United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, THURSDAY, FEBRUARY 16, 2012 *No. 26*

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 16, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, I wish all of the Members of the House could take the time to read the National Intelligence Estimate on Afghanistan. It's classified, but I think they would benefit greatly as both parties continue to try to bring our troops home from Afghanistan sooner than 2013.

I do want to compliment the Secretary of Defense, Mr. Panetta. I did yesterday, in a hearing, and thanked him for saying that he would start bringing the combat troops home by 2013.

Mr. Speaker, I've been advised on Afghanistan by a military marine general for the last 3 years. I have great respect for him. He is a man of faith, and he has served our country at the highest rank in this particular type of service. I can't say his name because he asked me not to use his name publicly, but this marine general has been my adviser for 3 years. We exchanged emails last week, and I'd like to share for the House a couple of his thoughts on the email that he sent to me last week:

Attempting to find a true military and political answer to the problems in Afghanistan would take decades, not years, and drain our Nation of precious resources—with the most precious being our sons and daughters.

Simply put, the United States cannot solve the Afghan problem no matter how brave and determined our troops are.

We need to bring our people home and prepare for the real danger that is growing in the Pacific.

Again, I have the utmost respect for this man, and I think the American people would if I could say his name.

One of our marines who is serving as a Village Stability Operations team leader in Afghanistan—they're known as VSOs—emailed a friend of his recently, and the friend shared the email with me: ''If you ask me if it is worth a single American life to build governance here in Afghanistan, I would have to say no.'' This man is over there trying to help the Afghan people, but obviously he has no faith. He basically said—and I'm paraphrasing now—that he has absolutely no confidence in the Afghans being able to have a functional, successful military or police force.

I thank him for his thoughts, and I've shared them with the House today.

There is Lieutenant Colonel Danny Davis, who some in both parties have met with. He spent 9 months in Afghanistan, and 3 weeks ago, he came out publicly. He is an active duty Army colonel, saying that it's time to get our troops out and that there is nothing we're going to change in Afghanistan.

I want to say that I respect the colonel for trying to tell the American people the truth and for telling Congress the truth, which is that we're spending $10 billion a month to prop up a corrupt leader, and nothing is going to change. That's why I shared the thoughts of the team leader and also of the retired marine general.

In a long Wall Street Journal article of February 10, titled, ''Roads to Nowhere: Program to Win over Afghans Fails,'' I will quote one paragraph:

Three years and nearly $270 million later, less than 100 miles of gravel road have been completed, according to American officials. More than 125 people were killed and 250 others were wounded in insurgent attacks aimed at derailing the project, USAID said. The agency shut down the road-building effort in December.

Mr. Speaker, this is what both parties are trying to say: We keep spending money we don't have. We're cutting programs for children and senior citizens. We can't help with infrastructure, but we can find $10 billion a month to prop up a corrupt leader.

Does that make any sense? I think not. The American people have said it makes no sense at all.

I have a photograph—well, a poster, actually, Mr. Speaker. This is a beautiful little girl who is 3 years old. Her mother is in tears, and her grandmother is patting the mother on the shoulder. The little girl is looking at a marine officer, who is presenting a folded flag to the mother.

All I can think about as to that little girl is, one day, she will say to her mother, Tell me about my father.

Her mother will say, Well, your father was a wonderful man, and he gave his life in Afghanistan.

Then the little girl will go to school, and she will read the books about the war in Afghanistan. She'll ask, Why did my father die?

He died for nothing. He died for a corrupt leader, and history has said Afghanistan will never, never change.

So I want to thank my colleagues on the Democratic side who have joined me and the few Republicans who have joined me on the Republican side. Let's bring our troops home. Let's spend the money here in America, and let's save the lives of our soldiers and marines and of all those who serve in the military.

Mr. Speaker, I ask God to please bless our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to please bless the House and Senate that we will do what is right in the eyes of God. I ask God to please bless the President that he will do what is right in the eyes of God for the American people.

And three times, I will say, God please, God please, God please continue to bless America.

BANKRUPTCY EQUITY ACT

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

Mr. BLUMENAUER. This week, we watched the settlement unfold between the Department of Justice, the State attorneys general, and the major banks. Twenty-six billion dollars sounds like a lot of money, but given that almost one in four homeowners owe more on their mortgages than the values of their homes—overall losing some $700 billion in value. This is a step in the right direction that will help some people but is not really a major correction. There are still far too few real pressures to get the market right.

