



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, FRIDAY, DECEMBER 23, 2011

No. 199

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Reverend Patrick Riffle, St. Peter's Catholic Church, Washington, DC, offered the following prayer:

O God, Who arranges all things according to a wonderful design, graciously receive the prayers we pour out to You for our country, that through the wisdom of its leaders and the integrity of its citizens, harmony and justice may be assured.

As we pause in these coming days of celebration and rest to be with our families and friends, prepare our hearts to welcome a new year that is filled with Your guidance and grace.

Heavenly Father, in this joyful season be most especially with our military and all who serve our country, especially those separated from family and friends, and may they and their loved ones know the gratitude and esteem we have for them and for their service.

We ask this all in Your most holy name.

Amen.

### THE JOURNAL

The SPEAKER. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mrs. EMERSON) come forward and lead the House in the Pledge of Allegiance.

Mrs. EMERSON 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.

### TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Natural Resources, Foreign Affairs, Financial Services, and the Budget be discharged from further consideration of the bill (H.R. 3765) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I will not object, I know that the American people are pleased that we have come together to agree on this extension to give certainty and peace of mind to the 160 million Americans who are concerned about losing their tax cut, the 48 million seniors who were concerned about their Medicare, and the 2.3 million people who are unemployed and seeking work who were fearful of losing their benefits.

I thank the Speaker, I thank the gentlewoman from Missouri, and I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 3765

*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 "Temporary Payroll Tax Cut Continuation Act of 2011".

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

Sec. 1. Short title; table of contents.

### TITLE I—TEMPORARY PAYROLL TAX RELIEF

Sec. 101. Extension of payroll tax holiday.

### TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

Sec. 201. Temporary extension of unemployment compensation provisions.

Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

### TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. Medicare physician payment update.

Sec. 302. 2-month extension of MMA section 508 reclassifications.

Sec. 303. Extension of Medicare work geographic adjustment floor.

Sec. 304. Extension of exceptions process for Medicare therapy caps.

Sec. 305. Extension of payment for technical component of certain physician pathology services.

Sec. 306. Extension of ambulance add-ons.

Sec. 307. Extension of physician fee schedule mental health add-on payment.

Sec. 308. Extension of outpatient hold harmless provision.

Sec. 309. Extending minimum payment for bone mass measurement.

Sec. 310. Extension of the qualifying individual (QI) program.

Sec. 311. Extension of Transitional Medical Assistance (TMA).

Sec. 312. Extension of the temporary assistance for needy families program.

### TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

### TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

Sec. 501. Permit for Keystone XL pipeline.

Subtitle B—Budgetary Provisions

Sec. 511. Senate point of order against an emergency designation.

Sec. 512. PAYGO scorecard estimates.

### TITLE I—TEMPORARY PAYROLL TAX RELIEF

#### SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

(a) IN GENERAL.—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

“(c) PAYROLL TAX HOLIDAY PERIOD.—The term ‘payroll tax holiday period’ means—

“(1) in the case of the tax described in subsection (a)(1), calendar years 2011 and 2012, and

“(2) in the case of the taxes described in subsection (a)(2), the period beginning January 1, 2011, and ending February 29, 2012.”.

(b) SPECIAL RULES FOR 2012.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR 2012.—

“(1) LIMITATION ON SELF-EMPLOYMENT INCOME.—In the case of any taxable year beginning in 2012, subsection (a)(1) shall only apply with respect to so much of the taxpayer’s self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

“(A) \$18,350, over

“(B) the amount of wages and compensation received during the portion of the payroll tax holiday period occurring during 2012 subject to tax under section 3101(a) of such Code or section 3201(a) of such Code.

“(2) COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.—In the case of a taxable year beginning in 2012, subparagraph (A) of subsection (b)(2) shall be applied as if it read as follows:

“(A) the sum of—

“(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1), plus

“(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus.”.

(c) RECAPTURE OF EXCESS BENEFIT.—Section 601 of such Act (26 U.S.C. 1401 note), as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(g) RECAPTURE OF EXCESS BENEFIT.—

“(1) IN GENERAL.—There is hereby imposed on the income of every individual a tax equal to 2 percent of the sum of wages (within the meaning of section 3121(a)(1) of the Internal Revenue Code of 1986) and compensation (to which section 3201(a) of such Code applies) received during the period beginning January 1, 2012, and ending February 29, 2012, to the extent the amount of such sum exceeds \$18,350.

“(2) REGULATIONS.—The Secretary of the Treasury or the Secretary’s delegate shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including guidance for payment by the employee of the tax imposed by paragraph (1).”.

(d) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of such Act (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).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (d) shall take ef-

fect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

## TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

### SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION 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 “March 6, 2012”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “MARCH 6, 2012”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “August 15, 2012”.

(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 “March 7, 2012”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “August 15, 2012”.

(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 “August 15, 2012”.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by striking “December 31, 2011” and inserting “February 29, 2012”; and

(B) in subsection (f)(2), by striking “December 31, 2011” and inserting “February 29, 2012”.

(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 201(a)(1) of the Temporary Payroll Tax Cut Continuation 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. 202. 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 “August 31, 2011”; and

(2) by striking “December 31, 2011” and inserting “February 29, 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 sec-

tion 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.

## TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

### SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.

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 FIRST TWO MONTHS OF 2012.—

“(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 the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.”.

### SEC. 302. 2-MONTH 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 “November 30, 2011”.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(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), for the period beginning on October 1, 2011, and ending on November 30, 2011, 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.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, 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) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

### SEC. 303. 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 March 1, 2012”.

**SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.**

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 305. 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, and the first two months of 2012”.

**SEC. 306. 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 “January 1, 2012” and inserting “March 1, 2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “March 1, 2012” 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 “February 29, 2012”.

(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 “January 1, 2012” and inserting “March 1, 2012”.

**SEC. 307. 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 “February 29, 2012”.

**SEC. 308. 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 “January 1, 2012” and inserting “March 1, 2012”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, or the first two months of 2012”; 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 March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the

preceding” and inserting “2010, and before March 1, 2012, the preceding”.

**SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.**

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 “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, or the first 2 months of 2012”.

**SEC. 310. 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 “February 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 “; and”; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is \$150,000,000.”.

**SEC. 311. 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 “February 29, 2012”.

**SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.**

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

**TITLE IV—MORTGAGE FEES AND PREMIUMS****SEC. 401. 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 as 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.**—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section 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;

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); 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) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.”

#### SEC. 402. FHA GUARANTEE FEES.

(a) AMENDMENT.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

“(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

“(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

“(II) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).”

(b) PROSPECTIVE REPEAL.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) REPORT REQUIRED.—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) explains the basis for the determination; and

(2) identifies the date on which the Secretary plans to make the determination.

### TITLE V—OTHER PROVISIONS

#### Subtitle A—Keystone XL Pipeline

##### SEC. 501. 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 Presi-

dent, 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.

(f) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this section alters the Federal, State, or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

#### Subtitle B—Budgetary Provisions

##### SEC. 511. SENATE 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. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, December 21, 2011.

Hon. JOHN BOEHNER,  
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), amended by the Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), I am pleased to reappoint the following individuals to the United States-China Economic and Security Review Commission.

Ms. Carolyn Bartholomew, Washington, DC  
Mr. Jeffrey L. Piedler, Great Falls, VA  
Thank you for your attention to these appointments.

Sincerely,

NANCY PELOSI,  
House Democratic Leader.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Wednesday, December 21, 2011:

H.R. 515, to reauthorize the Belarus Democracy Act of 2004;

H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes;

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;

H.R. 1801, to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces;

H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes;

H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

#### APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER. The Chair appoints the following additional conferees on H.R. 3630:

Messrs. LEVIN, BECERRA, VAN HOLLEN, Ms. SCHWARTZ, and Mr. WAXMAN.

The Clerk will notify the Senate of the change in conferees.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 515. An act to reauthorize the Belarus Democracy Act of 2004.

H.R. 1059. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

H.R. 1540. An act 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.

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2055. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 2056. An act to instruct the Inspector General of the Federal Deposit Insurance

Corporation to study the impact of insured depository institution failures, and for other purposes.

#### ADJOURNMENT

The SPEAKER. Pursuant to section 3(b) of House Resolution 493, the House stands adjourned until 1 p.m. on Tuesday, December 27, 2011.

Accordingly (at 10 o'clock and 8 minutes a.m.), the House adjourned until Tuesday, December 27, 2011, at 1 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4386. A letter from the Management Analyst, Department of Agriculture, transmitting the Department's final rule — Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Suspension of Delivery of Birds, Additional Capital Investment Criteria, Breach of Contract, and Arbitration (RIN: 0580-AB07) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4387. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4388. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-119, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4389. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-094, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4390. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-144, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4391. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-081, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4392. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-130, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4393. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4394. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-131, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4395. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-110, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4396. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-135, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4397. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-120, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4398. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

4399. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-138, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4400. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-123, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-087, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4402. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-127, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-098, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4404. A letter from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4405. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2011-0907; Directorate Identifier 2011-NM-146-AD; Amendment 39-16790; AD 2011-18-08] (RIN: 2120-AA64) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4406. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications in 2012 (RIN: 2900-AO28) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

[The following actions occurred on December 22, 2011]

Mr. KLINE: Committee on Education and the Workforce. Second Semiannual Report on the Activities of the Committee on Education and the Workforce During the 112th Congress (Rept. 112-338). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. Second Semiannual Report on the Activity of the Committee on Small Business During the 112th Congress (Rept. 112-339). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. Second Semiannual Report on the Activity of the Committee on Agriculture During the 112th Congress (Rept. 112-340). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. Second Semiannual Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (Rept. 112-341). Referred to the Committee of the Whole House on the state of the Union.

[Filed December 23, 2011]

Mr. UPTON: Committee on Energy and Commerce. H.R. 1173. A bill to repeal the CLASS program; with an amendment (Rept. 112-342 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2682. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes (Rept. 112-343 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2779. A bill to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; with an amendment (Rept. 112-344 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2586. A bill to refine the definition of swap execution facility in the provisions regulating swap markets added by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act; with amendments (Rept. 112-345 Pt. 1). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Natural Resources. Second Semiannual Report of the Legislative and Oversight Activities of the Committee on Natural Resources During the 112th Congress (Rept. 112-346). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL: Committee on Science, Space, and Technology. Second Semiannual Report of Activities of the Committee on Science, Space, and Technology for the 112th Congress (Rept. 112-347). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. Second Semiannual Report of the Activities of the Committee on Transportation and Infrastructure for the 112th Congress (Rept. 112-348). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. Second Semiannual Report of the Activities of the Committee on Oversight and Government Reform for the 112th Congress (Rept. 112-349). Referred to the Committee of the Whole House on the state of the Union.

[The following action occurred on December 23, 2011]

H.R. 1173. Referral to the Committee on Ways and Means extended for a period ending not later than February 1, 2012.

H.R. 2586. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

H.R. 2682. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

H.R. 2779. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

## 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. CAMP:

H.R. 3765. A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, Foreign Affairs, Financial Services, and the Budget, 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. FITZPATRICK (for himself, Mr. MEEHAN, and Mr. MCKINLEY):

H.R. 3766. A bill to amend title 18, United States Code, to provide penalties with respect to employers' conduct relating to persons engaging in sexual conduct with children, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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. MILLER of Florida (for himself,

Mr. TURNER of Ohio, Mr. ROE of Tennessee, Mr. HUIZENGA of Michigan, Mr. WITTMAN, Mr. WOMACK, Mr. KISSELL, Mr. MICHAUD, Mr. JONES, Mr. MANZULLO, and Mr. FORBES):

H.R. 3767. A bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II; to the Committee on Financial Services, 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.

## 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. CAMP:

H.R. 3765. Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 7 and Clause 18 of Section 8, of Article 1 of the United States Constitution.

By Mr. FITZPATRICK:

H.R. 3766.

## 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:

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, Cl. 3; Commerce Clause  
Art. I, Sec. 8, Cl. 1; General Welfare Clause  
By Mr. MILLER of Florida:

H.R. 3767.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mr. SHERMAN.

