uncompromising desire to help needy families and low-income communities.

On Wednesday, December 14, 2011, Senator Brown's family members, friends, colleagues, and his constituents will pay tribute to his legacy of achievement and outstanding efforts on behalf of working families during funeral services at Greater Zion Hill Baptist Church in Macon, Georgia.

Although we are all saddened by the unexpected and sudden passing of our friend and colleague, we can all take solace in remembering the positive, enduring impact that he had on our lives and the profound accomplishments that he achieved throughout his exemplary public service.

Senator Brown was born on January 30, 1950 to Joe Brown and Ruby Lofton Brown. He spent his formative years in Greenville, Georgia before moving to Macon to attend and eventually graduate from Mercer University. Following college, Senator Brown permanently settled in Macon and began to gradually establish himself as one of Middle Georgia's most respected political leaders.

While he will be remembered as a wise and thoughtful public figure, Senator Brown had to overcome many obstacles and conquer seemingly insurmountable challenges in his ascension to the status of becoming one of Georgia's most influential legislators. Despite two unsuccessful election attempts for a seat in the Georgia State House, he refused to give up and was eventually elected to the Bibb County School Board.

Following his tenure on the school board, he once again beat the odds and in 1991 won a highly competitive election for the Georgia State Senate. While in the Senate he was appointed as the Governor's Assistant Floor Leader before being elected to serve as that

legislative body's Minority Leader. He served as Senate Minority Leader for six years and while in this position he effectively advanced initiatives that improved public education, consolidated overlapping government functions, and preserved historic landmarks cherished by local residents.

Senator Brown was preceded in death by his beloved parents and is survived by many cousins, close personal friends, an expansive network of professional colleagues and loyal constituents.

Mr. Speaker, it has been said that, ''Service is the rent we pay for the space we occupy on this earth.'' There is no doubt that through his service, Senator Robert Lofton Brown paid his ''rent'' and the world is truly better because he did.

Therefore, I ask my colleagues to join me today in paying tribute to the life of State Senator Robert Brown—an outstanding legislator, dedicated community advocate, loyal friend and faithful public servant.

FARM DUST REGULATION PREVENTION ACT OF 2011

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes:

Ms. ESHOO. Mr. Chair, H.R. 1633, the Farm Dust Regulation Prevention Act is another step by the Majority to roll back clean air and water laws, and this bill dishes out both injury and insult.

The injury: Republicans convinced farmers that the EPA was going to regulate farm dust (or nuisance dust), a made-up term, not based on scientific or medical evidence. The EPA has no plans to regulate farm dust. In fact, in October of this year, EPA Administrator Lisa Jackson confirmed that she does not plan to change current law regarding coarse particle emissions, so this bill is completely unnecessary.

The insult: What this bill does do is exempt particle emissions from a wide array of sources including mining operations, cement plants, gravel pits and coal processing plants. These sources emit arsenic, lead, and mercury among other harmful pollutants and these pollutants can cause very serious health problems, including decreased lung function, asthma attacks, respiratory diseases, and worse.

The Energy and Commerce Committee recently received a letter from a team of physicians and researchers at Johns Hopkins School of Public Health. The experts wrote that this legislation, ''does not account for current or future knowledge of health risks posed by rural particulate matter exposure, and rather enacts a permanent exemption of rural particulate matter from Clean Air Act regulation. This approach is not supported by the scientific evidence or good professional judgment, and is not scientifically defensible.''

This bill ignores science, creates harm, and insults farmers.

I urge my colleagues to oppose this bill.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8493–S8553

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 1981–1987, and S. Res. 347. **Pages S8547–48**

Measures Passed:

Pipeline Safety, Regulatory Certainty, and Job Creation Act: Senate passed H.R. 2845, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline. **Page S8552**

United States Commission on International Religious Freedom Reform and Reauthorization Act: Committee on Foreign Relations was discharged from further consideration of H.R. 2867, to reauthorize the International Religious Freedom Act of 1998, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S8552–53

Reid (for Durbin) Amendment No. 1461, to limit appointments to the United States Commission on International Religious Freedom to 2 2-year terms, to authorize employees of the Commission who have filed a discrimination complaint under section 717 of the Civil Rights Act of 1964 to complete such proceedings, and to clarify that travel by members of the United States Commission on International Religious Freedom is subject to the Federal Travel Regulation and the Department of State Standardized Regulations. **Pages S8552–53**

Measures Considered:

Balanced Budget Joint Resolutions—Agreement: Senate began consideration of S.J. Res. 10, proposing a balanced budget amendment to the Constitution of the United States, and S.J. Res. 24, proposing a balanced budget amendment to the Constitution of the United States. **Pages S8507–40**