There is a simple answer that won't cost the taxpayers a dime and which will stabilize the housing depression within a year. It would help reestablish home values and encourage banks to work with their customers whose mortgages are ''under water''.

The recent decision of American Airlines to pursue bankruptcy is illustrative. This corporate giant could actually pay its bills. It had some $4 billion in cash and was still taking in revenue, but it made a strategic judgment to use the bankruptcy laws to reposition itself to win market rate loan terms, to modify its union contracts and the pension obligations to its employees because, under the law, a bankruptcy judge can adjust these business relationships to reflect current market conditions—for a business, that is. Curiously, homeowners are treated differently.

A business speculator could buy 10 units in a condominium in south Florida when the housing bubble bursts and could get bankruptcy relief on all 10 units—but not Sally Six-Pack, who bought an identical unit to live in.

What is it about the homeowners that makes them less worthy of relief of the fresh start of bankruptcy than the speculator or American Airlines? The answer is right here on the floor of the House of Representatives.

Congress has decided to look out for business, not the homeowner. The daisy chain of profit we saw collapsing under the weight of colossal greed and bad judgment was protected at the expense of the homeowner, who was trapped, with limited options to renegotiate, with no leverage, who simply faced foreclosure, a short sale, or what is described as jingle mail: send the keys back and walk away.

□ 1010

It's interesting that homeowners have been urged that it's their moral duty, their obligation to pay, even as the Mortgage Bankers Association, itself, reneged on the mortgage on its headquarters and stiffed the lender to the tune of $30 million. Homeowners are expected to do the right thing, even if we're seeing a cavalcade of financial misdeeds, shortcuts, and, in some cases, outright fraud.

I've been unable to find any good reason that homeowners should be discriminated against in bankruptcy. If it's good enough for business, it should be good enough for the homeowners.

There are lots of reasons to change that policy. First, it's simple equity, the same treatment. In addition, making bankruptcy relief available to homeowners will make the system respond to reasonable requests for renegotiations, which would be cheaper, faster, and easier than the foreclosure process for everybody. The simple act will stem the flood of foreclosures and uncertainty, which will help stabilize home values currently in free fall, and it will make it harder for another speculative bubble to be created. Knowing that homeowners will be treated the same as business in bankruptcy will make people think twice about aggregating vast numbers of dicey mortgages, simply taking a profit, and passing the package on to others.

I am introducing the Bankruptcy Equity Act to provide bankruptcy judges the power to align the homeowner's mortgage to its current value and terms and put ordinary homeowners on the same playing field as speculators and businesses. It makes sure private and federally insured mortgages are eligible for modification, allowing FHA, VA, and the Department of Agriculture to pay out claims on insured mortgages modified in bankruptcy.

For an immediate solution to the foreclosure crisis, allowing families to stay in their homes, to be treated equitably, and prevent the next bubble from forming, I strongly urge my colleagues to examine the Bankruptcy Equity for Homeowners Act and join me in treating homeowners as fairly as we treat speculators and investors.

THE BUDGET

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

Mr. WOODALL. Mr. Speaker, I've come down here to talk about the budget. I am a freshman on the Budget Committee. The President's budget arrived on Monday of this week. Here in the Budget Committee, we had the acting OMB Director with us yesterday, we have the Treasury Secretary with us today, and we're exploring this budget.

Now, I must tell you, Mr. Speaker, I may be a hard core conservative Republican from the Deep South, but I am grateful to this President for releasing a budget. A budget is a moral document, Mr. Speaker. It is a moral document that talks about what your priorities are for us, as a Nation.

Our rule book for the country is the Constitution of the United States. That's the rule book by which everything we do in this Nation must comply. The rule book for our finances is the budget that we pass each year. As we all know, as it has been said dozens of times before, the Senate has not passed a budget in over 1,000 days. The majority leader has said he was not going to pass a budget again this year. The Democratic Budget Committee chairman said, But I promised to pass a budget this year. The majority leader said, Well, you can pass a budget, but I'm not going to have it considered on the House floor. That's wrong. What the President did in releasing a budget this week, that's right.

I will tell you, there are a couple of things that need to be in a budget, Mr. Speaker. The budget needs to talk about spending restraint. I don't think there's a family in this country that believes the Federal Government is spending too little. Spending restraint must be a component of every budget. The President laid out his ideas this week.

