

**MOTION TO RECOMMIT H.R. 3630, WITH
INSTRUCTIONS
OFFERED BY M . _____**

M . _____

moves to recommit the bill, H.R. 3630, to the Committee on Ways and Means, with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

1 **TITLE VII—ADDITIONAL**
2 **PROVISIONS**
3 **SEC. 701. EXTENSION AND EXPANSION OF PAYROLL TAX**
4 **CUT FOR MIDDLE CLASS FAMILIES.**
5 (a) **EXTENSION.**—For provision extending the payroll
6 tax cut for middle class families, see section 2001.
7 (b) **INCREASED RELIEF.**—
8 (1) **IN GENERAL.**—Subsection (a) of section
9 601 of the Tax Relief, Unemployment Insurance Re-
10 authorization, and Job Creation Act of 2010 (26
11 U.S.C. 1401 note) is amended—

1 (A) by inserting “(9.3 percent for calendar
2 year 2012)” after “10.40 percent” in para-
3 graph (1), and

4 (B) in paragraph (2)—

5 (i) by striking “(including” and in-
6 serting “(3.1 percent in the case of cal-
7 endar year 2012), including” after “4.2
8 percent”, and

9 (ii) by striking “Code)” and inserting
10 “Code”.

11 (2) COORDINATION WITH INDIVIDUAL DEDUC-
12 TION FOR EMPLOYMENT TAXES.—Subparagraph (A)
13 of section 601(b)(2) of such Act is amended by in-
14 serting “(66.67 percent for taxable years which
15 begin in 2012)” after “59.6 percent”.

16 (c) TECHNICAL AMENDMENTS.—Paragraph (2) of
17 section 601(b) of the Tax Relief, Unemployment Insur-
18 ance Reauthorization, and Job Creation Act of 2010 (26
19 U.S.C. 1401 note) is amended—

20 (1) by inserting “of such Code” after “164(f)”,

21 (2) by inserting “of such Code” after
22 “1401(a)” in subparagraph (A), and

23 (3) by inserting “of such Code” after
24 “1401(b)” in subparagraph (B).

1 **SEC. 702. EXTENDING THE ALLOWANCE FOR BONUS DEPRE-**
2 **CIATION FOR CERTAIN BUSINESS ASSETS.**

3 For provision extending the allowance for bonus de-
4 preciation for certain business assets, see section 1201.

5 **SEC. 703. PREVENTING A REDUCTION IN PAYMENTS TO**
6 **DOCTORS.**

7 For provision preventing a reduction in payments to
8 doctors, see section 2201.

9 **SEC. 704. ENSURING THAT MILLIONAIRES PAY THEIR FAIR**
10 **SHARE.**

11 (a) IN GENERAL.—Subchapter A of chapter 1 of the
12 Internal Revenue Code of 1986 is amended by adding at
13 the end the following new part:

14 **“PART VIII—SURTAX ON MILLIONAIRES**

“Sec. 59B. Surtax on millionaires.

15 **“SEC. 59B. SURTAX ON MILLIONAIRES.**

16 “(a) GENERAL RULE.—In the case of a taxpayer
17 other than a corporation for any taxable year beginning
18 after 2011 and before 2021, there is hereby imposed (in
19 addition to any other tax imposed by this subtitle) a tax
20 equal to 3.6 percent of so much of the modified adjusted
21 gross income of the taxpayer for such taxable year as ex-
22 ceeds the threshold amount.

23 “(b) THRESHOLD AMOUNT.—For purposes of this
24 section—

1 “(1) IN GENERAL.—The threshold amount is
2 \$1,000,000.

3 “(2) INFLATION ADJUSTMENT.—

4 “(A) IN GENERAL.—In the case of any
5 taxable year beginning after 2012, the
6 \$1,000,000 amount under paragraph (1) shall
7 be increased by an amount equal to—

8 “(i) such dollar amount, multiplied by

9 “(ii) the cost-of-living adjustment de-
10 termined under section 1(f)(3) for the cal-
11 endar year in which the taxable year be-
12 gins, determined by substituting ‘calendar
13 year 2011’ for ‘calendar year 1992’ in sub-
14 paragraph (B) thereof.