A unanimous-consent agreement was reached providing for further consideration of the joint resolutions at approximately 10:30 a.m., on Wednesday, December 14, 2011, under the previous order. **Page S8553**

Rule XIV H.R. 3630—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the lack of receipt of the papers from the House of Representatives with respect to H.R. 3630, to provide incentives for the creation of jobs, it be in order for the bill to be considered read for the first time and placed on the Legislative Calendar under the Heading "Bills and Joint Resolutions Read the First Time." **Page S8553**

Messages from the House: **Page S8545**

Measures Referred: **Page S8545**

Measures Placed on the Calendar: **Page S8545**

Measures Read the First Time: **Page S8545**

Enrolled Bills Presented: **Page S8545**

Executive Communications: **Pages S8545–47**

Executive Reports of Committees: **Page S8547**

Additional Cosponsors: **Pages S8548–49**

Statements on Introduced Bills/Resolutions: **Pages S8549–51**

Additional Statements: **Pages S8543–45**

Amendments Submitted: **Pages S8551–52**

Authorities for Committees to Meet: **Page S8552**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:34 p.m., until 9:30 a.m. on Wednesday, December 14, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8553.)

Committee Meetings

(Committees not listed did not meet)

MF HOLDINGS INVESTIGATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine MF Global bankruptcy, after receiving testimony from Jill E. Sommers, Commissioner, Commodity Futures Trading Commission; former Senator Jon S. Corzine,

Henri J. Steenkamp, and Bradley Abelow, all of MF Holdings Limited, and James W. Giddens, Securities Investor Protection Act Liquidation of MF Global, Inc., all of New York, New York; Roger Hupfer, Freeland Bean and Grain, Inc., Freeland, Michigan; Jeffrey Hainline, Advanced Trading Inc., Bloomington, Illinois; Clinton J. Blew, Mid Kansas Cooperative Association, Moundridge; Terrence A. Duffy, CME Group, Inc., Chicago, Illinois; and Dean Tofteland, Luverne, Minnesota.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Maurice A. Jones, of Virginia, to be Deputy Secretary, and Carol J. Galante, of California, to be an Assistant Secretary, both of the Department of Housing and Urban Development, and Thomas Hoenig, of Missouri, to be Vice Chairperson and a Member of the Board of Directors of the Federal Deposit Insurance Corporation.

FEDERAL HOUSING FINANCE AGENCY

Committee on Banking, Housing, and Urban Affairs: Committee concluded an oversight hearing to examine the Federal Housing Finance Agency (FHFA) part II, after receiving testimony from Steve A. Linick, Inspector General, Federal Housing Finance Agency.

HOMEOWNERS HARMED BY FORECLOSURES

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine helping homeowners harmed by foreclosures, focusing on ensuring accountability and transparency in foreclosure reviews, after receiving testimony from Julie Williams, First Senior Deputy Comptroller, and Chief Counsel, Office of the Comptroller of the Currency, Department of the Treasury; Alys Cohen, National Consumer Law Center, Boston, Massachusetts; David C. Holland, Rust Consulting, Inc., Minneapolis, Minnesota; Paul Leonard, Financial Services Roundtable, Anthony B. Sanders, George Mason University Mercatus Center, and Ann Kenyon, Deloitte and Touche LLP, all of Washington, D.C.; and Konrad Alt, Promontory Financial Group, San Francisco, California.

OUR NATION'S WATER INFRASTRUCUTRE

Committee on Environment and Public Works: Subcommittee on Water and Wildlife concluded a hearing to examine our nation's water infrastructure, focusing on challenges and opportunities, after receiving testimony from James A. Hanlon, Director, Office of Wastewater Management, Office of Water, Environmental Protection Agency; Joe Freeman, Oklahoma Water Resources Board Financial Assistance Division Chief, Oklahoma City; Gregory E. DiLoreto, American Society of Civil Engineers (ASCE), Washington, D.C.; Theodore E. Scott, Stormwater Consulting Inc., Hunt Valley, Maryland; and Van Richey, American Cast Iron Pipe Company, Birmingham, Alabama.

