H. R. 2693

To cut spending, maintain existing commitments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2011

Mr. DREIER introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committees on the Budget, Energy and Commerce, Education and the Workforce, Ways and Means, and Science, Space, and Technology, 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.

A BILL

To cut spending, maintain existing commitments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1. SHORT TITLE AND TABLE OF CONTENTS.
   (a) SHORT TITLE.—This Act may be cited as the “Budget Control Act of 2011”.
   (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

   Sec. 1. Short title and table of contents.

TITLE I—DISCRETIONARY SPENDING CAPS AND ENFORCEMENT
Sec. 101. Discretionary spending limits.
Sec. 102. Senate budget enforcement.

TITLE II—OTHER SPENDING CUTS

Subtitle A—Spectrum Auction Proposals and Public Safety Broadband Network

Sec. 211. Definitions.

PART I—ACTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

Sec. 221. Clarification of authorities to repurpose Federal spectrum for commercial purposes.
Sec. 222. Incentive auction authority.
Sec. 223. Incentive auctions to repurpose certain mobile satellite services spectrum for terrestrial broadband use.
Sec. 224. Permanent extension of auction authority.
Sec. 225. Authority to auction licenses for domestic satellite services.
Sec. 226. Auction of spectrum.
Sec. 227. Report to Congress on improving spectrum management.

PART II—PUBLIC SAFETY BROADBAND NETWORK

Sec. 241. Reallocation of D Block for public safety.
Sec. 242. Flexible use of narrowband spectrum.
Sec. 243. Public Safety Trust Fund.
Sec. 244. Public safety research and development.
Sec. 245. Incentive auction relocation fund.
Sec. 246. Federal infrastructure sharing.
Sec. 247. FCC report on efficient use of public safety spectrum.

Subtitle B—Federal Pell Grant and Student Loan Program Changes

Sec. 251. Federal Pell Grant and student loan program changes.

Subtitle C—Farm Programs

Sec. 261. Definition of payment acres.

TITLE III—JOINT SELECT COMMITTEE ON DEFICIT REDUCTION

Sec. 301. Establishment of Joint Select Committee.
Sec. 302. Expedited consideration of joint committee recommendations.
Sec. 303. Funding.
Sec. 304. Rulemaking.

TITLE IV—PUBLIC DEBT

Sec. 401. Public debt.
TITLE I—DISCRETIONARY SPENDING CAPS AND ENFORCEMENT

SEC. 101. DISCRETIONARY SPENDING LIMITS.

(a) Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider any bill, resolution, amendment, motion or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) Limits.—

(1) In General.—In this section, the term “discretionary spending limits” has the following meaning subject to adjustments in paragraph (2) and subsection (c):

(A) For fiscal year 2012—

(i) for the security category $606,000,000,000 in budget authority; and

(ii) for the nonsecurity category $439,000,000,000 in budget authority.

(B) For fiscal year 2013—

(i) for the security category $607,000,000,000 in budget authority; and

(ii) for the nonsecurity category $440,000,000,000 in budget authority.
(C) For fiscal year 2014, $1,068,000,000,000 in budget authority.

(D) For fiscal year 2015, $1,089,000,000,000 in budget authority.

(E) For fiscal year 2016, $1,111,000,000,000 in budget authority.

(F) For fiscal year 2017, $1,134,000,000,000 in budget authority.

(G) For fiscal year 2018, $1,156,000,000,000 in budget authority.

(H) For fiscal year 2019, $1,180,000,000,000 in budget authority.

(I) For fiscal year 2020, $1,204,000,000,000 in budget authority.

(J) For fiscal year 2021, $1,228,000,000,000 in budget authority.

(2) AUTHORIZED ADJUSTMENT TO LIMITS.—

(A) ADJUSTMENTS FOR BUDGET SUBMISSION.—When the President submits a budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall include adjustments to discretionary spending limits (and those limits as cumulatively adjusted) for the budget year and each out year equal to the baseline levels of new budget au-
authority using up-to-date concepts and definitions minus those levels using the concepts and definitions in effect before such changes. Such changes may only be made after consultation with the committees on Appropriations and the Budget of the House of Representatives and the Senate and that consultation shall include written communication to such committees that affords such committees the opportunity to comment before official action is taken with respect to such changes.

(B) Adjustments for Congressional Enforcement.—For the purposes of Congressional enforcement of the limits in this section, the Chairmen of the Committees on the Budget of the Senate and House may adjust the discretionary spending limits in amounts equal to the adjustments made pursuant to subparagraph (A) as contained in the President’s budget. Any adjustment made pursuant to this subparagraph shall not constitute a repeal or change to the limits contained in this section.

(e) Estimates and Other Adjustments.—

(1) In general.—
(A) LIMITS AND SUBALLOCATIONS FOR CONGRESSIONAL ENFORCEMENT.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), (3), or (4), or the offering of an amendment thereto or the submission of a conference report thereon—

(i) for the purposes of enforcement of the discretionary spending limits in the Senate and the House of Representatives, the Chairman of the Committee on the Budget of that House may adjust the discretionary spending limits in this section, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose; and

(ii) following any adjustment under clause (i), the Committee on Appropriations of that House may report appropriately revised suballocations pursuant to
section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(B) OTHER ADJUSTMENTS.—For the purposes of determining an end of the year sequester pursuant to subsection (f), when OMB submits a sequestration report under subsection (f)(7) for a fiscal year, OMB shall calculate, and the sequestration report and subsequent budgets submitted by the President under section 1105(a) of title 31, United States Code, shall include, adjustments to discretionary spending limits (and those limits as adjusted) for the fiscal year and each succeeding year through 2021 upon the enactment of a bill or resolution relating to any matter described in paragraphs (2), (3), or (4).

(C) ESTIMATES.—

(i) CBO ESTIMATES.—As soon as practicable after Congress completes action on any discretionary appropriation, CBO, after consultation with the Committees on the Budget of the House of Representatives and the Senate, shall provide OMB with an estimate of the amount of discretionary new budget authority for the cur-
rent year (if any) and the budget year pro-
vided by that legislation.

(ii) OMB ESTIMATES AND EXPLA-

NATION OF DIFFERENCES.—

(I) IN GENERAL.—Not later than
7 calendar days (excluding Saturdays,
Sundays, and legal holidays) after the
date of enactment of any discretionary
appropriation, OMB shall make pub-
licly available on the day it is issued
and, on the following day, shall be
printed in the Federal Register a re-
port containing the CBO estimate of
that legislation, an OMB estimate of
the amount of discretionary new
budget authority for the current year
(if any) and the budget year provided
by that legislation, and an explanation
of any difference between the 2 esti-
mates.

(II) DIFFERENCES.—If during
the preparation of the report OMB
determines that there is a significant
difference between OMB and CBO,
OMB shall consult with the Commit-
tees on the Budget of the House of Representatives and the Senate regarding that difference and that consultation shall include, to the extent practicable, written communication to those committees that affords such committees the opportunity to comment before the issuance of the report.

(D) ASSUMPTIONS AND GUIDELINES.—

OMB estimates under subparagraph (C) shall be made using current economic and technical assumptions. In its final sequestration report, OMB shall use the OMB estimates transmitted to the Congress under this paragraph. OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

(E) ANNUAL APPROPRIATIONS.—For purposes of this paragraph, amounts provided by annual appropriations shall include any new budget authority for the current year (if any) and the advance appropriations that become
available in the budget year from previously en-
acted legislation.

(2) Other Adjustments.—Other adjustments
referred to in paragraph (1)(B) are as follows:

(A) Continuing Disability Reviews
and SSI Redeterminations.—

(i) In General.—If a bill or joint
resolution is reported making appropria-
tions in a fiscal year of the amount speci-
fied in clause (ii) for continuing disability
reviews and Supplemental Security Income
redeterminations under the heading “Limita-
tion on Administrative Expenses” for the
Social Security Administration, and pro-
vides an additional appropriation for con-
tinuing disability reviews and Supple-
mental Security Income redeterminations
for the Social Security Administration, or
one or more initiatives that the Office of
the Chief Actuary determines would be at
least as cost effective as a redetermination
of eligibility under the heading “Limitation
on Administrative Expenses” for the Social
Security Administration of an amount fur-
ther specified in clause (ii), then the dis-
cretionary spending limits, allocation to the
Committees on Appropriations of each
House, and aggregates for that year may
be adjusted by the amount in budget au-
thority not to exceed the additional appro-
priation provided in such legislation for
that purpose for that fiscal year.

(ii) Amounts specified.—The
amounts specified are—

(I) for fiscal year 2012, an ap-
propriation of $758,000,000, and an
additional appropriation of
$237,000,000;

(II) for fiscal year 2013, an ap-
propriation of $758,000,000, and an
additional appropriation of
$390,000,000;

(III) for fiscal year 2014, an ap-
propriation of $778,000,000, and an
additional appropriation of
$559,000,000;

(IV) or fiscal year 2015, an ap-
propriation of $799,000,000, and an
additional appropriation of
$774,000,000;
(V) for fiscal year 2016, an appropriation of $822,000,000, and an additional appropriation of $778,000,000;

(VI) for fiscal year 2017, an appropriation of $849,000,000, and an additional appropriation of $804,000,000;

(VII) for fiscal year 2018, an appropriation of $877,000,000, and an additional appropriation of $831,000,000;

(VIII) for fiscal year 2019, an appropriation of $906,000,000, and an additional appropriation of $860,000,000;

(IX) for fiscal year 2020, an appropriation of $935,000,000, and an additional appropriation of $890,000,000; and

(X) for fiscal year 2021, an appropriation of $963,000,000, and an additional appropriation of $924,000,000.
(iii) DEFINITIONS.—As used in this subparagraph, the terms “continuing disability reviews” and “Supplemental Security Income redeterminations” mean continuing disability reviews under titles II and XVI of the Social Security Act and redeterminations of eligibility under title XVI of the Social Security Act.