Repairing the safety net, Mr. Speaker, making sure that the safety net that families depend on when hard times come, making sure that that safety net is resilient, that it is, in fact, a spring and not a cushion, that it is a pathway out instead of a lifestyle choice, those things are important. The budget should contain those.

Entitlement reform, Mr. Speaker, and I want to say earned entitlements, because the men and women of this country have been paying 15.3 percent of their income if they're in my generation, a little less in earlier generations, but they have been paying out of their paychecks to gain access to Social Security and Medicare. But those two programs, as we all know, are underfunded, are headed towards financial crisis, and a budget should talk about what your solutions are to restore faith in those programs for all Americans.

And tax reform, Mr. Speaker, tax reform, there's not a person in this country, Mr. Speaker, that likes the Tax

Code the way it is. There's not a Congressman in this room who, if they sat down with a blank sheet of paper today, would craft this United States Tax Code to govern our Nation. It's in need of reform, and we can do that.

But, Mr. Speaker, of safety restraint, of repairing the safety net, of entitlement reform, and of tax reform, the President's budget was devoid of any—of any. Nothing to save Medicare for future generations. Nothing to protect Social Security for these generations and further. Nothing to change those safety net programs, Mr. Speaker, to ensure that they are that hand up instead of that handout. Nothing to build upon our work ethic that we have in this country by reforming the Tax Code and bringing businesses back to American shores.

I encourage folks to go and look at that budget. They can see it at www.omb.gov. That's the Office of Management and Budget. It's the White House Web site where they can view that budget. I encourage them to tune in to the Budget Committee, Mr. Speaker. We are, again, having hearings on that budget all week and will continue into the future.

And then I encourage folks to look at the process that happens here in this body, Mr. Speaker, where absolutely any Member of Congress can introduce absolutely any budget that expresses their priorities, an open process where absolutely all budget ideas are considered. It is a hallmark of this institution, Mr. Speaker. I welcomed it last year and was proud of the result of this debate. It was once the PAUL RYAN budget, then the House Budget Committee budget, then the House budget for all of the land. I look forward to that process continuing again this year.

AUTOMATIC INDIVIDUAL RETIREMENT ACCOUNT

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

Mr. NEAL. Mr. Speaker, I rise today to talk about a piece of legislation that I'm introducing later on in the afternoon, the Automatic Individual Retirement Account Act of 2012.

According to Boston College's Center for Retirement Research, the United States has a retirement income deficit of $6.6 trillion. This is the gap between what Americans need for retirement and the amount that they've actually saved. This amounts to more than $90,000 per household. This is a staggering number and demonstrates that we, as Americans, need to do more to prepare for a financially secure retirement. One area that I think we need to focus on is getting more low- and middle-income workers into a retirement savings plan, and the auto IRA would do just that.

It is estimated that 75 million Americans—half the American people who get up and go to work every day—are not in an employer-provided retirement plan or other opportunity to save through workplace contributions. The Auto IRA Act offers a commonsense solution to dramatically expand retirement savings in the U.S. Under this proposal, tens of millions of workers would be eligible to save for retirement through a payroll deduction. And it has been estimated that the auto IRA proposal could raise net national savings by nearly $8 billion annually.

This legislation would create automatic payroll deposit individual retirement accounts, or auto IRAs, for workers who do not have access to employer-provided qualified retirement plans. The bill would require employers to automatically enroll employees in the auto IRA unless the employee opts out. These are ''set it and forget it'' payroll deposit accounts.

I am sensitive to the increased burden on small businesses, so the bill provides for a tax credit for employers with less than 100 employees in order to offset the administrative costs of establishing this initiative. Furthermore, only employers with at least 10 employees, who have been in business for at least 2 years, would be covered by the bill. And the bill does not mandate any matching contributions by employers or other fiduciary responsibilities for the management of the accounts.

It's my hope that once employers start participating in the auto IRA program, they will decide to convert these arrangements to the broader 401(k) plans. The IRA contribution limits are lower than the 401(k) limits, so business owners may see incentives to switch to bigger plans. And we've also enhanced the small employer pension plan startup credit, so if an auto IRA employer switches from auto IRA to 401(k) plans, they would get the credit for 3 years instead of 2.