H.R. 304: Mrs. NAPOLITANO.

H.R. 750: Mr. GOSAR.

H.R. 835: Mr. CARNEY and Mr. PIERLUISI.

H.R. 1111: Mr. MURPHY of Pennsylvania.

H.R. 1167: Mr. ROSS of Florida.

H.R. 1172: Mr. TOWNS.

H.R. 1219: Mr. GRAVES of Georgia.

H.R. 1351: Mr. TURNER of New York.

H.R. 1513: Mr. COSTELLO and Mr. SHULER.

H.R. 1653: Mr. SHULER.

H.R. 1681: Ms. HANABUSA.

H.R. 1738: Ms. WATERS.

H.R. 1956: Mr. POSEY.

H.R. 1964: Mr. MURPHY of Pennsylvania.

H.R. 1978: Mr. RIVERA and Ms. DELAURO.

H.R. 2090: Mr. ROHRABACHER.

H.R. 2412: Mr. ACKERMAN.

H.R. 2492: Mr. TOWNS and Mr. CARNEY.

H.R. 2524: Mr. MCDERMOTT.

H.R. 2529: Mr. KISSELL.

H.R. 3200: Mr. GERLACH.

H.R. 3269: Mr. GRAVES of Georgia, Mrs. HARTZLER, Mr. PETERS, and Mr. CRAVAACK.

H.R. 3307: Mr. CLARKE of Michigan.

H.R. 3324: Mr. SMITH of Washington, Ms. WATERS, and Mrs. DAVIS of California.

H.R. 3506: Mr. WELCH.

H.R. 3589: Mr. CARTER and Mr. ROYCE.

H.R. 3608: Mr. BROUN of Georgia.

H.R. 3698: Mr. WOLF, Mr. BROOKS, Mr. LONG, and Mr. BURTON of Indiana.

H.R. 3702: Mr. FARR.

H.R. 3713: Ms. SCHWARTZ.

H.R. 3743: Mr. COHEN.

H.J. Res. 80: Ms. HIRONO, Mr. VAN HOLLEN, and Mr. MURPHY of Connecticut.

H. Res. 489: Mr. FLEMING.

H. Res. 505: Mr. HONDA, Mr. ROYCE, Mr. CROWLEY, and Mr. SMITH of Washington.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3765, the "Temporary Payroll Tax Cut Continuation Act of 2011," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, FRIDAY, DECEMBER 23, 2011

No. 199

## Senate

The Senate met at 9:30 and 21 seconds a.m., and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

### RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### UNANIMOUS CONSENT AGREEMENT—H.R. 3765

Mr. REID. Mr. President, I ask unanimous consent that if the House passes and sends to the Senate a bill which is identical to the text which is at the desk, a 2-month extension of the reduced payroll tax, unemployment insurance, TANF, and the Medicare payment fix, the bill be considered read three times and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD as if read; further, that when the Senate receives a message from the House requesting a conference with respect to H.R. 3630, the Senate agree to the request for a conference and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3; that if the House does not act by January 1, 2012, with respect to passage of a bill providing the 2-month extension, the Senate action with respect to a conference on H.R. 3630 be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

#### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 19, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing

that the Speaker has signed the following enrolled bills:

H.R. 789. An act to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office".

H.R. 1264. An act to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

H.R. 1892. An act to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

H.R. 2845. An act to amend title 49, United States code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

H.R. 3421. An act 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.

H.R. 3672. An act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on December 19, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

Under the authority of the order of the Senate of January 5, 2011, the Sec-

retary of the Senate, on December 20, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers on the part of the House:

For consideration of the aforementioned bill and the Senate amendments, and modifications committed to conference: Mr. CAMP, Mr. UPTON, Mr. BRADY of Texas, Mr. WALDEN of Oregon, Mr. PRICE of Georgia, Mr. REED of New York, Mrs. ELLMERS, and Ms. HAYWORTH.

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 21, 2011, during the adjournment of the Senate, received a message from the House that the House agrees to the amendments of the Senate to the bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to study the impact of insured depository institution failures, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 515. An act to reauthorize the Belarus Democracy Act of 2004.

H.R. 1059. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

H.R. 1540. An act 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.

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2055. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 2056. An act to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on December

21, 2011, during the adjournment of the Senate, by the Acting president pro tempore (Mr. REID).

Under the order of the Senate of January 5, 2011, the Secretary of the Senate, on today, December 23, 2011, during the adjournment of the Senate, received a message from the House announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3765. An act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3765. An act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on today, December 23, 2011, during the adjournment of the Senate, by the Acting president pro tempore (Mr. REID).

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of

the Senate to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes:

For the consideration of the aforementioned bill and the Senate amendments, and modifications committed to conference: Mr. LEVIN of Michigan, Mr. BECERRA of California, Mr. VAN HOLLEN of Maryland, Ms. SCHWARTZ of Pennsylvania, and Mr. WAXMAN of California.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader re-appoints the following members on the part of the House of Representatives to the United States-China Economic and Security Review Commission: Ms. Carolyn Bartholomew of Washington, DC and Jeffrey L. Fiedler of Great Falls, Virginia.

ADJOURNMENT UNTIL TUESDAY,  
DECEMBER 27, 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 12 p.m. on Tuesday, December 27, 2011.

Thereupon, the Senate, at 9:31 and 46 seconds a.m., adjourned until Tuesday, December 27, 2011.

## EXTENSIONS OF REMARKS

CONFERENCE REPORT OF H.R. 2055,  
CONSOLIDATED APPROPRIATIONS  
ACT, 2012

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. VAN HOLLEN. Mr. Speaker, the legislation we are being asked to vote on today will fund the rest of the federal government through September 30, 2012 and provide \$8.1 billion for disaster aid and recovery assistance. The bills before us are the result of a long, drawn out and at times contentious process, and the outcome is very much the product of hard fought compromise. In candor, this package contains a number of provisions and policy choices that I would not have made and do not support. But I recognize that is the nature of compromise.