(iv) REPORT.—The Commissioner of Social Security shall provide annually to the Congress a report on continuing disability reviews and Supplemental Security Income redeterminations which includes—

(I) the amount spent on continuing disability reviews and Supplemental Security Income redeterminations in the fiscal year covered by the report, and the number of reviews and redeterminations conducted, by category of review or redetermination;

(II) the results of the continuing disability reviews and Supplemental Security Income redeterminations in terms of cessations of benefits or de-
terminations of continuing eligibility,
by program; and

(III) the estimated savings over
the short-, medium-, and long-term to
the old-age, survivors, and disability
insurance, supplemental security in-
come, Medicare, and medicaid pro-
grams from continuing disability re-
views and Supplemental Security In-
come redeterminations which result in
cessations of benefits and the esti-
imated present value of such savings.

(B) INTERNAL REVENUE SERVICE TAX EN-
FORCEMENT.—

(i) IN GENERAL.—If a bill or joint
resolution is reported making appropria-
tions in a fiscal year to the Internal Rev-
ene Service of not less than the first
amount specified in clause (ii) for tax com-
pliance activities to address the Federal
tax gap (taxes owed but not paid), and
provides an additional appropriation for
tax compliance activities to address the
Federal tax gap of an amount further
specified in clause (ii), then the discre-
tionary spending limits, allocation to the Committees on Appropriations of each House, and aggregates for that year may be adjusted by the amount in budget authority not to exceed the amount of additional or enhanced tax enforcement provided in such legislation for that fiscal year.

(ii) Amounts Specified.—The amounts specified are—

(I) for fiscal year 2012, an appropriation of $5,186,000,000, and an additional $715,000,000 for additional or enhanced tax enforcement;

(II) for fiscal year 2013, an appropriation of $5,186,000,000, and an additional $1,281,000,000 for additional or enhanced tax enforcement;

(III) for fiscal year 2014, an appropriation of $5,333,000,000, and an additional $1,639,000,000 for additional or enhanced tax enforcement;

(IV) for fiscal year 2015, an appropriation of $5,489,000,000, and an
additional $2,016,000,000 for additional or enhanced tax enforcement;

(V) for fiscal year 2016, an appropriation of $5,662,000,000, and an additional $2,465,000,000 for additional or enhanced tax enforcement;

(VI) for fiscal year 2017, an appropriation of $5,858,000,000, and an additional $2,447,000,000 for additional or enhanced tax enforcement;

(VII) for fiscal year 2018, an appropriation of $6,065,000,000, and an additional $2,421,000,000 for additional or enhanced tax enforcement;

(VIII) for fiscal year 2019, an appropriation of $6,284,000,000, and an additional $2,383,000,000 for additional or enhanced tax enforcement;

(IX) for fiscal year 2020, an appropriation of $6,493,000,000, and an additional $2,371,000,000 for additional or enhanced tax enforcement; and

(X) for fiscal year 2021, an appropriation of $6,705,000,000, and an
additional $2,361,000,000 for additional or enhanced tax enforcement.

(iii) **DEFINITION.**—In this subparagraph, the term “additional appropriation for tax compliance activities” means new and continuing investments in expanding and improving the effectiveness and efficiency of the overall tax enforcement and compliance program of the Internal Revenue Service. Such new and continuing investments include, but are not limited to, additional resources for implementing new authorities and for conducting additional examinations, audits, and enhanced third party data matching.

(iv) **FIRST AMOUNT.**—The first amount specified in clause (ii) is the amount provided for a fiscal year under the heading “Enforcement” for the Internal Revenue Service.

(v) **AMOUNT FURTHER SPECIFIED.**—The amount further specified in clause (ii) is the amount under one or more headings in an appropriations act for the Internal Revenue Service that is specified to pay for
the costs of the additional appropriation
tax compliance activities, but such amount
shall be “0” (zero) unless the appropria-
tions act under the heading “Operations
Support” for the Internal Revenue Service
provides that such sums as are necessary
shall be available, under the “Operations
Support” heading, to fully support tax en-
forcement and compliance activities.

(C) HEALTH CARE FRAUD AND ABUSE
CONTROL.—

(i) IN GENERAL.—If a bill or joint
resolution is reported making appropria-
tions in a fiscal year for program integrity
or fraud and abuse activities under the
heading “Health Care Fraud and Abuse
Control Account” program for the Depart-
ment of Health and Human Services of up
to the amount specified in clause (ii), then
the discretionary spending limits, allocation
to the Committees on Appropriations of
each House, and aggregates for that year
may be adjusted in an amount not to ex-
ceed the amount in budget authority pro-
vided for that program for that fiscal year.
(ii) Amounts specified.—The amounts specified are—

(I) for fiscal year 2012, an appropriation of $581,000,000;

(II) for fiscal year 2013, an appropriation of $610,000,000;

(III) for fiscal year 2014, an appropriation of $640,000,000;

(IV) for fiscal year 2015, an appropriation of $672,000,000;

(V) for fiscal year 2016, an appropriation of $706,000,000;

(VI) for fiscal year 2017, an appropriation of $725,000,000;

(VII) for fiscal year 2018, an appropriation of $745,000,000;

(VIII) for fiscal year 2019, an appropriation of $765,000,000;

(IX) for fiscal year 2020, an appropriation of $786,000,000; and

(X) for fiscal year 2021, an appropriation of $807,000,000.

(iii) Definition.—As used in this subparagraph the term “program integrity or fraud and abuse activities” means—
(I) those activities authorized by section 1817(k)(3) of the Social Security Act; and

(II) those activities, including administrative costs, in the Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, in section 1893 of the Social Security Act, in Medicaid authorized in title XIX of the Social Security Act, and in the Children’s Health Insurance Program (“CHIP”) authorized in title XXI of the Social Security Act.

(iv) REPORT.—The report required by section 1817(k)(5) of the Social Security Act for each fiscal year shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this adjustment.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropria-
tions in a fiscal year of the amount specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews under the heading “State Unemployment Insurance and Employment Service Operations” for the Department of Labor, and provides an additional appropriation for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews under the heading “State Unemployment Insurance and Employment Service Operations” for the Department of Labor of up to an amount further specified in clause (ii), then the discretionary spending limits, allocation to the Committees on Appropriations of each House, and aggregates for that year may be adjusted by an amount in budget authority not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year.

(ii) **Amounts Specified.**—The amounts specified are—
(I) for fiscal year 2012, an appropriation of $60,000,000, and an additional appropriation of $10,000,000;

(II) for fiscal year 2013, an appropriation of $60,000,000, and an additional appropriation of $15,000,000;

(III) for fiscal year 2014, an appropriation of $61,000,000, and an additional appropriation of $19,000,000;

(IV) for fiscal year 2015, an appropriation of $61,000,000, and an additional appropriation of $24,000,000;

(V) for fiscal year 2016, an appropriation of $62,000,000, and an additional appropriation of $28,000,000;

(VI) for fiscal year 2017, an appropriation of $63,000,000, and an additional appropriation of $28,000,000;
(VII) for fiscal year 2018, an appropriation of $64,000,000, and an additional appropriation of $29,000,000;

(VIII) for fiscal year 2019, an appropriation of $64,000,000, and an additional appropriation of $30,000,000;

(IX) for fiscal year 2020, an appropriation of $65,000,000, and an additional appropriation of $31,000,000; and

(X) for fiscal year 2021, an appropriation of $66,000,000, and an additional appropriation of $31,000,000.

(iii) DEFINITIONS.—As used in this subparagraph, the terms “in-person reemployment and eligibility assessments” and “unemployment improper payment reviews” mean reviews or assessments conducted in local workforce offices to determine the continued eligibility of an unemployment insurance claimant under the Federal Unemployment Tax Act, Title III.
of the Social Security Act, and applicable State laws, to ensure they are meeting their obligation to search for work as a condition of eligibility, and to speed their return to work.

(3) **OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.**—

(A) **CAP ADJUSTMENT.**—The discretionary spending limits, allocation to the Committees on Appropriations of each House, and aggregates for that year may be adjusted by an amount in budget authority not to exceed the amount provided in such legislation for that purpose for that fiscal year, but not to exceed in aggregate the amounts specified in subparagraph (B) for any—

(i) bills reported by the Committees on Appropriations of either House or in the Senate, passed by the House of Representatives;

(ii) joint resolutions or amendments reported by the Committees on Appropriations of either House;

(iii) amendments between the Houses, Senate amendments to such amendments
offered by the authority of the Committee on Appropriations of the Senate, or House amendments to such amendments offered by the authority of the Committee on Appropriations in the House of Representatives; or

(iv) conference reports; making appropriations for overseas deployments and related activities.

(B) Levels.—

(i) Levels.—The initial levels for overseas deployments and related activities specified in this subparagraph are as follows:

(I) For fiscal year 2012, $126,544,000,000 in budget authority.

(II) For the total of fiscal years 2013–2021, $450,000,000,000 in budget authority.