15 “(B) ROUNDING.—If any amount as ad-
16 justed under paragraph (1) is not a multiple of
17 \$10,000, such amount shall be rounded to the
18 next highest multiple of \$10,000.

19 “(3) MARRIED FILING SEPARATELY.—In the
20 case of a married individual filing separately for any
21 taxable year, the threshold amount shall be one-half
22 of the amount otherwise in effect under this sub-
23 section for the taxable year.

24 “(c) MODIFIED ADJUSTED GROSS INCOME.—For
25 purposes of this section, the term ‘modified adjusted gross

1 income' means adjusted gross income reduced by any de-
2 duction (not taken into account in determining adjusted
3 gross income) allowed for investment interest (as defined
4 in section 163(d)). In the case of an estate or trust, ad-
5 justed gross income shall be determined as provided in sec-
6 tion 67(e).

7 “(d) SPECIAL RULES.—

8 “(1) NONRESIDENT ALIEN.—In the case of a
9 nonresident alien individual, only amounts taken
10 into account in connection with the tax imposed
11 under section 871(b) shall be taken into account
12 under this section.

13 “(2) CITIZENS AND RESIDENTS LIVING
14 ABROAD.—The dollar amount in effect under sub-
15 section (b) shall be decreased by the excess of—

16 “(A) the amounts excluded from the tax-
17 payer's gross income under section 911, over

18 “(B) the amounts of any deductions or ex-
19 clusions disallowed under section 911(d)(6)
20 with respect to the amounts described in sub-
21 paragraph (A).

22 “(3) CHARITABLE TRUSTS.—Subsection (a)
23 shall not apply to a trust all the unexpired interests
24 in which are devoted to one or more of the purposes
25 described in section 170(c)(2)(B).

1 “(4) NOT TREATED AS TAX IMPOSED BY THIS
2 CHAPTER FOR CERTAIN PURPOSES.—The tax im-
3 posed under this section shall not be treated as tax
4 imposed by this chapter for purposes of determining
5 the amount of any credit under this chapter or for
6 purposes of section 55.”.

7 (b) CLERICAL AMENDMENT.—The table of parts for
8 subchapter A of chapter 1 of the Internal Revenue Code
9 of 1986 is amended by adding at the end the following
10 new item:

 “PART VIII. SURTAX ON MILLIONAIRES.”.

11 (c) SECTION 15 NOT TO APPLY.—The amendment
12 made by subsection (a) shall not be treated as a change
13 in a rate of tax for purposes of section 15 of the Internal
14 Revenue Code of 1986.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to taxable years beginning after
17 December 31, 2011.

18 **SEC. 705. PREVENTING INSIDER TRADING BY MEMBERS OF**
19 **CONGRESS.**

20 (a) NONPUBLIC INFORMATION RELATING TO CON-
21 GRESS AND OTHER FEDERAL EMPLOYEES.—

22 (1) COMMODITIES TRANSACTIONS.—Section 4c
23 of the Commodity Exchange Act (7 U.S.C. 6c) is
24 amended by adding at the end the following:

1 “(h) NONPUBLIC INFORMATION RELATING TO CON-
2 GRESS.—Not later than 270 days after the date of enact-
3 ment of this subsection, the Commission shall by rule pro-
4 hibit any person from buying or selling any commodity
5 for future delivery or swap while such person is in posses-
6 sion of material nonpublic information, as defined by the
7 Commission, relating to any pending or prospective legis-
8 lative action relating to such commodity if—

9 “(1) such information was obtained by reason
10 of such person being a Member or employee of Con-
11 gress; or

12 “(2) such information was obtained from a
13 Member or employee of Congress, and such person
14 knows that the information was so obtained.