On a positive note, the bill adheres to the bipartisan \$1.043 trillion topline agreement from the Budget Control Act. With our national debt now topping \$15 billion, it is important that we continue to maintain fiscal discipline. Additionally, the bill provides modest increases to a number of key federal investments. The Title I education program to help our kids gain proficiency in reading and math is funded at \$14.5 billion, which is \$60 million above the FY 2011 level. Special education gets a \$100 million boost for a total of \$11.6 billion to help our schools meet the educational needs of all our students. Head Start is funded at \$8 billion, which is \$424 million more than last year. And the National Institutes of Health receives a \$299 increase to sustain its lifesaving research. Renewable energy research and development is level funded at \$1.8 billion, small business loans receive a \$123 increase, and the maximum Pell Grant is maintained at \$5550 so that more of our young people can pursue their dream of a higher education.

These are all genuine achievements in our current fiscally constrained environment and deserve to be applauded.

On the other hand, this bill continues the current majority's relentless and misguided attack on the Environmental Protection Agency, which has already seen its budget slashed by 18 percent over the past fiscal year. To feed the extreme right's ideological fervor, today's legislation targets the EPA Administrator's office with a 33 percent cut, slashes clean air and climate research and decreases the job-creating Clean Water and Safe Drinking Water revolving funds by \$101 million. I've said it before, and I'll say it again: Americans across the political spectrum want clean air and clean water, and they are depending on their government to provide it to them. While some in other party might think this is good politics, it is terrible policy for the American people. With winter approaching, the Low-Income Home Energy Assistance Program, LIHEAP, is inadequately funded at \$3.5 billion. And despite the elimination of ideologically driven policy

riders on priorities like health care and Wall Street reform, this appropriations legislation still includes too much policy interference on issues ranging from reproductive health to workplace safety to light bulb efficiency standards to climate change.

HONORING THE MEMORY OF  
BENJAMIN GUPTA

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise today to ask that all Members of the House of Representatives join me in honoring the memory of Benjamin Kane Gupta. Ben served the people of the Illinois Fifth District as a staff member for my predecessor Rahm Emanuel in 2007 before going on to work at the U.S. State Department's Global Partnership Initiative. Ben was pursuing Law and Business degrees as a George Washington University graduate student when he died in his sleep Monday. He was 28 years old.

Ben accomplished a lot in his short life. He grew up in Omaha, Nebraska, before attending the Phillips Exeter Academy and Boston University, graduating with degrees in economics and psychology. As a Staff Assistant for Congressman Emanuel he put in long hours staffing the Congressman, serving constituents, and doing whatever was necessary to get the job done. At the State Department, Ben helped bring together public and private resources to solve global economic, health and sustainability challenges.

But the greatest achievement Ben leaves behind is in the memories of those who knew him as a kind and generous spirit who had an incredible work ethic and an infectious sense of humor. When his beloved Red Sox made it to the World Series, he was relentless in his pursuit of tickets not just for himself but for his coworkers as well. He collected every episode of The Simpsons and never passed up a trip to Rockland's to get barbecue for the office.

I ask all my colleagues to join me in remembering this dedicated staffer who died too soon but made the most of the time he had. I offer my deepest condolences to his parents Vinod and Bonnie Gupta, his stepmother Laurel Gottesman Gupta, and his brothers Jess and Alex Gupta. Ben will always live on in the hearts and memories of those that knew him best.

PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. SMITH of Washington. Mr. Speaker, on Tuesday, December 13, 2011, I was detained

in a meeting and was unable to be present for a vote in a series of recorded votes. I request the record show that had I been present, I would have voted "no" on rollcall vote No. 917 (on the question of consideration of H. Res. 491).

H.R. 1540—THE NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL  
YEAR 2012, DECEMBER 14,  
2011

**HON. MIKE KELLY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. KELLY. Mr. Speaker, under the Constitution, Congress has the solemn responsibility to the American people "to provide for the common defense." Congress exercises this responsibility through passage of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Three guiding principles for this legislation are discussed below.

First, the conference report for H.R. 1540 provides the members of our armed forces with all of the resources necessary to complete their missions in Iraq, Afghanistan, and around the world. The brave men and women who make up our armed forces have a high calling—to protect the American people—and it is incumbent upon us as the Congress to do everything we can to give them the resources they need to get the job done quickly and safely.

Further, this conference report provides military personnel and their families with the support that they need and which is rightfully theirs. Serving as a soldier, sailor, airman, or Marine is no ordinary job, and members of our armed forces as well as their families need to know that no matter what happens here in Washington, DC, there will be no interruption to their pay or benefits as they work night and day to keep us safe.

Lastly, this conference report provides for investment in the future of our nation's security by ensuring that our armed forces are capable of responding to the threats of today and the threats of tomorrow. Our enemies around the world are not standing still; they are actively probing for any weaknesses in our nation's defenses, and we must be vigilant in maintaining both our current capabilities and developing future capabilities. For the sake of our country and our allies who depend on us, we must sustain a strong, flexible, and effective force structure.

The conference report provides authorization for national defense spending in the following amounts: \$554 billion for the base budget and \$115.5 billion for overseas contingency operations, i.e. the war on terrorism. This is a significant reduction in funding from the original House-passed version to comply with the first tier of the Budget Control Act's

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

requirement to cut defense spending by an estimated \$465 billion over ten years. Specifically, this authorized funding has been reduced \$19 billion from the Fiscal Year 2011 National Defense Authorization Act, \$21.8 billion from the House-passed version of the Fiscal Year 2012 National Defense Authorization Act, and \$24.1 billion from President Obama's budget. While our nation's economic plight has forced us all to tighten our belts, we cannot put Americans at risk by engaging in irresponsibly deep cuts to our defense spending that would hollow out our nation's military. This conference report strikes the right balance between the important priorities of reducing wasteful government spending and providing for a strong, robust, national defense.

The conference report also sets forth key policies that will help to ensure the safety of our nation and the effectiveness of our military. A few examples are discussed below.