(ii) Levels for Congressional Enforcement.—For each fiscal year after fiscal year 2012, Congress shall adopt in the concurrent resolution on the budget for that fiscal year an adjustment for overseas deployments and related activities.
deployments and related activities, pro-
vided that Congress may not adopt an ad-
justment for any fiscal year that would
cause the total adjustments for fiscal years
2013–2021 to exceed the amount author-
ized in subclause (II).

(iii) ACCOUNTING FOR OVERSEAS DE-
PLOYMENT AND RELATED ACTIVITIES.—In
any report issued under section 7(f), the
Office of Management and Budget shall
state the total amount of spending on over-
seas deployments and related activities for
fiscal years 2013–2021 and the estimated
amount of budget authority adjustment re-
maining for that period.

(C) ADJUSTMENT FOR OFFSET OVERSEAS
DEPLOYMENT COSTS.—The levels set in sub-
paragraph (B) may be further adjusted by the
amount of budget authority provided in legisla-
tion for additional costs associated with over-
seas deployments and related activities if the
amount of budget authority above those levels is
offset.

(4) ADJUSTMENTS FOR DISASTER FUNDING.—
(A) IN GENERAL.—If, for fiscal years 2011 through 2021, appropriations for discretionary accounts are enacted that Congress designates as being for disaster relief in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as being for disaster relief, but not to exceed the total of—

(i) the average funding provided for disasters over the previous ten years, excluding the highest and lowest years; and

(ii) for years when the enacted new discretionary budget authority designated as being for disaster relief for the preceding fiscal year was less than the average as calculated in (A) for that year, the difference between the enacted amount and the allowable adjustment as calculated in (A) for that year.

(B) OMB REPORT.—The Office of Management and Budget shall report to the Committees on Appropriations in each House the adjustment for disaster funding for fiscal year 2011, and a preview report of the estimated
level for fiscal year 2012, not later than 30
days after enactment of this section.

(d) LIMITATIONS ON CHANGES TO THIS SECTION.—
Unless otherwise specifically provided in this section, it
shall not be in order in the Senate or the House of Rep-
resentatives to consider any bill, resolution (including a
concurrent resolution on the budget), amendment, motion,
or conference report that would repeal or otherwise change
this section.

(e) WAIVER AND APPEAL.—
(1) WAIVER.—In the Senate, subsections (a)
through (d) shall be waived or suspended only—
(A) by the affirmative vote of three-fifths
of the Members, duly chosen and sworn; or
(B) if the provisions of section (f)(8) are
in effect.

(2) APPEAL.—Appeals in the Senate from the
decisions of the Chair relating to any provision of
this section shall be limited to 1 hour, to be equally
divided between, and controlled by, the appellant
and the manager of the measure. 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 section.
(f) **End-of-Year Sequester for Exceeding Discretionary Caps.**—

(1) **Sequestration.**—

(A) **In General.**—Not later than 15 calendar days after Congress adjourns to end a session, there shall be a sequestration to eliminate a budget-year breach, if any, within the discretionary categories as set by subsection (b).

(B) **Overseas Deployments.**—Any amount of budget authority for overseas deployments and related activities for fiscal year 2012 in excess of the levels set in subsection (c)(3)(B)(i), or for fiscal years 2013–2021 that would cause the total adjustment for fiscal years 2013–2021 to exceed the amount authorized in section (c)(3)(B)(II), that is not otherwise offset pursuant subsection (c)(3)(C)(i) shall be counted in determining whether a breach has occurred in the security category (for fiscal years 2012 and 2013) or the discretionary category (thereafter).

(C) **Emergency Spending.**—

(i) **Effect of Designation in Statute.**—If, for any fiscal year, appropria-
tions for discretionary accounts are enacted that Congress designates as emergency requirements in statute pursuant to this subsection, the total of such budget authority in discretionary accounts designated as emergency requirements in all fiscal years from such appropriations shall not be counted in determining whether a breach has occurred, and shall not count for the purposes of Congressional enforcement.

(ii) Designation in the House of Representatives.—If an appropriations act includes a provision expressly designated as an emergency for the purposes of this section, the Chair shall put the question of consideration with respect thereto.

(iii) Point of Order in the Senate.—

(I) In general.—When the Senate is considering an appropriations act, if a point of order is made by a Senator against an emergency designation in that measure, that pro-
vision making such a designation shall 
be stricken from the measure and may 
not be offered as an amendment from 
the floor.

(II) **Supermajority waiver**

and appeals.—

(aa) **Waiver.**—Subclause

(I) may be waived or suspended 
in the Senate only by an affirmativa-
vote of three-fifths of the 
Members, duly chosen and sworn.

(bb) **Appeals.**—Appeals in 
the Senate from the decisions of 
the Chair relating to any provi-
sion of this subsection shall be 
limited to 1 hour, to be equally 
divided between, and controlled 
by, the appellant and the man-
ger of the bill or joint resolu-
tion, as the case may be. An af-
firmative vote of three-fifths of 
the Members of the Senate, duly 
chosen and sworn, shall be re-
quired to sustain an appeal of 
the ruling of the Chair on a point
of order raised under this subsection.

(III) Definition of an emergency designation.—For purposes of subclause (I), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(IV) Form of the point of order.—A point of order under subclause (I) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(V) Conference reports.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, an appropriations act, 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 under the same conditions as was the conference report. 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.

(2) Eliminating a Breach.—Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate a breach within that category.

(3) Military Personnel.—
(A) In general.—The President may, with respect to any military personnel account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply, provided that the President has notified Congress of the manner in which such authority will be exercised pursuant to paragraph (7)(A)(ii).

(B) Reductions.—If the President uses the authority to exempt any military personnel from sequestration under paragraph (7)(A)(ii), each account within subfunctional category 051 (other than those military personnel accounts for which the authority provided under clause (i) has been exercised) shall be further reduced by a dollar amount calculated by multiplying the enacted level of non-exempt budgetary resources in that account at that time by the uniform percentage necessary to offset the total dollar amount by which budget authority is not reduced in military personnel accounts by reason of the use of such authority.

(4) Part-year appropriations.—If, on the date specified in paragraph (1), there is in effect an Act making or continuing appropriations for part of
a fiscal year for any budget account, then the dollar
sequestration calculated for that account under
paragraphs (2) and (3) shall be subtracted from—

(A) the annualized amount otherwise avail-
able by law in that account under that or a sub-
sequent part-year appropriation; and

(B) when a full-year appropriation for that
account is enacted, from the amount otherwise
provided by the full-year appropriation.

(5) LOOK-BACK.—If, after June 30, an appro-
priation for the fiscal year in progress is enacted
that causes a breach within a category for that year
(after taking into account any sequestration of
amounts within that category), the discretionary
spending limits for that category for the next fiscal
year shall be reduced by the amount or amounts of
that breach.

(6) WITHIN-SESSION SEQUESTRATION.—If an
appropriation for a fiscal year in progress is enacted
(after Congress adjourns to end the session for that
budget year and before July 1 of that fiscal year)
that causes a breach within a category for that year
(after taking into account any prior sequestration of
amounts within that category), 15 days after such
enactment there shall be a sequestration to eliminate
that breach within that category following the procedures set forth in paragraphs (2) through (4).

(7) Reports.—

(A) Sequestration preview report.—

(i) In general.—Not later than 5 days before the date of the President’s budget submission for CBO, and the date of the President’s budget submissions for OMB, OMB and CBO shall issue a preview report regarding discretionary spending based on laws enacted through those dates. The preview report shall set forth estimates for the current year and each subsequent year through 2021 of the applicable discretionary spending limits for each category and an explanation of any adjustments in such limits under this section.

(ii) Notification regarding military personnel.—On or before the date of the sequestration preview report, the President shall notify the Congress of the manner in which he intends to exercise flexibility with respect to military personnel accounts under subsection (f)(3).
(iii) **Explanation of Differences.**—The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

(B) **Sequestration Update Report.**—Not later than August 15 for CBO, and August 20 for OMB, OMB and CBO shall issue a sequestration update report, reflecting laws enacted through those dates, containing all of the information required in the sequestration preview reports. This report shall also contain a preview estimate of the adjustment for disaster funding for the upcoming fiscal year.

(C) **Final Sequestration Report.**—Not later than 10 days after the end of session for CBO, and 14 days after the end of session for OMB (excluding weekends and holidays), OMB and CBO shall issue a final sequestration report, updated to reflect laws enacted through those dates, with estimates for each of the following:

(i) For the current year and each subsequent year through 2021 the applicable discretionary spending limits for each cat-
category and an explanation of any adjustments in such limits under this section, including a final estimate of the disaster funding adjustment.

(ii) For the current year and the budget year the estimated new budget authority for each category and the breach, if any, in each category.

(iii) For each category for which a sequestration is required, the sequestration percentages necessary to achieve the required reduction.

(iv) For the budget year, for each account to be sequestered, estimates of the baseline level of sequesterable budgetary resources and the amount of budgetary resources to be sequestered.

(8) SUSPENSION IN THE EVENT OF LOW GROWTH.—Section 254(i) and subsections (a), (b)(1), and (c) of section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 with respect to suspension of this section for low growth only shall apply to this section, provided that those sections are deemed not to apply to titles III and IV.

(g) **Definitions.**—

(1) **Nonsecurity category.**—The term “nonsecurity category” means all discretionary appropriations, as that term is defined in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985, not included in the security category defined in this Act, but does not include any appropriations designated for overseas deployments and related activities pursuant to section (c)(3), or appropriations designated as an emergency pursuant to this Act.