15 “(i) NONPUBLIC INFORMATION RELATING TO OTHER
16 FEDERAL EMPLOYEES.—

17 “(1) RULEMAKING.—Not later than 270 days
18 after the date of enactment of this subsection, the
19 Commission shall by rule prohibit any person from
20 buying or selling any commodity for future delivery
21 or swap while such person is in possession of mate-
22 rial nonpublic information derived from Federal em-
23 ployment and relating to such commodity if—

24 “(A) such information was obtained by
25 reason of such person being an employee of an

1 agency, as such term is defined in section
2 551(1) of title 5, United States Code; or

3 “(B) such information was obtained from
4 such an employee, and such person knows that
5 the information was so obtained.

6 “(2) MATERIAL NONPUBLIC INFORMATION.—

7 For purposes of this subsection, the term ‘material
8 nonpublic information’ means any information that
9 an employee of an agency (as such term is defined
10 in section 551(1) of title 5, United States Code)
11 gains by reason of Federal employment and that
12 such employee knows or should know has not been
13 made available to the general public, including infor-
14 mation that—

15 “(A) is routinely exempt from disclosure
16 under section 552 of title 5, United States
17 Code, or otherwise protected from disclosure by
18 statute, Executive order, or regulation;

19 “(B) is designated as confidential by an
20 agency; or

21 “(C) has not actually been disseminated to
22 the general public and is not authorized to be
23 made available to the public on request.”.

1 (2) SECURITIES TRANSACTIONS.—Section 10 of
2 the Securities Exchange Act of 1934 is amended by
3 adding at the end the following:

4 “(d) NONPUBLIC INFORMATION RELATING TO CON-
5 GRESS.—Not later than 270 days after the date of enact-
6 ment of this subsection, the Commission shall by rule pro-
7 hibit any person from buying or selling the securities or
8 security-based swaps of any issuer while such person is
9 in possession of material nonpublic information, as defined
10 by the Commission, relating to any pending or prospective
11 legislative action relating to such issuer if—

12 “(1) such information was obtained by reason
13 of such person being a Member or employee of Con-
14 gress; or

15 “(2) such information was obtained from a
16 Member or employee of Congress, and such person
17 knows that the information was so obtained.

18 “(e) NONPUBLIC INFORMATION RELATING TO
19 OTHER FEDERAL EMPLOYEES.—

20 “(1) RULEMAKING.—Not later than 270 days
21 after the date of enactment of this subsection, the
22 Commission shall by rule prohibit any person from
23 buying or selling the securities or security-based
24 swaps of any issuer while such person is in posses-

1 sion of material nonpublic information derived from
2 Federal employment and relating to such issuer if—

3 “(A) such information was obtained by
4 reason of such person being an employee of an
5 agency, as such term is defined in section
6 551(1) of title 5, United States Code; or

7 “(B) such information was obtained from
8 such an employee, and such person knows that
9 the information was so obtained.

10 “(2) MATERIAL NONPUBLIC INFORMATION.—

11 For purposes of this subsection, the term ‘material
12 nonpublic information’ means any information that
13 an employee of an agency (as such term is defined
14 in section 551(1) of title 5, United States Code)
15 gains by reason of Federal employment and that
16 such employee knows or should know has not been
17 made available to the general public, including infor-
18 mation that—

19 “(A) is routinely exempt from disclosure
20 under section 552 of title 5, United States
21 Code, or otherwise protected from disclosure by
22 statute, Executive order, or regulation;

23 “(B) is designated as confidential by an
24 agency; or

1 “(C) has not actually been disseminated to
2 the general public and is not authorized to be
3 made available to the public on request.”.

4 (b) COMMITTEE HEARINGS ON IMPLEMENTATION.—

5 (1) IN GENERAL.—The Committee on Agri-
6 culture of the House of Representatives shall hold a
7 hearing on the implementation by the Commodity
8 Futures Trading Commission of subsections (h) and
9 (i) of section 4c of the Commodity Exchange Act (as
10 added by subsection (a)(2) of this section), and the
11 Committee on Financial Services of the House of
12 Representatives shall hold a hearing on the imple-
13 mentation by the Securities Exchange Commission
14 of subsections (d) and (e) of section 10 of the Secu-
15 rities Exchange Act of 1934 (as added by subsection
16 (a)(1) of this section).