CHILD ABUSE

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded a hearing to examine child abuse, focusing on protection, prevention, intervention, and deterrence, after receiving testimony from Erin Sullivan Sutton, Minnesota Department of Human Services Assistant Commissioner for Children and Family Services, St. Paul; Sheldon Kennedy, Respect Group Inc., Alberta, Canada; Michelle Collins, National Center for Missing and Exploited Children, Alexandria, Virginia; Frank P. Cervone, Support Center for Child Advocates, Philadelphia, Pennsylvania; Robert W. Block, American Academy of Pediatrics, Tulsa, Oklahoma; and Teresa Huizar, National Children's Alliance, Washington, D.C.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit, after the nominee, who was introduced by Senator Feinstein, testified and answered questions in his own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 3638–3657; and 1 resolution, H. Res. 494 were introduced. **Pages H8879–81**

Additional Cosponsors: **Pages H8881–82**

Report Filed: A report was filed today as follows:

H. Res. 493, providing for consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 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; and providing for proceedings during the period from December 16, 2011 through January 16, 2012 (H. Rept. 112–330). **Page H8879**

Speaker: Read a letter from the Speaker wherein he appointed Representative McClintock to act as Speaker pro tempore for today. **Page H8731**

Recess: The House recessed at 11:16 a.m. and reconvened at 12 noon. **Page H8741**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated yesterday, December 12th:

Specialist Peter J. Navarro Post Office Building Designation Act: H.R. 3246, to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building", by a ⅔ recorded vote of 415 ayes with none voting "no", Roll No. 920; **Pages H8759–60**

Amending title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research: S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, by a ⅔ recorded vote of 417 ayes to 1 no, Roll No. 921; and **Page H8760–61**

William T. Trant Post Office Building Designation Act: H.R. 2767, to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the "William T. Trant Post Office Building", by a ⅔ recorded vote of 420 ayes with none voting "no", Roll No. 924. **Pages H8824–25**

Privileged Resolution — Intent to Offer: Representative Davis (IL) announced his intent to offer a privileged resolution. **Page H8761**

Question of Privilege: Representative Davis (IL) rose to a question of the privileges of the House and submitted a resolution. The Chair ruled that the resolution did not constitute a question of the privileges of the House. **Pages H8761–62**

Middle Class Tax Relief and Job Creation Act of 2011: The House passed H.R. 3630, to provide incentives for the creation of jobs, by a recorded vote of 234 ayes to 193 noes, Roll No. 923. **Pages H8745–59, H8762–H8824**

Rejected the Van Hollen motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 183 ayes to 244 noes, Roll No. 922. **Pages H8820–24**

Pursuant to the rule, the amendment printed in H. Rept. 112–328 shall be considered as adopted. **Page H8762**

H. Res. 491, the rule providing for consideration of the bill, was agreed to by a recorded vote of 236 ayes to 180 noes, Roll No. 919, after the previous question was ordered by a yea-and-nay vote of 236 yeas to 182 nays, Roll No. 918. **Pages H8758–59**

A point of order was raised against the consideration of H. Res. 491 and it was agreed to proceed with consideration of the resolution by a yea-and-nay vote of 227 yeas to 174 nays, Roll No. 917. **Pages H8745–48**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Drug Trafficking Safe Harbor Elimination Act of 2011: H.R. 313, amended, to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States; **Pages H8831–34**

Calling for the repatriation of POW/MIAs and abductees from the Korean War: H. Res. 376, amended, to call for the repatriation of POW/MIAs and abductees from the Korean War; and **Pages H8870–73**

Urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties: H. Res. 306, amended, to urge

the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.
Pages H8873–78

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Fallen Heroes of 9/11 Act: H.R. 3421, to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001;
Pages H8825–28

United States Marshals Service 225th Anniversary Commemorative Coin Act: H.R. 886, amended, to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service;
Pages H8828–31

Iran Threat Reduction Act of 2011: H.R. 1905, amended, to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities; and
Pages H8834–59

Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011: H.R. 2105, amended, to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology.
Pages H8859–70

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H8745.

Quorum Calls—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H8747–48, H8758, H8758–59, H8759–60, H8760, H8823–24, H8824 and H8824–25. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:37 p.m.

Committee Meetings

LEGISLATIVE MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 1823, the "Criminal Code Modernization and Simplification Act of 2011." Testimony was heard from public witnesses.

COSTS AND BURDENS OF CIVIL DISCOVERY

Committee on the Judiciary: Subcommittee on the Constitution held a hearing entitled "The Costs and Burdens of Civil Discovery." Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on the following: H.R. 2512, the "Three Kids Mine Remediation and Reclamation Act"; and H.R. 3479, the "Natural Hazards Risk Reduction Act of 2011". Testimony was heard from David Applegate, Associate Director for Natural Hazards, Geological Survey; John Anderson, Seismological Society of America; Mike Pool, Deputy Director, Bureau of Land Management; Andy Hafen, Mayor, Henderson, Nevada; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Committee on Rules: Full Committee held a hearing on H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. The Committee granted, by a record vote of 8 to 4, a rule waiving all points of order against the conference report and its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. The rule provides that debate on the conference report is divided pursuant to clause 8(d) of rule XXII.