The conference report provides for new sanctions on entities that engage in financial transactions with the Central Bank of Iran, including other state central banks. The provisions apply to the purchase of petroleum, which is of course one of Iran's key natural resources. The threat from Iran has only grown in recent weeks and months. Iran has continued its relentless drive towards developing nuclear weapons; continued its unceasing promotion of terrorism, including a brazen attempt to assassinate the Ambassador from Saudi Arabia to the United States, on American soil; sought to exert its malign influence over key countries in the region, including the nascent democracy of Iraq; and threatened America's strongest ally in the Middle East, the nation of Israel. Cutting off Iran's access to international financial transactions will help stop Iran from making progress towards any of these harmful goals.

Further, the conference report codifies conscience protections for military chaplains. Chaplains are crucial to the well-being of the members of our armed forces, who rely on them for guidance and spiritual nourishment especially when they are serving overseas. Chaplains shall never be forced to act against their consciences. Accordingly this conference report protects chaplains from being forced to perform same-sex marriages in violation of their conscience or their moral principles.

Lastly, the conference report forbids government funding from being used to transfer or release Guantanamo Bay detainees into the United States. To permit known terrorists to enter the U.S. would create an unacceptable threat to the safety of the American people and the conference report rightly prevents such an unthinkable scenario from occurring.

In short, this conference report provides crucial funding and sets forth key policies to ensure our nation's defense.

I unequivocally urge my colleagues to vote for this important legislation.

CONFERENCE REPORT ON H.R. 2055,  
CONSOLIDATED APPROPRIATIONS ACT, 2012

SPEECH OF

**HON. PEDRO R. PIERLUISI**

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. PIERLUISI. Mr. Speaker, I rise today to express my concern over the changes that

would be made to the Pell Grant program by this spending bill.

In 2009, my colleagues and I on the House Education and Labor Committee made a landmark investment in the Pell Grant program when we passed the Student Aid and Fiscal Responsibility Act. Through that legislation, we increased the maximum Pell Grant award to \$5,550, up from \$4,050 in 2006. As college tuition rises, the higher maximum award has served as a lifeline to students who want to better their future by attending college or a technical or trade school. I am pleased that the bill we are considering today protects that maximum award level.

However, I am disappointed that this spending bill makes several changes to the Pell Grant program that will close the doors to college to many students in Puerto Rico and across our nation. Specifically, the bill would limit the number of semesters during which a student may receive a Pell Grant, require that a student hold a high school diploma or General Equivalency Degree to obtain a Pell Grant, and reduce the income level below which a student will automatically receive the maximum Pell Grant award from \$30,000 to \$23,000.

These changes appear to be premised on the belief that, for a student to benefit from postsecondary education, he or she must take a traditional path—graduate from high school or obtain a GED, and then complete college within a set amount of time. Most, if not all, of us in this body took that path. But today, an increasing number of students are not taking that path, particularly as our economy continues its slow recovery. If we require students to meet our preconceived notions of the type of student who is worthy of a Pell Grant, we will shortchange many of our nation's young people who seek a better life for themselves. Some students are unable to graduate from high school, to receive a GED, or complete college within 12 semesters because they must work to provide for their family. Other students must care for an ill family member. Whatever the reason, if a student is motivated to attend college or a technical or trade school, we should provide the same financial assistance that we provide to students who take a more traditional path.

In today's economy, graduating from college is more important than ever. Fifty years ago, an individual could obtain a well-paying job without a college degree. Today, college opens so many doors for our nation's youth that would otherwise remain sealed shut. We in Congress should do everything in our power to increase access to college and technical and trade schools. I regret that this spending bill falls short on that measure.

TRIBUTE TO MAYOR OF MITCHELL,  
INDIANA MR. DAN TERRELL

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. ROKITA. Mr. Speaker, it is my great privilege as the representative of Indiana's Fourth District to rise and pay tribute to Mr. Dan Terrell, Mayor of Mitchell, Indiana.

Mayor Terrell is a man of deep civic conviction, a loving father of 6, and a devoted grandfather of 17.

Dan Terrell was born in Mitchell, Indiana, and has remained there his entire life. He has never lost the small town conservative spirit that growing up in the Heartland of America gave him.

Following his retirement from the Canadian Pacific Railroad, Dan Terrell was ready to concentrate fully on helping his hometown overcome challenges that so many small cities and towns have faced: lost businesses, sidewalks that were unsafe or non-existent, infrastructure in total disrepair, drinking water barely able to pass State regulations. During Mayor Terrell's four years in office these, and many other concerns, have not only been addressed but have been corrected. That is leadership.

Besides the tangible accomplishments, his representation of the City as he traveled throughout Indiana offered his constituents a Mayor they could be proud of. A great example of this is the fact that he chaired the Southern Indiana Mayors Roundtable, a convention of all the mayors in Indiana.

His leadership and vision will be truly missed as he leaves the Mayor's office. His love and his devotion for his hometown will continue. Mr. Speaker, it has been a true honor to stand in tribute and offer my thanks to the civic service of Mayor Dan Terrell, one of Indiana's best mayors and my close friend.

MOTION TO GO TO CONFERENCE  
ON H.R. 3630, MIDDLE CLASS TAX  
RELIEF AND JOB CREATION ACT  
OF 2011

SPEECH OF

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of "The Temporary Payroll Tax Cut Extension Act of 2011." This bill is an updated version of H.R. 3630, as amended by the Senate that sends the right message at a critical time for Americans.

At the final hour, with less than three days before millions of Americans decide between whether to buy a toy for their child or turn up their heat, my colleagues on the other side of the aisle have finally recognized the importance of working in a bipartisan fashion to provide a tax break to middle class families, to support the unemployed, and to prevent cuts to the payments Medicare provides to doctors.

It appears returning home and facing constituents who would not be able to pay rent or place food on the table for their families, have caused House Republicans to realize that political posturing impacts the lives of those who can least afford it. I stand firm in my support of measures that will help families and those who are trying their best to weather the challenges caused by this economy.

I supported the measure the Senate passed last Saturday. Although not perfect I believed then as I do now that it would grant the American people the certainty they need as we head into a new year.