□ 1020

Listen to this, this proposal was jointly developed working with me through the Brookings Institution and the Heritage Foundation. It has garnered widespread support, including AARP, the United States Black Chamber of Commerce, the Women's Institute For a Secure Retirement, and the Aspen Institute Initiative on Financial Security. You should join in supporting this legislation.

I am also highlighting another retirement plan bill that I'm introducing today, the Retirement Plan Simplification and Enhancement Act. Our current retirement plan rules are very complicated. This bill includes a number of commonsense reforms that will simplify the rules while we still protect participants.

Under current law, small businesses that adopt a new retirement plan are eligible for a tax credit to cover some of their startup costs. We are tripling the credit to $1,500 to cover all of these expenses. I hope this will encourage more small employers to sponsor retirement plans.

Currently, employers can exclude some part-time workers from participating in their 401(k) plans. As women are more likely to work part-time than men, these rules can be quite harmful to them. So my bill would require employers to allow certain long-term, part-time employees to make elective deferrals to their 401(k) plans.

Both of these bills are commonsense reforms that will help Americans prepare for a good and financially secure retirement. I hope you will join on to the Automatic IRA Act of 2012 and the Retirement Plan Simplification and Enhancement Act.

NATIONAL CAREER AND TECHNICAL EDUCATION MONTH

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as cochair of the bipartisan House Career and Technical Education Caucus in order to recognize February as National Career and Technical Education Month.

Career and technical education programs continue to evolve in order to ensure that workers are prepared to hold jobs in high-wage, high-skill, and high-demand career fields like engineering, information technology, health care, and advanced manufacturing for the 21st century.

During this time of economic uncertainty and record high unemployment, career and technical education programs provide a lifeline for the underemployed who look to be in careers alongside young adults just starting out in the rapidly evolving job market.

Career and technical education, while historically undervalued, helps tackle critical workforce shortages and provides an opportunity for America to remain globally competitive while also engaging students in practical, real-world applications of academics, coupled with hands on work experiences.

Together, these programs provide for integrated learning experiences which assist students with skills that promote career readiness. Whether for high school students and adults retraining for a new field or further professional development, career and technical education programs are vital to our country's economic recovery. And while the limited Federal investment has been stagnant for almost a decade, these programs have proven effective to ensure that America can continue to be the world's leading innovator.

As we move toward fiscal year 2013, I join with a bipartisan group of my colleagues in not only recognizing the importance of maintaining these Federal investments for our country's future, but also in saying thank you to the countless men and women who make these programs possible. They share a bold vision for America's future, which

breaks from the cookie cutter, straight out of the box education of the past and recognizes that America can and must remain a global leader.

Mr. Speaker, career and technical education serves to ensure that we continue on that path.

NO AMERICAN WOMAN SHOULD BE DENIED CONTRACEPTIVE COVERAGE

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

Mr. GUTIERREZ. One of the many things I love about America is we are a country of second chances. You can fail and still have a chance to get ahead in our Nation of opportunity. There was a time that it looked like Steve Jobs might not make it. He was forced out of his company, and Apple looked like it might become a historical footnote—until Apple realized its mistake and asked Steve Jobs to return and put him back on top.

Our current basketball sensation, Jeremy Lin, knows a thing or two about second chances. He was undrafted by the NBA, and he was cut twice before landing with the New York Knicks. Other than my hometown Chicago Bulls hero, Derrick Rose, Lin is the most exciting story in sports. America is about second and third and fourth chances, which brings me, of course, to Newt Gingrich.

Now, some might say that Newt being considered at all for President of the United States is a second chance. After all, his reign as Speaker of the House did not end well. It didn't end with good policy for America, good politics for Republicans, or good feelings about his personal reputation. Yet, he's hanging in there in the race for Commander in Chief. Now that's a second chance I'm talking about today.

I'm talking about Newt Gingrich's reaction to President Obama's effort to provide contraceptive coverage to all American women. Mr. Gingrich has been trumpeting his outrage, from ''Meet the Press'' to CPAC to any town hall meeting that will have him. He said: ''President Obama has basically declared war on the Catholic Church.''

To be clear: ''President Obama has basically declared war on the Catholic Church.''

That's the second chance I want to talk about this morning, Newt Gingrich as spokesperson for the Catholic Church. Newt Gingrich as the right man to stand up as a protector of the values of the Catholic faith.

If Newt Gingrich, Catholic spokesperson, is not a generous, forgiving second chance, then I don't think one has ever existed in America.

