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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.