17 (2) EXERCISE OF RULEMAKING AUTHORITY.—
18 Paragraph (1) is enacted—

19 (A) as an exercise of the rulemaking power
20 of the House of Representatives and, as such,
21 shall be considered as part of the rules of the
22 House, and such rules shall supersede any other
23 rule of the House only to the extent that rule
24 is inconsistent therewith; and

1 (B) with full recognition of the constitu-
2 tional right of the House to change such rules
3 (so far as relating to the procedure in the
4 House) at any time, in the same manner, and
5 to the same extent as in the case of any other
6 rule of the House.

7 (c) **TIMELY REPORTING OF FINANCIAL TRANS-**
8 **ACTIONS.—**

9 (1) **REPORTING REQUIREMENT.—**Section 103
10 of the Ethics in Government Act of 1978 is amended
11 by adding at the end the following subsection:

12 “(1) Within 90 days after the purchase, sale, or ex-
13 change of any stocks, bonds, commodities futures, or other
14 forms of securities that are otherwise required to be re-
15 ported under this Act and the transaction of which in-
16 volves at least \$1000 by any Member of Congress or offi-
17 cer or employee of the legislative branch required to so
18 file, that Member, officer, or employee shall file a report
19 of that transaction with the Clerk of the House of Rep-
20 resentatives in the case of a Representative in Congress,
21 a Delegate to Congress, or the Resident Commissioner
22 from Puerto Rico, or with the Secretary of the Senate in
23 the case of a Senator.”.

24 (2) **EFFECTIVE DATE.—**The amendment made
25 by paragraph (1) shall apply to transactions occur-

1 ring on or after the date that is 90 days after the
2 date of the enactment of this Act.

3 (d) DISCLOSURE OF POLITICAL INTELLIGENCE AC-
4 TIVITIES UNDER LOBBYING DISCLOSURE ACT.—

5 (1) DEFINITIONS.—Section 3 of the Lobbying
6 Disclosure Act of 1995 (2 U.S.C. 1602) is amend-
7 ed—

8 (A) in paragraph (2)—

9 (i) by inserting after “lobbying activi-
10 ties” each place that term appears the fol-
11 lowing: “or political intelligence activities”;
12 and

13 (ii) by inserting after “lobbyists” the
14 following: “or political intelligence consult-
15 ants”; and

16 (B) by adding at the end the following new
17 paragraphs:

18 “(17) POLITICAL INTELLIGENCE ACTIVITIES.—

19 The term ‘political intelligence activities’ means po-
20 litical intelligence contacts and efforts in support of
21 such contacts, including preparation and planning
22 activities, research, and other background work that
23 is intended, at the time it is performed, for use in
24 contacts, and coordination with such contacts and
25 efforts of others.

1 “(18) POLITICAL INTELLIGENCE CONTACT.—

2 “(A) DEFINITION.—The term ‘political in-
3 telligence contact’ means any oral or written
4 communication (including an electronic commu-
5 nication) to or from a covered executive branch
6 official or a covered legislative branch official,
7 the information derived from which is intended
8 for use in analyzing securities or commodities
9 markets, or in informing investment decisions,
10 and which is made on behalf of a client with re-
11 gard to—

12 “(i) the formulation, modification, or
13 adoption of Federal legislation (including
14 legislative proposals);

15 “(ii) the formulation, modification, or
16 adoption of a Federal rule, regulation, Ex-
17 ecutive order, or any other program, policy,
18 or position of the United States Govern-
19 ment; or

20 “(iii) the administration or execution
21 of a Federal program or policy (including
22 the negotiation, award, or administration
23 of a Federal contract, grant, loan, permit,
24 or license).

1 “(B) EXCEPTION.—The term ‘political in-
2 telligence contact’ does not include a commu-
3 nication that is made by or to a representative
4 of the media if the purpose of the communica-
5 tion is gathering and disseminating news and
6 information to the public.