(2) **Security category.**—The term “security category” includes discretionary appropriations, as that term is defined in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985, in budget functions 050 and 700, but does not include any appropriations designated for overseas deployments and related activities pursuant to section (c)(3), or appropriations designated as an emergency pursuant to this Act.

(3) **Discretionary category.**—The term “discretionary category” includes all discretionary appropriations designated as an emergency pursuant
to this Act, as that term is defined in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985, but does not include any appropriations designated for overseas deployments and related activities pursuant to section (c)(3), or appropriations designated as an emergency pursuant to this Act.

(4) Advance Appropriation.—The term “advance appropriation” means appropriations of new budget authority that become available one or more fiscal years beyond the fiscal year for which the appropriation act was passed.

(5) Discretionary Spending Limits.—The term “discretionary spending limits” means the amounts specified in section 101 of this Act.

(6) Definitions.—To the extent they are not defined in this section, the terms used in this section shall have the same meaning as the terms defined in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(h) Sequestration Rules.—

(1) In General.—Subsections (g) and (k) of section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall apply to sequestration under this Act.
(2) INTERGOVERNMENTAL FUNDS.—For purposes of sequestration under this section, budgetary resources shall not include activities financed by voluntary payments to the Government for goods and services to be provided for such payments, intragovernmental funds paid in from other Government accounts, and unobligated balances of prior year appropriations.

SEC. 102. SENATE BUDGET ENFORCEMENT.

(a) IN GENERAL.—

(1) For the purpose of enforcing the Congressional Budget Act of 1974 through April 15, 2012, including section 300 of that Act, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels set in subsection (b)(1) shall apply in the Senate in the same manner as a concurrent resolution on the budget for fiscal year 2012 with appropriate budgetary levels for fiscal years 2011 and 2013 through 2021.

(2) For the purpose of enforcing the Congressional Budget Act of 1974 after April 15, 2012, including section 300 of that Act, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels
set in subsection (b)(2) shall apply in the Senate in
the same manner as a concurrent resolution on the
budget for fiscal year 2013 with appropriate budg-
etary levels for fiscal years 2012 and 2014 through
2022.

(b) Committee Allocations, Aggregates and
Levels.—

(1) As soon as practicable after the date of en-
actment of this section, the Chairman of the Com-
mittee on the Budget shall file—

(A) for the Committee on Appropriations,
committee allocations for fiscal years 2011 and
2012 consistent with the discretionary spending
limits set forth in this Act for the purpose of
enforcing section 302 of the Congressional
Budget Act of 1974;

(B) for all committees other than the Com-
mittee on Appropriations, committee allocations
for fiscal years 2011, 2012, 2012–2016, and
2012–2021 consistent with the Congressional
Budget Office’s March 2011 baseline adjusted
to account for the budgetary effects of this Act
and legislation enacted prior to this Act but not
included in the Congressional Budget Office’s
March 2011 baseline, for the purpose of enfore-
ing section 302 of the Congressional Budget Act of 1974;

(C) aggregate spending levels for fiscal years 2011 and 2012 and aggregate revenue levels fiscal years 2011, 2012, 2012–2016, 2012–2021 consistent with the Congressional Budget Office’s March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office’s March 2011 baseline, and the discretionary spending limits set forth in this Act for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(D) levels of Social Security revenues and outlays for fiscal years 2011, 2012, 2012–2016, and 2012–2021 consistent with the Congressional Budget Office’s March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office’s March 2011 baseline, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.
(2) Not later than April 15, 2012, the Chairman of the Committee on the Budget shall file—

(A) for the Committee on Appropriations, committee allocations for fiscal years 2012 and 2013 consistent with the discretionary spending limits set forth in this Act for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(B) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2012, 2013, 2013–2017, and 2013–2022 consistent with the Congressional Budget Office’s March 2012 baseline for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(C) aggregate spending levels for fiscal years 2012 and 2013 and aggregate revenue levels fiscal years 2012, 2013, 2013–2017, and 2013–2022 consistent with the Congressional Budget Office’s March 2012 baseline and the discretionary spending limits set forth in this Act for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(D) levels of Social Security revenues and outlays for fiscal years 2012 and 2013, 2013–
2017, and 2013–2022 consistent with the Congression


(c) **Senate Pay-As-You-Go Scorecard.**—

(1) Upon the date of enactment of this section, for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to zero.

(2) Not later than April 15, 2012, for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to zero.

(3) Upon resetting the Senate paygo scorecard pursuant to paragraph (2), the Chairman shall publish a notification of such action in the Congressional Record.

(d) **Further Adjustments.**—

(1) The Chairman of the Committee on the Budget may revise any allocations, aggregates, or
levels set pursuant to this section to account for any
subsequent adjustments to discretionary spending
limits made pursuant to this Act.

(2) With respect to any allocations, aggregates,
or levels set or adjustments made pursuant to this
section, sections 412 through 414 of S. Con. Res. 13
(111th Congress) shall remain in effect.

(e) Expiration.—

(1) Sections (a)(1), (b)(1), and (e)(1) shall ex-
pire if a concurrent resolution on the budget for fis-
cal year 2012 is agreed to by the Senate and House
of Representatives pursuant to section 301 of the

(2) Sections (a)(2), (b)(2), and (e)(2) shall ex-
pire if a concurrent resolution on the budget for fis-
cal year 2013 is agreed to by the Senate and House
of Representatives pursuant to section 301 of the

TITLE II—OTHER SPENDING CUTS

Subtitle A—Spectrum Auction Proposals and Public Safety Broadband Network

SEC. 211. DEFINITIONS.

In this subtitle, the following definitions shall apply:
(1) **700 MHz Band.**—The term “700 MHz band” means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) **700 MHz D Block Spectrum.**—The term “700 MHz D block spectrum” means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(3) **Appropriate Committees of Congress.**—Except as otherwise specifically provided, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(4) **Assistant Secretary.**—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

(5) **Commission.**—The term “Commission” means the Federal Communications Commission.
(6) CORPORATION.—The term “Corporation” means the Public Safety Broadband Corporation established under section 244.

(7) EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.—The term “existing public safety broadband spectrum” means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz;

and

(D) from 798 megahertz to 799 megahertz.

(8) FEDERAL ENTITY.—The term “Federal entity” has the same meaning as in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(9) NARROWBAND SPECTRUM.—The term “narrowband spectrum” means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.
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(10) NIST.—The term “NIST” means the National Institute of Standards and Technology.

(11) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration.

(12) Public Safety Entity.—The term “public safety entity” means an entity that provides public safety services.

(13) Public Safety Services.—The term “public safety services”—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

SEC. 221. CLARIFICATION OF AUTHORITIES TO REPURPOSE FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES.

(a) Eligible Federal Entities.—Section 113(g)(1) of the National Telecommunications and Infor-
mation Administration Organization Act (47 U.S.C.
923(g)(1)) is amended to read as follows:

“(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-
eral entity that operates a Federal Government sta-
tion authorized to use a band of frequencies speci-
fied in paragraph (2) and that incurs relocation
costs because of planning for a potential auction of
spectrum frequencies, a planned auction of spectrum
frequencies, or the reallocation of spectrum fre-
quencies from Federal use to exclusive non-Federal
use, or shared Federal and non-Federal use shall re-
ceive payment for such costs from the Spectrum Re-
location Fund, in accordance with section 118 of
this Act. For purposes of this paragraph, Federal
power agencies exempted under subsection (c)(4)
that choose to relocate from the frequencies identi-
fi ed for reallocation pursuant to subsection (a), are
eligible to receive payment under this paragraph.”.

(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B)
of the National Telecommunications and Information Ad-
ministration Organization Act (47 U.S.C. 923(g)(2)(B))
is amended to read as follows:

“(B) any other band of frequencies reallo-
cated from Federal use to non-Federal or
shared use, whether for licensed or unlicensed
use, after January 1, 2003, that is assigned—
“(i) by competitive bidding pursuant
to section 309(j) of the Communications
Act of 1934 (47 U.S.C. 309(j)); or
“(ii) as a result of an Act of Congress
or any other administrative or executive di-
rection.”.
(c) Definition of Relocation and Sharing
Costs.—Section 113(g)(3) of the National Telecommu-
cations and Information Administration Organization Act
(47 U.S.C. 923(g)(3)) is amended to read as follows:
“(3) Definition of relocation and sharing costs.—For purposes of this subsection, the
terms ‘relocation costs’ and ‘sharing costs’ mean the
costs incurred by a Federal entity to plan for a po-
tential or planned auction or sharing of spectrum
frequencies and to achieve comparable capability of
systems, regardless of whether that capability is
achieved by relocating to a new frequency assign-
ment, relocating a Federal Government station to a
different geographic location, modifying Federal
Government equipment to mitigate interference or
use less spectrum, in terms of bandwidth, geog-
raphy, or time, and thereby permitting spectrum
sharing (including sharing among relocated Federal
entities and incumbents to make spectrum available
for non-Federal use) or relocation, or by utilizing an
alternative technology. Comparable capability of sys-
tems includes the acquisition of state-of-the art re-
placement systems intended to meet comparable
operational scope, which may include incidental in-
creases in functionality. Such costs include—

“(A) the costs of any modification or re-
placement of equipment, spares, associated an-
cillary equipment, software, facilities, operating
manuals, training costs, or regulations that are
attributable to relocation or sharing;