Now, I'm Catholic. And as a prochoice legislator who strongly believes that no American woman should be denied contraceptive coverage based on where she works, I don't always see eye to eye with my church, so I don't pretend to be a spokesman or someone who can speak for all Catholics. Good people can disagree on tough issues.

But apparently Newt Gingrich is well-positioned to decide when our President has declared ''war'' on the Catholic faith. He isn't reluctant to speak on their behalf, even with a personal history that seems to be at odds with some of the teachings of the Catholic Church.

Frankly, I think his personal life is none of our business, but when he wants to dictate morality to the rest of America, when he accuses our President of engaging in ''religious persecution,'' when he demands that his personal values be shared by all American women, he makes his personal life part of the public discourse.

I support the President's call for equity for all American women. I salute him for standing up for fairness in contraceptive coverage in all health care plans. I support the President's effort to find a compromise that respects every American's religious beliefs. He did something hard for a leader. He listened to his critics, he worked to find common ground, moderate ground, and he changed. And I applaud him for that.

And I applaud the American people for reminding us that everybody gets a second chance, even a chance for Newt Gingrich to stand up for American Catholics. If Newt Gingrich can speak for American Catholics, then it's true: in America, anything is possible.

Just consider what could happen. Maybe Charlie Sheen can become the spokesperson for the temperance movement. Lou Dobbs can be the face of immigrant rights. LeBron James can be in charge of the Cleveland Chamber of Commerce. And the cast of Jersey Shore can lead a national campaign for manners, humility, and modesty.

If Newt Gingrich can do it, why can't they? In fact, if Newt Gingrich can do it, why can't I?

This is me with Senator Bill Bradley. He's over 6 foot 6, and I'm barely 5 foot 6. He has noticed the difference, and he is giving me a friendly kiss on the top of my head. So I'm pleased to announce today that if Newt Gingrich can speak for all Catholics, I'm going to start speaking for all tall people.

That's right. Five-foot-six Congressman LUIS GUTIERREZ, president of the National Association of Extremely Tall Americans. I'm no expert on being tall. But then again, Newt doesn't really seem to be an expert on the rules of the Catholic Church either, so what's going to stop me?

ROLE OF GOVERNMENT

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

Mr. DUNCAN of Tennessee. Mr. Speaker, Tony Blair was the Prime Minister of Great Britain and was considered to be a political liberal, and perhaps his actions didn't always match his words, but I would like to read a statement he made at one point. Mr. Blair said:

> The role of government is to stabilize and then get out of the way as quickly as possible. Ultimately, the recovery will be led not by the government but by industry, business, and the creativity, ingenuity, and enterprise of people. If the measures you take in responding to the crisis diminish their incentives, curb their entrepreneurship, and make them feel unsure about the climate in which they are working, the recovery becomes uncertain.

That was Tony Blair.

Then Thomas Donohue, the president of our national Chamber of Commerce, said at a jobs submit about a year and a half ago here in Washington:

> The regulatory activity presently going on is so far above and beyond anything we have ever seen in the history of this country, that we are in danger of becoming a government of, by, and for the regulators instead of a government of, by, and for the people.

□ 1030

I thought of these two things when I read a letter recently from one of my constituents who runs a small bank in east Tennessee. He wrote to me. He said:

> One of the single greatest needs of small business is access to capital, and much of that small business lending capital is typically provided by America's more than 6,700 community banks. Yet, community banks are by and large being forced to withhold and constrain lending at the time America needs it most. This is largely due to unprecedented onerous regulatory constraints being placed on community banks by Federal bank examiners.

He goes on and says this:

> Never in modern history have banks, especially community banks, been under great pressure by banking regulators. Much of that pressure is unprecedented, virtually ignoring or redefining historic standards and definitions of bank examining. Routinely, banks are being required by bank examiners to classify and put into a nonaccrual status loans that are current on their payments. In many cases, this be can far more than half of all of the classified loan assets. This is enormously inconsistent with historic bank examination practices.

And I go on, quoting from this letter:

> In most cases, this results in a bank's capital being constrained and consequently may well lead to a forced merger of these banks by the Fed into the larger banks. Despite acknowledgement by the Fed that the two big banks represent a systemic threat to the U.S. and global banking systems, the big banks seemingly are allowed to keep getting bigger.