Section 2 of the resolution provides that it shall be in order at any time through the remainder of the first session of the 112th Congress for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, if the text of the measure proposed in a motion is made available on the calendar day before consideration.

Section 3 provides that on any legislative day of the first session of the 112th Congress after December 16, 2011: (1) the Journal of the proceedings of the previous day shall be considered as approved; (2) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and (3) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

Section 4 provides that on any legislative day of the second session of the 112th Congress before January 17, 2012: (1) the Speaker may dispense with organizational and legislative business; (2) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and (3) the

Chair at any time may declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

Finally, Section 5 authorizes the Speaker to appoint Members to perform the duties of the Chair for the duration of the period addressed by sections 3 and 4 as though under clause 8(a) of rule I.

Testimony was heard from Chairman McKeon and Rep. Smith of Washington.

PUBLIC ALERT SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing entitled ''The Effectiveness of Our Nation's Public Alert System.'' Testimony was heard from Damon Penn, Assistant Administrator, National Continuity Programs Directorate, Federal Emergency Management Agency; James Arden Barnett, Jr., Rear Admiral (Ret.), Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 14, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine investor risks in capital raising, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Business meeting to consider S. 1449, to authorize the appropriation of funds for highway safety programs and for other purposes, S. 1950, to amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, S. 1952, to improve hazardous materials transportation safety and for other purposes, S. 1953, to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and a promotion list in the National Oceanic and Atmospheric Administration, 10 a.m., SR–253.

Committee on Finance: Subcommittee on Energy, Natural Resources, and Infrastructure, to hold hearings to examine alternative energy tax incentives, focusing on the effect of short-term extensions on alternative technology investment, domestic manufacturing, and jobs, 9:45 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on European Affairs, to hold hearings to examine the state of human rights and rule of law in Russia, focusing on United States policy options, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Business meeting to consider S. 1855, to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act, and the nominations of Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service, Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts, Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities, Stephanie Orlando, of New York, and Gary Blumenthal, of Massachusetts, both to be a Member of the National Council on Disability, and a nomination list in the Public Health Service, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Business meeting to consider an original bill entitled, ''Stop Trading on Congressional Knowledge Act of 2012'', S. 1515, to permit certain members of the United States Secret Service and certain members of the United States Secret Service Uniformed Division who were appointed in 1984, 1985, or 1986 to elect to be covered under the District of Columbia Police and Firefighter Retirement and Disability System in the same manner as members appointed prior to 1984, H.R. 2297, to promote the development of the Southwest waterfront in the District of Columbia, H.R. 789, to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the ''Sergeant Matthew J. Fenton Post Office'', and H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office'', 10 a.m., SD–342.

Committee on the Judiciary: To hold an oversight hearing to examine the Federal Bureau of Investigation, 10 a.m., SD–226.

House

Committee on Energy and Commerce, Subcommittee on Communications and Technology, hearing entitled ''ICANN's Top-Level Domain Name Program.'' 9 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, markup of the following: the ''Private Mortgage Market Investment Act''; and H.R. 2483, the ''Whistleblower Improvement Act of 2011.'' 10 a.m., HVC–210 Capitol.

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia, hearing entitled ''Confronting Damascus: U.S. Policy toward the Evolving Situation in Syria.'' 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing entitled ''Judicial Reliance on Foreign Law.'' 10 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Full Committee, hearing entitled ''The Leadership of the Nuclear Regulatory Commission'' 10 a.m., 2154 Rayburn.

Full Committee, hearing entitled ''HHS and the Catholic Church: Examining the Politicization of Grants (minority day of hearing).'' 1:30 p.m., 2154 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled ''Integrated Planning and Permitting: An Opportunity for EPA to Provide Communities with Flexibility to Make Smart Investments in Water Quality.'' 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing entitled ''Is it Working: Reviewing VA's Compensated Work Therapy Program.'' 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade, hearing on the Trans-Pacific Partnership, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 14

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S.J. Res. 10, Balanced Budget Amendment, and S.J. Res. 24, Balanced Budget Amendment, with votes on passage of the joint resolutions at approximately 10:45 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 14

House Chamber

Program for Wednesday: Consideration of the conference report to accompany H.R. 1540—National Defense Authorization Act for Fiscal Year 2012.

Extensions of Remarks, as inserted in this issue

HOUSE

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