“(B) the costs of all engineering, equip-
ment, software, site acquisition, and construc-
tion costs, as well as any legitimate and pru-
dent transaction expense, including term-limited
Federal civil servant and contractor staff nec-
essary to carry out the relocation activities of
an eligible Federal entity, and reasonable addi-
tional costs incurred by the Federal entity that
are attributable to relocation or sharing, includ-
ing increased recurring costs above recurring
costs of the system before relocation for the re-
remaining estimated life of the system being relocated;

“(C) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with—

“(i) calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection, or in calculating the estimated sharing costs;

“(ii) determining the technical or operational feasibility of relocation to 1 or more potential relocation bands; or

“(iii) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

“(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of shared frequencies or, in the case of frequencies reallocated to exclusive commercial use, prior to the termination of the Federal entity’s primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this
subsection are made available for private sector
uses by competitive bidding and a Federal enti-
ty retains primary allocation or protected status
in those frequencies for a period of time after
the completion of the competitive bidding proc-
cess;

“(E) the costs associated with the acceler-
ated replacement of systems and equipment if
such acceleration is necessary to ensure the
timely relocation of systems to a new frequency
assignment or the timely accommodation of
sharing of Federal frequencies; and

“(F) the costs of the use of commercial
systems (including systems not utilizing spec-
trum) to replace Federal systems discontinued
or relocated pursuant to this Act, including
lease, subscription, and equipment costs over an
appropriate period, such as the anticipated life
of an equivalent Federal system or other period
determined by the Director of the Office of
Management and Budget.”.

(d) SPECTRUM SHARING.—Section 113(g) of the Na-
tional Telecommunications and Information Administra-
tion Organization Act (47 U.S.C. 923(g)) is amended by
adding at the end the following:
“(7) Spectrum sharing.—A Federal entity is permitted to allow access to its frequency assignments by a non-Federal entity upon approval of NTIA, in consultation with the Director of the Office of Management and Budget. Such non-Federal entities shall comply with all applicable rules of the Commission and the NTIA, including any regulations promulgated pursuant to this section. Any remuneration associated with such access shall be deposited into the Spectrum Relocation Fund established under section 118. A Federal entity that incurs costs as a result of such access is eligible for payment from the Fund for the purposes specified in paragraph (3) of this section. The revenue associated with such access shall be at least 110 percent of the estimated Federal costs.’’.

(e) Spectrum Relocation Fund.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

(1) in subsection (b), by inserting before the period at the end the following: ‘‘and any payments made by non-Federal entities for access to Federal spectrum pursuant to section 113(g)(7) (47 U.S.C. 113(g)(7))’’;
(2) by amending subsection (c) to read as follows:

“(c) USE OF FUNDS.—

“(1) FUNDS FROM AUCTIONS.—The amounts in
the Fund from auctions of eligible frequencies are
authorized to be used to pay relocation costs, as
such costs are defined in section 113(g)(3), of an eli-
gible Federal entity incurring such costs with re-
spect to relocation from any eligible frequency.

“(2) FUNDS FROM PAYMENTS BY NON-FED-
ERAL ENTITIES.—The amounts in the Fund from
payments by non-Federal entities for access to Fed-
eral spectrum are authorized to be used to pay the
sharing costs, as such costs are defined in section
113(g)(3), of an eligible Federal entity incurring
such costs.

“(3) TRANSFER OF FUNDS.—

“(A) IN GENERAL.—Subject to subpara-
graph (B), the Director of OMB may transfer
at any time (including prior to any auction or
contemplated auction, or sharing initiative)
such sums as may be available in the Fund to
an eligible Federal entity to pay eligible reloca-
tion or sharing costs related to pre-auction esti-
mates or research, as such costs are described in section 113(g)(3)(C).

“(B) LIMITATION.—The Director of OMB may not transfer more than $100,000,000 associated with authorize pre-auction activities before an auction is completed and proceeds are deposited in the Spectrum Relocation Fund.

“(C) APPLICABILITY.—The Director of OMB may transfer up to $10,000,000 to eligible Federal entities for eligible relocation or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(C), for costs incurred prior to the date of the enactment of the Budget Control Act of 2011, but after June 28th, 2010.”;

(3) in subsection (d)—

(A) in paragraph (1), by inserting “and sharing” before “costs”;

(B) in paragraph (2)(B)—

(i) by inserting “and sharing” before “costs”; and

(ii) by inserting “and sharing” before the period at the end; and

(C) by amending paragraph (3) to read as follows:
“(3) Reversion of unused funds.—

“(A) In general.—Any amounts in the Fund that are remaining after the payment of the relocation and sharing costs that are payable from the Fund shall revert to and be deposited in the General Fund of the Treasury not later than 15 years after the date of the deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the Assistant Secretary for Communications and Information, notifies the appropriate committees of Congress that such funds are needed to complete or to implement current or future relocations or sharing initiatives.

“(B) Definition.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Appropriations of the Senate;

“(ii) the Committee on Commerce, Science, and Transportation of the Senate;

“(iii) the Committee on Appropriations of the House of Representatives; and
“(iv) the Committee on Energy and Commerce of the House of Representatives.”;

(4) in subsection (e)(2)—

(A) by inserting “and sharing” before “costs”;

(B) by inserting “or sharing” before “is complete”; and

(C) by inserting “or sharing” before “in accordance”; and

(5) by adding at the end the following:

“(f) ADDITIONAL PAYMENTS FROM THE FUND.—
Notwithstanding subsections (c) through (e), after the date of the enactment of the Budget Control Act of 2011, and following the credit of any amounts specified in subsection (b), there are hereby appropriated from the Fund and available to the Director of the OMB up to 10 percent of the amounts deposited in the Fund from the auction of licenses for frequencies of spectrum vacated by Federal entities, or up to 10 percent of the amounts deposited in the Fund by non-Federal entities for sharing of Federal spectrum. The Director of OMB, in consultation with the Assistant Secretary for Communications and Information, may use such amounts to pay eligible Federal entities for
the purpose of encouraging timely access to such spectrum, provided that—

“(1) any such payment by the Director of OMB is based on the market value of the spectrum, the timeliness of clearing, and needs for essential missions of agencies;

“(2) any such payment by the Director of OMB is used to carry out the purposes specified in subparagraphs (A) through (F) of paragraph (3) of subsection 113(g) to enhance other communications, radar, and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

“(3) the amount remaining in the Fund after any such payment by the Director is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement; and

“(4) any such payment by the Director shall not be made until 30 days after the Director has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate,
and the Committees on Appropriations and Energy and Commerce of the House of Representatives.”.

(f) Competitive Bidding; Treatment of Revenues.—Subparagraph (D) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended by inserting “excluding frequencies identified by the Federal Communications Commission to be auctioned in conjunction with eligible frequencies described in section 113(g)(2)” before “shall be deposited”.

(g) Public Disclosure and Nondisclosure.—If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in notifications and reports required by section 113 or 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923 and 928) would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations, the head of the executive agency shall notify the NTIA of that determination prior to release of such information. In that event, such classified information shall be included in a separate annex, as needed. These annexes shall be provided to the appropriate subcommittee in ac-
cordance with appropriate national security stipulations, but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 222. INCENTIVE AUCTION AUTHORITY.

(a) In General.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by striking “(B), (D), and (E),” and inserting “(B), (D), (E), and (F),”;

and

(2) by adding at the end the following:

“(F) INCENTIVE AUCTION AUTHORITY.—

“(i) Authority.—Notwithstanding any other provision of law, if the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses through a competitive bidding process subject to new service rules, or the designation of new spectrum for unlicensed use, the Commission may disburse to that licensee a portion of any auction proceeds that the Com-
mission determines, in its discretion, are attributable to the licensee’s relinquished spectrum usage rights.

“(ii) REPACKING.—When assigning spectrum to television broadcast station licensees pursuant to clause (i), if the Commission determines that it is in the public interest to modify the spectrum usage rights of any incumbent licensee in order to facilitate the assignment of such new initial licenses subject to new service rules, or the designation of spectrum for an unlicensed use, the Commission may disburse to such licensee a portion of the auction proceeds for the purpose of relocating to any alternative frequency or location that the Commission may designate.

“(iii) UNLICENSED SPECTRUM.—

“(I) IN GENERAL.—With respect to frequency bands between 54 and 72 MHz, 76 and 88 MHz, 174 and 216 MHz, 470 and 698 MHz, 84 MHz (referred to in this clause as the ‘specified bands’) shall be assigned via a competitive bidding process until the
winning bidders for licenses covering
90 megahertz from the specified
bands deposit the full amount of their
bids in accordance with the instruc-
tions of the Commission. In addition,
if more than 90 megahertz of spec-
trum from the specified bands is made
available for alternative use utilizing
payments under this subsection, and
such spectrum is assigned via com-
petitive bidding, a portion of the pro-
cceeds may be disbursed to licensees of
other frequency bands for the purpose
of making additional spectrum avail-
able.

“(II) NOTICE.—The Chairman of
the Commission, in consultation with
the Director of OMB, shall notify the
Committees on Appropriations and
Commerce, Science, and Transporta-
tion of the Senate, and the Commit-
tees on Appropriations and Energy
and Commerce of the House of Rep-
resentatives of the methodology for
calculating such payments to licensees
at least 3 months in advance of the relevant auction, and that such methodology consider the value of spectrum vacated in its current use and the timeliness of clearing.

“(iv) Treatment of Revenues.—

Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (C), and (D), all proceeds (including deposits and up front payments from successful bidders) from the auction of spectrum under this subparagraph shall be deposited with the Public Safety Trust Fund established under section 243 of the Budget Control Act of 2011.