The Senate Amendment to H.R. 3630 received overwhelming bipartisan support in the Senate; passing by a margin of 89 to 10. After a period of negotiation, language has been added to provide simplicity for payroll administrators, and mollify my colleagues on the other side.

The Senate version would allow employees to continue to pay a 4.2 percent tax on wages, and the self-employed would be required to pay 10.4 percent; which represents a 2 percentage point cut in taxes.

This tax cut would provide a much-needed boost to the economy as the resulting tax savings could be used for investment, savings accounts, and for the purchase of both goods and services. This kind of commercial activity is what will keep the economy moving.

The Senate Amendment removes onerous unemployment provisions from H.R. 3630. Namely, the provisions that would allow states to test those who apply for unemployment benefits for illegal drugs and a provision that would require a GED, a high school diploma, or attendance in a course to attain a GED prior to being able to qualify for unemployment benefits. These provisions stigmatize the unemployed and penalize those who without benefits may not be able to afford job training.

In addition, the Senate amendment to H.R. 3630 removes a \$300 million special interest provision, which had passed the House. These funds would have only helped a handful of specialty hospitals while cutting billions of dollars in funding from community hospitals. In effect, the Senate Amendment rejected the assault on the elderly, the unemployed, and the middle class that could be found in the original House version.

RULES COMMITTEE'S LAST MINUTE CHANGE TO THEIR  
AGENDA

Earlier this week, the Rules Committee was originally scheduled to convene an emergency meeting at 7:05 p.m. The purpose of their meeting was to discuss a motion to concur with the Senate amendment to H.R. 3630. I arrived at the Rules Committee prepared to give testimony to buttress the two amendments I proposed to the measure and to give my support to the Senate Amendment to H.R. 3630.

The Committee refused to accept my amendments and also refused to accept testimony; to add insult to injury, they delayed the meeting from 7:05 p.m. to 9:15 p.m. Again, I was prepared to speak on the measure and my amendments. To my surprise, the Rules Committee failed to discuss or bring up the motion to concur with the Senate Amendment to H.R. 3630.

It is my belief that something must have occurred prior to and immediately after the 7:05 p.m. meeting that would cause the Republican led Rules Committee to drastically change its agenda.

By 9:15 p.m. Rules began to address a completely different agenda which did not include the Motion to Concur with the Senate Amendment. I am askeance by the Committee's failure to address this issue head on and rather choosing to bend to whatever pressures they received prior to meeting on the Senate amendment.

My amendments would have made it clear that hedge fund managers would finally be required to pay their due share of carried interest; at minimum they would be required to pay the same amount in taxes, as their housekeepers.

In addition my second amendment would have ensured that millionaires would also pay their fair share of taxes. Because of the actions of the Republican led Rules Committee, I never got the opportunity to express my support for these important amendments, nor did

I have the opportunity to support the Senate Amendment. This was an unforeseen and drastic change to the agenda.

CERTAIN REPUBLICANS NEVER INTENDED TO SUPPORT A  
PAYROLL TAX CUT

There is little doubt that there have been factions within the Republican Party who never intended to support a payroll tax cut for middle class Americans. When the idea of a payroll tax cut initially surfaced there was an instantaneous reaction against the idea among certain conservative Republicans. The behavior of the Rules Committee, which changed the agenda at the last minute, is a probable example of these internal disagreements. Why else would they fail to bring forth the Motion to Concur with the Senate Amendment to allow the Full House to decide whether or not the Senate Amendment was the right choice for the American people.

Less than two weeks ago a Tea Party Republican made it clear that he did not support a payroll tax cut. In order to convince him to support H.R. 3630 is seems that other provisions had to be added, provisions like the Keystone Pipeline.

A Tea Party Republican made it clear that "[Republican Leadership] certainly seem to be dragging me kicking and screaming to the 'yes' line" Such is the comment of a Member of Congress who wants us all to believe that he was undecided on a payroll tax cut. I wonder how many promises had to be given before the American middle class could have a chance of receiving a much needed cut in taxes.

This Tea Party Republican's position was also shared by a Senator, who is part of the Senate Republican Leadership. This Senate Republican Leader voted four times against proposals to keep the tax holiday. According to this Republican Leader "We get paid to vote . . ." and he certainly did his duty and voted, he voted against payroll tax cuts for the middle class. These are examples of people who never intended to support a payroll tax cut, if less than two weeks ago they were firmly against this position. In the case of one of the two, commonsense and reason prevailed. In the case of the other, partisan politics and in-fighting appears to have won out, and the middle class will be paying the price.

Washington Republicans, in general, found themselves in a quandary. Should they support a measure that would protect provisions in Medicare, extend unemployment, and provided a payroll tax cut or stick to partisan politics? Washington Republicans apparently did not believe that a break, which would have lowered the payroll tax from 6.2 percent to 4.3 percent, would help job growth next year.

Then there are those, like one Republican Member of Congress, who express a greater concern with not giving the President what some would consider a victory.

The victory would not be for the President, the victory would be for the American people. For the moms and dads who as a result of the payroll cut would be able to buy their child a new pair of shoes, place an additional meal on the table, or pay their rent.

It is not a surprise that those Republicans, who dug their heels into the ground, long before today, are the very Republicans who are allowing the American people to bear the brunt of this stalemate.

As referenced above, the version of H.R. 3630 that passed in the House had a list of

poison pills. These nightmare provisions would have harmed not only the health of Americans but the health of the American Economy.

UNEMPLOYMENT

Republicans targeted the unemployed by slashing 40 weeks of unemployment insurance. Such an action would have negatively impacted the lives of millions of families.

These are the very families who are still struggling under the weight of the worst economic downturn since the Great Depression. The Senate rejected this assault on families and the elderly.

It was clear that our failure to act to support the Senate amendment to H.R. 3630 would have resulted in twenty-two jurisdictions with the highest unemployment rates being the hardest hit these states are: My home state of Texas, Alabama, California, Connecticut, DC, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee and Washington.

According to report released by the Department of Labor just two weeks ago, 3.3 million Americans would lose unemployment benefits as a result of H.R. 3630 compared to a continuation of current law. In my home state of Texas alone, 227,381 people will lose their sole source of income by the end of January.