7 “(19) POLITICAL INTELLIGENCE FIRM.—The
8 term ‘political intelligence firm’ means a person or
9 entity that has 1 or more employees who are polit-
10 ical intelligence consultants to a client other than
11 that person or entity.

12 “(20) POLITICAL INTELLIGENCE CONSULT-
13 ANT.—The term ‘political intelligence consultant’
14 means any individual who is employed or retained by
15 a client for financial or other compensation for serv-
16 ices that include one or more political intelligence
17 contacts.”.

18 (2) REGISTRATION REQUIREMENT.—Section 4
19 of the Lobbying Disclosure Act of 1995 (2 U.S.C.
20 1603) is amended—

21 (A) in subsection (a)—

22 (i) in paragraph (1)—

23 (I) by inserting after “whichever
24 is earlier,” the following: “or a polit-

1 ical intelligence consultant first makes
2 a political intelligence contact,”; and

3 (II) by inserting after “such lob-
4 byist” each place that term appears
5 the following: “or consultant”;

6 (ii) in paragraph (2), by inserting
7 after “lobbyists” each place that term ap-
8 pears the following: “or political intel-
9 ligence consultants”; and

10 (iii) in paragraph (3)(A)—

11 (I) by inserting after “lobbying
12 activities” each place that term ap-
13 pears the following: “and political in-
14 telligence activities”; and

15 (II) in clause (i), by inserting
16 after “lobbying firm” the following:
17 “or political intelligence firm”;

18 (B) in subsection (b)—

19 (i) in paragraph (3), by inserting after
20 “lobbying activities” each place that term
21 appears the following: “or political intel-
22 ligence activities”;

23 (ii) in paragraph (4)—

24 (I) in the matter preceding sub-
25 paragraph (A), by inserting after

1 “lobbying activities” the following: “or
2 political intelligence activities”; and

3 (II) in subparagraph (C), by in-
4 serting after “lobbying activity” the
5 following: “or political intelligence ac-
6 tivity”;

7 (iii) in paragraph (5), by inserting
8 after “lobbying activities” each place that
9 term appears the following: “or political in-
10 telligence activities”;

11 (iv) in paragraph (6), by inserting
12 after “lobbyist” each place that term ap-
13 pears the following: “or political intel-
14 ligence consultant”; and

15 (v) in the matter following paragraph
16 (6), by inserting “or political intelligence
17 activities” after “such lobbying activities”;
18 (C) in subsection (c)—

19 (i) in paragraph (1), by inserting after
20 “lobbying contacts” the following: “or po-
21 litical intelligence contacts”; and

22 (ii) in paragraph (2)—

23 (I) by inserting after “lobbying
24 contact” the following: “or political
25 intelligence contact”; and

1 (II) by inserting after “lobbying
2 contacts” the following: “and political
3 intelligence contacts”; and

4 (D) in subsection (d), by inserting after
5 “lobbying activities” each place that term ap-
6 pears the following: “or political intelligence ac-
7 tivities”.

8 (3) REPORTS BY REGISTERED POLITICAL IN-
9 TELLIGENCE CONSULTANTS.—Section 5 of the Lob-
10 bying Disclosure Act of 1995 (2 U.S.C. 1604) is
11 amended—

12 (A) in subsection (a), by inserting after
13 “lobbying activities” the following: “and polit-
14 ical intelligence activities”;

15 (B) in subsection (b)—

16 (i) in paragraph (2)—

17 (I) in the matter preceding sub-
18 paragraph (A), by inserting after
19 “lobbying activities” the following: “or
20 political intelligence activities”;

21 (II) in subparagraph (A)—

22 (aa) by inserting after “lob-
23 blyvist” the following: “or political
24 intelligence consultant”; and

1 (bb) by inserting after “lob-
2 bying activities” the following:
3 “or political intelligence activi-
4 ties”;

5 (III) in subparagraph (B), by in-
6 serting after “lobbyists” the following:
7 “and political intelligence consult-
8 ants”; and