“(G) Establishment of Incentive Auction Relocation Fund.—

“(i) In General.—There is established in the Treasury of the United States a fund to be known as the ‘Incentive Auction Relocation Fund’.

“(ii) Administration.—The Assistant Secretary shall administer the Incentive Auction Relocation Fund using the
amounts deposited pursuant to this section.

“(iii) CREDITING OF RECEIPTS.—
There shall be deposited into or credited to the Incentive Auction Relocation Fund any amounts specified in section 243 of the Budget Control Act of 2011.

“(iv) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the NTIA for use—

“(I) without fiscal year limitation;

“(II) for a period not to exceed 18 months following the later of—

“(aa) the completion of incentive auction from which such amounts were derived; or

“(bb) the date on which the Commission issues all the new channel assignments pursuant to any repacking required under subparagraph (F)(ii); and

“(III) without further appropriation.
“(v) USE OF FUNDS.—Amounts in the Incentive Auction Relocation Fund may only be used by the NTIA, in consultation with the Commission, to cover—

“(I) the reasonable costs of licensees that are relocated to a different spectrum channel or geographic location following an incentive auction under subparagraph (F), or that are impacted by such relocations, including to cover the cost of new equipment, installation, and construction; and

“(II) the costs incurred by multichannel video programming distributors for new equipment, installation, and construction related to the carriage of such relocated stations or the carriage of stations that voluntarily elect to share a channel, but retain their existing rights to carriage pursuant to sections 338, 614, and 615.”.
SEC. 223. INCENTIVE AUCTIONS TO REPURPOSE CERTAIN MOBILE SATELLITE SERVICES SPECTRUM FOR TERRESTRIAL BROADBAND USE.

(a) IN GENERAL.—To the extent that the Commission makes available spectrum licenses on some or all of the frequencies between 2000 and 2020 MHz and 2180 and 2200 MHz for terrestrial broadband use, such licenses shall be assigned pursuant to the authority provided in section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), including, as appropriate, subparagraph (F) of such section.

(b) TERMINATION OF AUTHORITY.—The authority granted under subsection (a) shall terminate on September 30, 2021.

SEC. 224. PERMANENT EXTENSION OF AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is repealed.

SEC. 225. AUTHORITY TO AUCTION LICENSES FOR DOMESTIC SATELLITE SERVICES.

Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding the following:

“(17) AUTHORITY TO AUCTION LICENSES FOR DOMESTIC SATELLITE SERVICES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall use
competitive bidding under this subsection to assign any license, construction permit, reservation, or similar authorization or modification thereof, that may be used solely or predominantly for domestic satellite communications services, including satellite-based television or radio services. The Commission may, however, use an alternative approach to assignment of such licenses or similar authorities if it finds that such an alternative to competitive bidding would serve the public interest, convenience, and necessity.

“(B) DEFINITION.—In this paragraph, the term ‘predominantly for domestic satellite communications services’ means a service provided in which the majority of customers that may be served are located within the geographic boundaries of the United States.

“(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall take effect on the date of enactment of this paragraph and shall apply to all Commission assignments or reservations of spectrum for domestic satellite services, including, but not limited to, all assignments or reservations for satellite-based tel-
vision or radio services as of the effective date.’’

SEC. 226. AUCTION OF SPECTRUM.

(a) Identification of Spectrum.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall identify and make available for immediate reallocation or sharing with incumbent Government operations, at a minimum, 15 megahertz of contiguous spectrum at frequencies located between 1675 megahertz and 1710 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA’s October 2010 report entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”.

(b) Auction.—

(1) In general.—Not later than January 31, 2016, the Commission shall conduct the auctions of the following licenses, by commencing the bidding for:

(A) The spectrum between the frequencies of 1915 megahertz and 1920 megahertz, inclusive.
(B) The spectrum between the frequencies of 1995 megahertz and 2000 megahertz, inclusive.

(C) The spectrum between the frequencies of 2020 megahertz and 2025 megahertz, inclusive.

(D) The spectrum between the frequencies of 2155 megahertz and 2175 megahertz, inclusive.

(E) The spectrum between the frequencies of 2175 megahertz and 2180 megahertz, inclusive.

(F) Subject to paragraph (2), 25 megahertz of spectrum between the frequencies of 1755 megahertz, minus appropriate geographic exclusion zones.

(G) The spectrum identified pursuant to subsection (a).

(2) LIMITATION.—The Commission may conduct the auctions of the licenses described in paragraph (1) unless the President determines that—

(A)(i) such spectrum should not be reallocated due to the need to protect incumbent Federal operations; or
(ii) reallocation must be delayed or pro-
gressed in phases to ensure protection or con-
tinuity of Federal operations; and

(B) allocation of other spectrum—

(i) better serves the public interest,
convenience, and necessity; and

(ii) can reasonably be expected to
produce receipts comparable to auction of
spectrum frequencies identified in this
paragraph.

(c) AUCTION ORGANIZATION.—The Commission may,
if technically feasible and consistent with the public inter-
est, combine the spectrum identified in paragraphs (4),
(5), and the portion of paragraph (6) between the fre-
quencies of 1755 megahertz and 1780 megahertz, inclu-
sive, of subsection (b) in an auction of licenses for paired
spectrum blocks.

(d) FURTHER REALLOCATION OF CERTAIN OTHER
SPECTRUM.—

(1) COVERED SPECTRUM.—For purposes of this
subsection, the term “covered spectrum” means the
portion of the electromagnetic spectrum between the
frequencies of 3550 to 3650 megahertz, inclusive,
minus the geographic exclusion zones, or any amend-
ment thereof, identified in NTIA’s October 2010 re-
port entitled “An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3550–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands”.

(2) In General.—Consistent with requirements of section 309(j) of the Communications Act of 1934, the Commission shall reallocate covered spectrum for assignment by competitive bidding unless the President of the United States determines that—

(A) such spectrum cannot be reallocated due to the need to protect incumbent Federal systems from interference; or

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to what the covered spectrum might auction for without the geographic exclusion zones.

(3) Actions required if covered spectrum cannot be reallocated.—

(A) In General.—If the President makes a determination under paragraph (2) that the
covered spectrum cannot be reallocated, then
the President shall, within 1 year after the date
of such determination—

(i) identify alternative bands of fre-
quencies totaling more than 20 megahertz
and no more than 100 megahertz of spec-
trum used primarily by Federal agencies
that satisfy the requirements of clauses (i)
and (ii) of paragraph (2)(B);

(ii) report to the President and appro-
priate committees of Congress and the
Commission an identification of such alter-
native spectrum for assignment by com-
petitive bidding; and

(iii) make such alternative spectrum
for assignment immediately available for
reallocation.

(B) AUCTION.—If the President makes a
determination under paragraph (2) that the
covered spectrum cannot be reallocated, the
Commission shall commence the bidding of the
alternative spectrum identified pursuant to sub-
paragraph (A) within 3 years of the date of en-
actment of this Act.
(4) Actions required if covered spectrum can be reallocated.—If the President does not make a determination under paragraph (1) that the covered spectrum cannot be reallocated, the Commission shall commence the competitive bidding for the covered spectrum within 3 years of the date of enactment of this Act.

(e) Amendments to design requirements related to competitive bidding.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (E)(ii), by striking ‘‘; and’’ and inserting a semicolon; and

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(2) by amending clause (i) of the second sentence of paragraph (8)(C) to read as follows:

“(i) the deposits—

“(I) of successful bidders of any auction conducted pursuant to subparagraph (F) or to section 226 of the Budget Control Act of 2011 shall be paid to the Public Safety Trust
Fund established under section 243 of the Budget Control Act of 2011; and “(II) of successful bidders of any other auction shall be paid to the Treasury.”.

SEC. 227. REPORT TO CONGRESS ON IMPROVING SPECTRUM MANAGEMENT.

Not later than 90 days after the date of enactment of this part, the NTIA shall submit to the appropriate committees of Congress a report on the status of the NTIA’s plan to implement the recommendations contained in the “President’s Memorandum on Improving Spectrum Management for the 21st Century”, 49 Weekly Comp. Pres. Doc. 2875, Nov. 29, 2004.

PART II—PUBLIC SAFETY BROADBAND NETWORK

SEC. 241. REALLOCATION OF D BLOCK FOR PUBLIC SAFETY.

(a) IN GENERAL.—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this Act.

(b) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking “24” in paragraph (1) and inserting “34”; and
(2) by striking “36” in paragraph (2) and inserting “26”.

SEC. 242. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require and subject to interoperability requirements of the Commission and the Corporation (to be established in subsequent legislation, to provide governance of the network, development of standards to promote system-wide interoperability and security, and implementation grants, where necessary, to state, local and Tribal entities).

SEC. 243. PUBLIC SAFETY TRUST FUND.

(a) Establishment of Public Safety Trust Fund.—

(1) In general.—There is established in the Treasury of the United States a trust fund to be known as the “Public Safety Trust Fund”.

(2) Crediting of receipts.—

(A) In general.—There shall be deposited into or credited to the Public Safety Trust Fund the proceeds from the auction of spectrum carried out pursuant to—
(i) section 102 of this Act; and

(ii) section 309(j)(8)(F) of the Communications Act of 1934, as added by section 102 of this Act.