There is nothing normal about this recession. Republicans seem to want to blame the unemployed for their unemployment. Until it was clear that the American people would not stand behind Republican efforts, House Republicans continued to put in jeopardy tax cuts for the middle class and aid for the unemployed. In this economy the unemployed are not to blame; it is the failure of Republican leadership to bring forth any job creating measures before this house. Currently, there are over four unemployed workers for every available job, and there are nearly 1 million fewer jobs in the economy today compared to when the recession started in December 2007. In our nation's history there has never been so many unemployed Americans without work for such a long period of time. Republicans are clearly out of touch.

For every dollar spent on unemployment insurance, a study found an increase in economic activity of two dollars. According to the Economic Policy Institute extending unemployment benefits could prevent the loss of over 500,000 jobs. Further, a study by IMP AQ International and the Urban Institute found unemployment insurance benefits reduced the fall in GDP by 18.3 percent. This resulted in nominal GDP being \$175 billion higher in 2009 than it would have been without unemployment insurance benefits.

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.

We must act now to extend unemployment insurance and remove dastardly provisions related to drugs and education that do nothing more than insult the integrity of the jobless.

Currently, 9.8 million people are receiving unemployment insurance in some form. We have 7 days to act. On December 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 now.

And if partisan politics is not to blame, I am not sure what else the issue could be as Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

THE IMPACT ON AMERICANS POISON PILLS IN H.R. 3630

The reforms to unemployment and other provisions that we sent over to the Senate, sweeping as they were, may have been lost amid other features of the Republican package.

#### DRUG TESTING

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. H.R. 3630 would have allowed states to screen those who applied for unemployment benefits for illegal drugs. The drug testing requirement in H.R. 3630 is burdensome and onerous.

Unemployment is at its highest in twenty-five years, the economy is in a downward spiral, millions of people are just getting by and the Republicans want to further degrade them.

A worker advocacy group recently described the drug testing element in the House-passed bill, 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"

No evidence has been presented that the drug testing requirement is necessary because there is no evidence to support that the average person who applies for unemployment insurance 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. The Senate amendment to H.R. 3630 removes this offensive provision.

#### GED/HIGH SCHOOL DIPLOMA REQUIREMENT

In addition, the Senate amendment does not blame the unemployed for being unemployed. By this I mean, the version of H.R. 3630 which passed the House would deny unemployment benefits to individuals who did not have or were not attempting to attain a high school diploma or a GED.

As supported by House Republicans, H.R. 3630 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.

It is true that 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.

Frankly, 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. Further, 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 had passed as written, without the Senate Amendment, African-Americans and Hispanics who are already the hardest hit by this economic downturn will now lose access to unemployment benefits at a greater rate, solely based upon their educational attainment. This is not fair.

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.

I vehemently disagree with how H.R. 3630 chooses 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.

#### MEDICAID

My colleagues on the other side in H.R. 3630 singled out Medicare premium increases that would have permanently increased seniors' costs by \$31 billion. The Senate Amendment addresses the Medicare Sustainable Growth Rate, SGR, extending physician payment rates and preventing a 27.4 percent cut through February 29th; and it addresses Medicare and Medicaid Extenders policies through February 29th as well. It also includes a simple extension of TANF through February 29th.

If we do not pass the Senate version of H.R. 3630 this would result in significant changes to Medicaid, threatening healthcare resources for the 60 million people, half of them children that rely on this program to stay healthy.

A block grant for funding or a cap on federal Medicaid spending would increase the cost for states and the low income families who benefit from the program.

Harris County has one of the highest Medicaid enrollment records in Texas. Limits and cuts to Medicaid funds would significantly hurt the citizens of Texas' 18th District. Harris County averages between 500,000 and 600,000 Medicaid recipients monthly, thousands of people who may not have access to healthcare under this budget.

These cuts would hurt the doctors trying to serve soldiers and their families. Just the other day, I was visiting a hospital in Riverside. The doctors and staff were committed to the care of veterans and their families, many of who were suffering from PTSD. The quality of their care could be jeopardized without the "Doc Fix" which would prevent a significant decrease in doctor reimbursements from Medicare and will impact TRICARE as well.

Currently, the Center for Medicare & Medicaid Services has announced plans to delay processing of physician claims in the hope a fix will soon be enacted, they can only do so until January 17 when they will have to start paying at lower rates with a 27-percent cut. January 17 is the very day the House convenes for the 2nd session of the 112th Congress, which means there will be no opportunity for Congress to pass a fix before the cut kicks in.

If my colleagues on the other side of the aisle continue to block a short term extension, the following will take place: 650,000 physicians and practitioners would see payment delays and a 27-percent cut in payments when payments are made; Over 800 rural hospitals would lose eligibility for "hold harmless" payments that help cover the cost of outpatient hospital services and roughly 90 hospitals would receive payments that do not reflect the competitive wage environment in which they operate; Physical therapists, occupational therapists and speech language pathologists would no longer be allowed to use an exceptions process that protects seriously injured patients from hitting an arbitrary dollar cap on therapy services and halting their access to needed care later in the year; Over half a million (520,000) low-income Medicare beneficiaries would no longer receive financial assistance with their Medicare premiums.

This is an untenable situation to place our veterans, soldiers, their families, and millions of other Americans who rely upon Medicare and the doctors who provided that care.

Again, I want to emphasize that 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.

Personal and family savings have been exhausted and 401(k)s 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.

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. 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 and support the "Temporary Payroll Tax Cut Continuation Act of 2011."

MOTION TO GO TO CONFERENCE  
ON H.R. 3630, MIDDLE CLASS TAX  
RELIEF AND JOB CREATION ACT  
OF 2011

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. VAN HOLLEN. Mr. Speaker, first my Republican colleagues opposed extending the current payroll tax cut for the middle class. Then they decided they would support it after all—but they objected to asking millionaires help pay for it and insisted that a completely unrelated and controversial project called the Keystone XL pipeline be included in the final package.