9 (IV) in subparagraph (C), by in-
10 serting after “lobbyists” the following:
11 “or political intelligence consultants”;
12 (ii) in paragraph (3)—

13 (I) by inserting after “lobbying
14 firm” the following: “or political intel-
15 ligence firm”; and

16 (II) by inserting after “lobbying
17 activities” each place that term ap-
18 pears the following: “or political intel-
19 ligence activities”; and

20 (iii) in paragraph (4), by inserting
21 after “lobbying activities” each place that
22 term appears the following: “or political in-
23 telligence activities”; and

24 (C) in subsection (d)(1), in the matter pre-
25 ceding subparagraph (A), by inserting “or a po-

1 litical intelligence consultant” after “a lob-
2 byist”.

3 (4) DISCLOSURE AND ENFORCEMENT.—Section
4 6(a) of the Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1605) is amended—

6 (A) in paragraph (3)(A), by inserting after
7 “lobbying firms” the following: “, political intel-
8 ligence consultants, political intelligence
9 firms,”;

10 (B) in paragraph (7), by striking “or lob-
11 bying firm” and inserting “lobbying firm, polit-
12 ical intelligence consultant, or political intel-
13 ligence firm”; and

14 (C) in paragraph (8), by striking “or lob-
15 bying firm” and inserting “lobbying firm, polit-
16 ical intelligence consultant, or political intel-
17 ligence firm”.

18 (5) RULES OF CONSTRUCTION.—Section 8(b) of
19 the Lobbying Disclosure Act of 1995 (2 U.S.C.
20 1607(b)) is amended by striking “or lobbying con-
21 tacts” and inserting “lobbying contacts, political in-
22 telligence activities, or political intelligence con-
23 tacts”.

1 (6) IDENTIFICATION OF CLIENTS AND COVERED
2 OFFICIALS.—Section 14 of the Lobbying Disclosure
3 Act of 1995 (2 U.S.C. 1609) is amended—

4 (A) in subsection (a)—

5 (i) in the heading, by inserting “OR
6 POLITICAL INTELLIGENCE” after “LOB-
7 BYING”;

8 (ii) by inserting “or political intel-
9 ligence contact” after “lobbying contact”
10 each place that term appears; and

11 (iii) in paragraph (2), by inserting “or
12 political intelligence activity, as the case
13 may be” after “lobbying activity”;

14 (B) in subsection (b)—

15 (i) in the heading, by inserting “OR
16 POLITICAL INTELLIGENCE” after “LOB-
17 BYING”;

18 (ii) by inserting “or political intel-
19 ligence contact” after “lobbying contact”
20 each place that term appears; and

21 (iii) in paragraph (2), by inserting “or
22 political intelligence activity, as the case
23 may be” after “lobbying activity”; and

1 (C) in subsection (c), by inserting “or po-
2 litical intelligence contact” after “lobbying con-
3 tact”.

4 (7) ANNUAL AUDITS AND REPORTS BY COMP-
5 TROLLER GENERAL.—Section 26 of the Lobbying
6 Disclosure Act of 1995 (2 U.S.C. 1614) is amend-
7 ed—

8 (A) in subsection (a)—

9 (i) by inserting “political intelligence
10 firms, political intelligence consultants,”
11 after “lobbying firms”; and

12 (ii) by striking “lobbying registra-
13 tions” and inserting “registrations”;

14 (B) in subsection (b)(1)(A), by inserting
15 “political intelligence firms, political intelligence
16 consultants,” after “lobbying firms”; and

17 (C) in subsection (c), by inserting “or po-
18 litical intelligence consultant” after “a lob-
19 byist”.

20 (e) EFFECTIVE DATE.—Subject to subsection (c)(2),
21 this section and the amendments made by this section
22 shall take effect at the end of the 90-day period beginning
23 on the date of the enactment of this Act.

1 **SEC. 706. FREEZE ON MEMBER COLA AND PENSION RE-**
2 **FORM.**

3 For provision freezing Member COLA and effecting
4 pension reform, see section 5421(b)(1) and part 1 of sub-
5 title E of title V, respectively.