(B) Availability.—Amounts deposited into or credited to the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available until the end of fiscal year 2017. Upon the expiration of the period described in the prior sentence such amounts shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) Appropriation.—There is hereby appropriated from the Public Safety Trust Fund to the Secretary of Commerce $7,000,000,000, to remain available through fiscal year 2017, for the establishment of a national network to support secure and interoperable public-safety broadband communications: Provided, That the Secretary may make shall make these amounts available to a Public Safety Broadband Corporation, to be established in a subsequent statute, to support the Corporation’s activities in providing governance of such network; in developing standards to promote systemwide interoperability and security of such network; in entering into contracts with the
National Institute of Standards and Technology (NIST), for NIST to provide services to the Corporation; and in making grants, as necessary, to State, local, and tribal entities for their activities in support of such network: Provided further, That the Secretary shall make these amounts available to such Corporation after submission of a spend plan by the Corporation and approval by the Secretary of Commerce, in consultation with the Secretary of Homeland Security, Director of the Office of Management and Budget, and Attorney General of the United States.

SEC. 244. PUBLIC SAFETY RESEARCH AND DEVELOPMENT.

After approval by the Office of Management and Budget of a spend plan developed by the Director of NIST, up to $300,000,000 for fiscal year 2012 shall be made available for use by the Director of NIST to carry out a research program on public safety wireless communications. If less than $300,000,000 is approved by the Office of Management and Budget, the remainder shall be transferred to the Public Safety Broadband Corporation, to be established in subsequent statute, and be available to support the Corporation’s activities in providing governance of a national network to support secure and interoperable public-safety broadband communications; in developing standards to promote systemwide interoper-
ability and security of such network; and in making grants, as necessary, to State, local, and tribal entities for their activities in support of such network.

SEC. 245. INCENTIVE AUCTION RELOCATION FUND.

Not more than $1,000,000,000 shall be deposited in the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

SEC. 246. FEDERAL INFRASTRUCTURE SHARING.

(a) In General.—The Administrator of General Services shall establish rules to allow public safety entities licensed or otherwise permitted to use spectrum allocated to the Public Safety Broadband Corporation and other non-Federal users of spectrum to have access to those components of Federal infrastructure appropriate for the construction and maintenance of the nationwide public safety interoperable broadband network to be established under this part or operation of a commercial or other non-Federal wireless networks.

(b) Required Payment.—Rules established by the Administrator shall require payments from public safety entities or other non-Federal users to cover at least the full incremental costs of using Federal infrastructure.

(c) Payment Above Full Incremental Cost.—The Administrator may adopt rules to charge more than the full incremental cost of using the Federal infrastruc-
ture if demand for use of a component of Federal infra-
structure by non-Federal entities is greater than can be
accommodated, as determined by the Administrator. How-
ever, the rules established by the Administrator shall
prioritize use by Federal agencies over public safety enti-
ties and prioritize use by public safety entities over com-
mercial or other non-Federal entities.

(d) USE OF FUNDS.—Remuneration received for use
of Federal infrastructure is available to the Administrator
without further appropriation to pay for the full incre-
mental costs of using the infrastructure. Any amounts re-
ceived above the full incremental cost shall be deposited
in the general fund of the Treasury.

SEC. 247. FCC REPORT ON EFFICIENT USE OF PUBLIC
SAFETY SPECTRUM.

(a) IN GENERAL.—Not later than 180 days after the
date of enactment of this Act and every 2 years thereafter,
the Commission shall, in consultation with the Assistant
Secretary and the Director of NIST, conduct a study and
submit to the appropriate committees of Congress a report
on the spectrum allocated for public safety use.

(b) CONTENTS.—The report required by subsection
(a) shall include—

(1) an examination of how such spectrum is
being used;
(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by section 222.

Subtitle B—Federal Pell Grant and Student Loan Program Changes

SEC. 251. FEDERAL PELL GRANT AND STUDENT LOAN PROGRAM CHANGES.


(1) in subclause (II), by striking “$3,183,000,000” and inserting “$13,683,000,000”;

and

(2) in subclause (III), by striking “$0” and inserting “$7,500,000,000”.

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(b) Termination of Authority To Make Interest Subsidized Loans to Graduate and Professional Students.—Section 455(a) of the Higher Education Act of 1965 (20 U.S.C. 1087e(a)) is amended by adding at the end the following:

“(3) Termination of Authority to Make Interest Subsidized Loans to Graduate and Professional Students.—Notwithstanding any provision of this part or part B, for any period of instruction beginning on or after July 1, 2012—

“(A) a graduate or professional student shall not be eligible to receive a subsidized Federal Direct Stafford Loan under this part;

“(B) the maximum annual amount of Federal Direct Unsubsidized Stafford Loans such a student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the maximum annual amount for such student determined under section 428H, plus an amount equal to the amount of Federal Direct Subsidized Loans the student would have received in the absence of this paragraph; and

“(C) the maximum aggregate amount of Federal Direct Unsubsidized Stafford Loans such a student may borrow shall be the max-
imum aggregate amount for such student deter-
determined under section 428H, adjusted to reflect
the increased annual limits described in sub-
paragraph (B), as prescribed by the Secretary
by regulation.”.

(c) Inapplicability of Title IV Negotiated
Rulemaking and Master Calendar Exception.—
Sections 482(c) and 492 of the Higher Education Act of
1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the
amendments made by this section, or to any regulations
promulgated under those amendments.

Subtitle C—Farm Programs

SEC. 261. DEFINITION OF PAYMENT ACRES.

(a) In general.—Section 1001(11) of the Food,
Conservation, and Energy Act of 2008 (7 U.S.C.
8702(11)) is amended—

(1) in subparagraph (A)—

(A) by striking “subparagraph (B)” and
inserting “subparagraphs (B) and (C)”;
and

(B) by striking “and” at the end;

(2) in subparagraph (B), by striking the period
at the end and inserting “; and”;

(3) by adding at the end the following:

“(C) in the case of direct payments for the
2012 crop year, 59 percent of the base acres for
the covered commodity on a farm on which di-
rect payments are made.”.

(b) PAYMENT ACRES FOR PEANUTS.—Section
1301(5) of the Food, Conservation, and Energy Act of
2008 (7 U.S.C. 8751(5)) is amended—

(1) in subparagraph (A)—

(A) by striking “subparagraph (B)” and
inserting “subparagraphs (B) and (C)”; and

(B) by striking “and” at the end;

(2) in subparagraph (B), by striking the period
at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) in the case of direct payments for the
2012 crop year, 59 percent of the base acres for
peanuts on a farm on which direct payments
are made.”.

TITLE III—JOINT SELECT COM-
MITTEE ON DEFICIT REDUC-
TION

SEC. 301. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) DEFINITIONS.—In this title:

(1) JOINT COMMITTEE.—The term “joint com-
mittee” means the Joint Select Committee on Def-
icit Reduction established under subsection (b)(1).
(2) JOINT COMMITTEE BILL.—The term “joint committee bill” means a bill consisting of the proposed legislative language of the joint committee recommended under subsection (b)(3)(B) and introduced under section 302(a).

(b) ESTABLISHMENT OF JOINT SELECT COMMITTEE.—

(1) ESTABLISHMENT.—There is established a joint select committee of Congress to be known as the “Joint Select Committee on Deficit Reduction”.

(2) GOAL.—The goal of the joint committee shall be to reduce the deficit to 3 percent or less of GDP.

(3) DUTIES.—

(A) IN GENERAL.—

(i) IMPROVING THE SHORT-TERM AND LONG-TERM FISCAL IMBALANCE.—The joint committee shall provide recommendations and legislative language that will significantly improve the short-term and long-term fiscal imbalance of the Federal Government and may include recommendations and legislative language on tax reform.

(ii) CONSIDERATION OF OTHER BI-PARTISAN PLANS.—As a part of developing
the joint committee’s recommendations and legislation, the joint committee shall con-
sider existing bipartisan plans to reduce the deficit, including plans developed joint-
ly by Senators or Members of the House.

(iii) RECOMMENDATIONS OF HOUSE AND SENATE COMMITTEES.—Not later than October 14, 2011, each committee of the House and Senate may transmit to the joint committee its recommendations for changes in law to reduce the deficit con-
sistent with the goals described in par-
graph (2) for the joint committee’s consid-
eration.

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—Not later than No-

evermber 23, 2011, the joint committee shall vote on—

(I) a report that contains a de-
tailed statement of the findings, con-
clusions, and recommendations of the joint committee and CBO and the Joint Committee on Taxation estimate required by paragraph (5)(D)(ii); and
(II) proposed legislative language
to carry out such recommendations as
described in subclause (I).

(ii) Approval of report and legislative language.—The report of the
joint committee and the proposed legislative language described in clause (i) shall
require the approval of not fewer than 7 of
the 12 members of the joint committee.

(iii) Additional views.—A member
of the joint committee who gives notice of
an intention to file supplemental, minority,
or additional views at the time of final
joint committee vote on the approval of the
report and legislative language under
clause (ii), shall be entitled to 3 calendar
days in which to file such views in writing
with the staff director of the joint com-
mittee. Such views shall then be included
in the joint committee report and printed
in the same volume, or part thereof, and
their inclusion shall be noted on the cover
of the report. In the absence of timely no-
tice, the joint committee report may be
printed and transmitted immediately without such views.

(iv) Transmission of Report and Legislative Language.—If the report and legislative language are approved by the joint committee pursuant to clause (ii), then not later than December 2, 2011, the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House, and the majority and minority leaders of both Houses.

(v) Report and Legislative Language to be Made Public.—Upon the approval or disapproval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of the vote, available to the public.