Now, by a lopsided vote of 89–10, the Senate has sent the House a short term measure negotiated by Democratic Leader REID and Republican Leader MCCONNELL to prevent taxes from going up on 160 million Americans next year, offset with a provision both parties can support—with an accelerated decision on the Keystone XL pipeline due in sixty days.

So what are the House Republicans doing? Trying to kill the bipartisan Senate bill. In fact, they won't even allow a straight up or down vote on it—because if they did, they know it would pass.

Americans need look no further than this reckless year-end gambit by the extreme right wing of the Republican Party to understand why their government has ceased to function.

Like President Obama and virtually every Democrat in this House, I would rather be voting on a year-long extension for the current payroll tax cut, unemployment insurance for

those who remain out of work through no fault of their own, and reasonable compensation for physicians who participate in the Medicare program. Additionally, I would prefer a balanced approach to paying for these measures—and I oppose mandating a precipitous decision on the controversial Keystone XL pipeline.

But in order to ensure 160 million Americans don't see a tax increase on January 1, and to give negotiators more time to reach final agreement on a fully paid-for year-long package, I am prepared to support the Senate's bipartisan short term extension.

Mr. Speaker, Senate Democrats have approved this legislation. Senate Republicans have approved this legislation. And House Democrats are prepared to approve this legislation. If House Republicans block it, they will have to explain to the American people why rigid ideology was more important than helping

create more jobs and boosting our fragile economy.

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PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. SMITH of Washington. Mr. Speaker, on Tuesday, December 20, 2011, I was unable to be present for a series of recorded votes. I request the record show that had I been present, I would have voted: “no” on rollcall vote No. 947 (on the motion to table H. Res. 504), “yes” on rollcall vote No. 831 (on the motion to instruct conferees on H.R. 3630), and “no” on rollcall vote No. 832 (on agreeing to H. Res. 501).

# Daily Digest

## Senate

### Chamber Action

The Senate met at 9:30:21 a.m. in pro forma session, and adjourned at 9:31:46 a.m. until 12 noon, on Tuesday, December 27, 2011.

**House Passed Version of Two Month Payroll—Agreement:** A unanimous-consent agreement was reached providing that if the House passes, and sends to the Senate, a bill which is identical to the text which is at the desk—a two month extension of the reduced payroll tax, unemployment insurance, TANF, and the Medicare payment fix—the bill be considered read three times and passed; the motion to reconsider be laid upon the table with no intervening action or debate, provided further, that the Senate having received a message from the House requesting a conference with respect to H.R. 3630, the Senate insisted on its amendment, and agreed to the

request for a conference, and the Chair was authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3; that if the House does not act by January 1, 2012, with respect to passage of a bill providing the two month extension, the Senate action with respect to as conference on H.R. 3630, be vitiated. **Page S8789**

Subsequently, the bill (H.R. 3765, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline) was received from the House, read three times, and passed by the Senate.

Messages from the House:

**Pages S8789–90**

### Committee Meetings

No hearings were held.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 2 public bills, H.R. 3765–3767, were introduced. **Page H10026**

**Additional Cosponsors:** **Page H10027**

**Reports Filed:** Reports were filed on December 22, 2011 as follows:

Second Semiannual Report on the Activities of the Committee on Education and the Workforce During the 112th Congress (H. Rept. 112–338);

Second Semiannual Report on the Activity of the Committee on Small Business During the 112th Congress (H. Rept. 112–339);

Second Semiannual Report on the Activity of the Committee on Agriculture During the 112th Congress (H. Rept. 112–340); and

Second Semiannual Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (H. Rept. 112–341).

Reports were filed today as follows:

D1398

H.R. 1173, to repeal the CLASS program, with an amendment (H. Rept. 112–342 Pt. 1);

H.R. 2682, to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes (H. Rept. 112–343 Pt. 1);

H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act, with an amendment (H. Rept. 112–344 Pt. 1);

H.R. 2586, to refine the definition of swap execution facility in the provisions regulating swap markets added by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, with amendments (H. Rept. 112–345 Pt. 1);

Second Semiannual Report of the Legislative and Oversight Activities of the Committee on Natural Resources During the 112th Congress (H. Rept. 112–346);

Second Semiannual Report of Activities of the Committee on Science, Space, and Technology for the 112th Congress (H. Rept. 112–347),

Second Semiannual Report of the Activities of the Committee on Transportation and Infrastructure for the 112th Congress (H. Rept. 112–348); and

Second Semiannual Report of the Activities of the Committee on Oversight and Government Reform for the 112th Congress (H. Rept. 112–349).

**Page H10026**

**Chaplain:** The prayer was offered by the guest chaplain, Rev. Patrick Riffle, St. Peter's Catholic Church, Washington DC.

**Page H10021**

**Temporary Payroll Tax Cut Continuation Act of 2011:** The House agreed by unanimous consent to pass H.R. 3765, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, and provide for the consideration of the Keystone XL pipeline.

**Pages H10021–25**

**United States-China Economic and Security Review Commission—Reappointment:** Read a letter from Representative Pelosi, Minority Leader, in which she reappointed the following individuals to the United States-China Economic and Security Review Commission: Ms. Carolyn Bartholomew of

Washington, DC and Mr. Jeffrey L. Fiedler of Great Falls, VA.

**Page H10025**

**Additional conferees:** The Speaker appointed the following additional conferees on H.R. 3630, Middle Class Tax Relief and Job Creation Act of 2011: Representatives Levin, Becerra, Van Hollen, Schwartz, and Waxman.

**Page H10025**

**Quorum Calls—Votes:** There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:08 a.m.

## *Committee Meetings*

No hearings were held.

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### COMMITTEE MEETINGS FOR TUESDAY, DECEMBER 27, 2011

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearings scheduled.

#### House

No hearings are scheduled.



*Next Meeting of the SENATE*

12 noon, Tuesday, December 27

*Next Meeting of the HOUSE OF REPRESENTATIVES*

1 p.m., Tuesday, December 27

## Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

## House Chamber

Program for Tuesday: The House will meet in pro forma session at 1 p.m.

## Extensions of Remarks, as inserted in this issue.

## HOUSE

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