(4) Membership.—

(A) In General.—The joint committee shall be composed of 12 members appointment pursuant to subparagraph (B).
(B) APPOINTMENT.—Members of the joint committee shall be appointed as follows:

(i) The majority leader of the Senate shall appoint 3 members from among Members of the Senate.

(ii) The minority leader of the Senate shall appoint 3 members from among Members of the Senate.

(iii) The Speaker of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(iv) The minority leader of the House of Representatives shall appoint 3 members from among Members of the House of Representatives.

(C) CO-CHAIRS.—

(i) IN GENERAL.—There shall be 2 Co-Chairs of the joint committee. The majority leader of the Senate shall appoint one Co-Chair from among the members of the joint committee. The Speaker of the House of Representatives shall appoint the second Co-Chair from among the members of the joint committee. The Co-Chairs shall
be appointed not later than 14 calendar
days after the date of enactment of this
section.

(ii) Staff director.—The Co-
Chairs, acting jointly, shall hire the staff
director of the joint committee.

(D) Date.—Members of the joint com-
mittee shall be appointed not later than 14 cal-
endar days after the date of enactment of this
section.

(E) Period of appointment.—Members
shall be appointed for the life of the joint com-
mittee. Any vacancy in the joint committee
shall not affect its powers, but shall be filled
not later than 14 calendar days after the date
on which the vacancy occurs in the same man-
ner as the original appointment. If a member of
the committee leaves Congress, the member is
no longer a member of the joint committee and
a vacancy shall exist.

(5) Administration.—

(A) In general.—To enable the joint
committee to exercise its powers, functions and
duties, there are authorized to be disbursed by
the Senate the actual and necessary expenses of
the joint committee approved by the co-chairs, subject to Senate rules and regulations.

(B) EXPENSES.—In carrying out its functions, the joint committee is authorized to incur expenses in the same manner and under the same conditions as the Joint Economic Committee as authorized by section 11 of Public Law 79–304 (15 U.S.C. 1024(d)).

(C) QUORUM.—Seven members of the joint committee shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(D) VOTING.—

(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of the members of the joint committee.

(ii) CBO AND JOINT COMMITTEE ON TAXATION ESTIMATES.—CBO and Joint Committee on Taxation shall provide estimates of the legislation (as described in paragraph (3)(B)) in accordance with sections 201(f) and 308(a) of the Congressional Budget Act of 1974 (2 U.S.C. 601(f) and 639(a)), including estimates of the effect on interest payments on the debt. In addition CBO shall provide infor-
information on the budgetary effect of the legislation beyond fiscal year 2021. The joint committee may not vote on any version of the report, recommendations, or legislative language unless an estimate described in this clause is available for consideration by all the members at least 48 hours prior to the vote as certified by the Co-Chairs.

(E) MEETINGS.—

(i) INITIAL MEETING.—Not later than 45 calendar days after the date of enactment of this section, the joint committee shall hold its first meeting.

(ii) AGENDA.—The Co-Chairs shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting.

(F) HEARINGS.—

(i) IN GENERAL.—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and ad-
minister such oaths the joint committee considers advisable.

(ii) **Hearing procedures and responsibilities of Co-Chairs.**—

(I) **Announcement.**—The joint committee Co-Chairs shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted not less than 7 days in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

(II) **Written statement.**—A witness appearing before the joint committee shall file a written statement of proposed testimony at least 2 calendar days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

(G) **Technical assistance.**—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the joint committee.
committee in order for the joint committee to
carry out its duties.

(c) Staff of Joint Committee.—

(1) In General.—The Co-Chairs of the joint
committee may jointly appoint and fix the compensa-
tion of staff as they deem necessary, within the
guidelines for Senate employees and following all ap-
plicable Senate rules and employment requirements.

(2) Ethical Standards.—Members on the
joint committee who serve in the House of Rep-
representatives shall be governed by the House ethics
rules and requirements. Members of the Senate who
serve on the joint committee and staff of the joint
committee shall comply with Senate ethics rules.

(d) Termination.—The joint committee shall termi-

SEC. 302. Expedited Consideration of Joint Com-
mittee Recommendations.

(a) Introduction.—If approved by the majority re-
quired by section 301(b)(3)(B)(ii), the proposed legislative
language submitted pursuant to section 301(b)(3)(B)(iv)
shall be introduced in the Senate (by request) on the next
day on which the Senate is in session by the majority lead-
er of the Senate or by a Member of the Senate designated
by the majority leader of the Senate and shall be intro-
duced in the House of Representatives (by request) on the
next legislative day by the majority leader of the House
or by a Member of the House designated by the majority
leader of the House.

(b) Consideration in the House of Representatives.—

(1) Referral and Reporting.—Any committee of the House of Representatives to which the joint committee bill is referred shall report it to the House without amendment not later than December 9, 2011. If a committee fails to report the joint committee bill within that period, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall not be in order after the last committee authorized to consider the bill reports it to the House or after the House has disposed of a motion to discharge the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the joint committee bill in accordance with paragraphs (2) and (3). A
motion to reconsider the vote by which the motion is disposed of shall not be in order.

(2) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a joint committee bill reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the joint committee bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the joint committee bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(3) CONSIDERATION.—The joint committee bill shall be considered as read. All points of order against the joint committee bill and against its consideration are waived. The previous question shall be considered as ordered on the joint committee bill to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the joint committee bill. A motion to re-
consider the vote on passage of the joint committee bill shall not be in order.

(4) Vote on Passage.—The vote on passage of the joint committee bill shall occur not later than December 23, 2011.

(c) Expedited Procedure in the Senate.—

(1) Committee Consideration.—A joint committee bill introduced in the Senate under subsection (a) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than December 9, 2011. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(2) Motion to Proceed.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a joint committee bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader’s designee to move to proceed to the consideration of the joint committee bill. It shall also
be in order for any Member of the Senate to move
to proceed to the consideration of the joint com-
mittee bill at any time after the conclusion of such
2-day period. A motion to proceed is in order even
though a previous motion to the same effect has
been disagreed to. All points of order against the
motion to proceed to the joint committee bill are
waived. The motion to proceed is not debatable. The
motion is not subject to a motion to postpone. A mo-
tion to reconsider the vote by which the motion is
agreed to or disagreed to shall not be in order. If
a motion to proceed to the consideration of the joint
committee bill is agreed to, the joint committee bill
shall remain the unfinished business until disposed
of.

(3) CONSIDERATION.—All points of order
against the joint committee bill and against consid-
eration of the joint committee bill are waived. Con-
sideration of the joint committee bill and of all de-
batable motions and appeals in connection therewith
shall not exceed a total of 30 hours which shall be
divided equally between the majority and minority
leaders or their designees. A motion further to limit
debate on the joint committee bill is in order, shall
require an affirmative vote of three-fifths of the
Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the joint committee bill, including time used for quorum calls and voting, shall be counted against the total 30 hours of consideration.

(4) NO AMENDMENTS.—An amendment to the joint committee bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint committee bill, is not in order.

(5) VOTE ON PASSAGE.—If the Senate has voted to proceed to the joint committee bill, the vote on passage of the joint committee bill shall occur immediately following the conclusion of the debate on a joint committee bill, and a single quorum call at the conclusion of the debate if requested. The vote on passage of the joint committee bill shall occur not later than December 23, 2011.

(6) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the
case may be, to the procedure relating to a joint
committee bill shall be decided without debate.

(d) Amendment.—The joint committee bill shall not
be subject to amendment in either the House of Rep-
resentatives or the Senate.

(e) Consideration by the Other House.—

(1) In general.—If, before passing the joint
committee bill, one House receives from the other a
joint committee bill—

(A) the joint committee bill of the other
House shall not be referred to a committee; and

(B) the procedure in the receiving House
shall be the same as if no joint committee bill
had been received from the other House until
the vote on passage, when the joint committee
bill received from the other House shall sup-
plant the joint committee bill of the receiving
House.

(2) Revenue measure.—This subsection shall
not apply to the House of Representatives if the
joint committee bill received from the Senate is a
revenue measure.

(f) Rules To Coordinate Action With Other
House.—
(1) Treatment of Joint Committee Bill of Other House.—If the Senate fails to introduce or consider a joint committee bill under this section, the joint committee bill of the House shall be entitled to expedited floor procedures under this section.

(2) Treatment of Companion Measures in the Senate.—If following passage of the joint committee bill in the Senate, the Senate then receives the joint committee bill from the House of Representatives, the House-passed joint committee bill shall not be debatable. The vote on passage of the joint committee bill in the Senate shall be considered to be the vote on passage of the joint committee bill received from the House of Representatives.

(3) Vetoes.—If the President vetoes the joint committee bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

(g) Loss of Privilege.—The provisions of this section shall cease to apply to the joint committee bill if—

(1) the joint committee fails to vote on the report or proposed legislative language required under section 201(b)(3)(B)(i) by November 23, 2011; or
(2) the joint committee bill does not pass both Houses by December 23, 2011.

SEC. 303. FUNDING.

Funding for the joint committee shall be derived from the applicable account of the House of Representatives, and the contingent fund of the Senate from the appropriations account “Miscellaneous Items,” subject to Senate rules and regulations.

SEC. 304. RULEMAKING.

The provisions of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.
TITLE IV—PUBLIC DEBT

SEC. 401. PUBLIC DEBT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking the dollar limitation contained in that subsection and inserting “$16,994,000,000,000”.

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