That is a serious problem. It was the too-big-to-fail banks that got us into the mess that we got into in the first place, and now many of the smallest banks in this country are being forced out of existence or forced to merge. So the big keep getting bigger and the small and the medium-sized ones are having a real struggle to survive.

Finally, this bank who wrote to me said:

> If America is going to have economic recovery and jobs depend on it, banks must not only be allowed to lend, but encouraged to lend. Instead, they are largely being constrained from lending with much of that constraint attributable to overly aggressive

bank examination. By and large, most U.S. banks are having to shrink in size in response to the Fed's pressure, which translates into reduced lending.

We have been going through a period of time in which President Bush and his Secretary of the Treasury at the tail end of their administration started saying this and then President Obama and his Secretary of the Treasury then saying it. They have been saying loan, loan, loan, and then the local bank examiners having been saying no, no, no, and it has been holding us back. This country could be booming beyond belief right now, but we're holding it back in so many ways, and we will never come out and have a full and complete recovery unless that atmosphere changes.

I heard a talk this morning by Governor Mitch Daniels of Indiana, and he said that our employment rate is less than 64 percent now. He says that is the lowest it's been since the era of stay-at-home moms. He said over a third of adult children are now living at home with their parents, which is way above what it has been in the past. In fact, we have an unemployment rate that is far too high, but our underemployment rate is perhaps even much higher. All across this country you have college graduates who are working as waiters and waitresses in restaurants or in other low-paying jobs because they have gotten college degrees and can't find good jobs because we've sent so many good jobs to other countries in recent years and because our regulatory environment is holding this country back and keeping it from booming as it should be right now.

ACCELERATE OUR WITHDRAWAL FROM AFGHANISTAN

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

Mr. WELCH. Mr. Speaker, on February 1 of this year, Defense Secretary Leon Panetta said that American forces would step back from a combat role in Afghanistan as early as mid-2013. This is a year faster than had been announced only months previously. He also added that U.S. troops would move into an advise-and-assist role to Afghanistan security forces. I know that most everyone who has joined me on this floor this morning would want a faster transition. To be frank, we wish we could have avoided much of this 10-year nation building altogether. I rise today to express my strong support for the administration's decision to reduce our military footprint on an accelerated timeline.

Mr. Speaker, our soldiers, our men and women in uniform, will do and do do whatever it is we ask of them. Indeed, the sacrifices that our soldiers and their families have made have been extraordinary. Just this morning, with Congressman DONNELLY, I met a family who lost their dad, and his son is here who was serving with him in Afghanistan. There is nothing that we can do to adequately express to them our enormous appreciation for their sacrifice.

If we did not have men and women who, at the call of the Commander in Chief, would put on the uniform and report for duty and do what the Commander in Chief and this Congress authorized, we would not have the United States of America. But the obligation we have to the citizens from our districts that are willing to make that sacrifice is to give them a policy worthy of their willingness to make that sacrifice.

It is time that we do all we can to accelerate our withdrawal from Afghanistan. The reason is this: That's what our national security requires.

There was a very valid reason to go into Afghanistan. It was the home of Osama bin Laden. The Taliban gave him sanctuary. Al Qaeda had free hand. Our policy was right when it was started, but it transformed itself into a nation-building policy where our partner has become a corrupt Afghanistan Government that is unreliable, that is squandering taxpayer money, that is not cooperating with the American military.

The question is: Should the American taxpayer and the American soldier be required to do nation building in Afghanistan, particularly when the threat of terrorism is real, but it is not a nation-centered threat? It is dispersed around the globe. The new American policy of counterterrorism, as opposed to counterinsurgency—that is, going after terrorists where they are as opposed to nation building where some may be—is the right direction for this country to go.

Mr. Speaker, the policy announced by Mr. Panetta to accelerate that withdrawal is overdue and it is timely at this point. I strongly support it and urge my colleagues to do so as well.

HIGH-LEVEL NUCLEAR WASTE

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

Mr. SHIMKUS. Mr. Speaker, I come back to the floor again this week to continue to talk about high-level nuclear waste and its location around the country.

This week really saddens me because, in the weeks past when I've identified the U.S. Senators from the appropriate States, usually I would have more in support of moving their high-level nuclear waste out of their State than who wants to vote to keep it in their State. As I go to Connecticut today and the States surrounding Connecticut, it is really amazing how many Senators have gone on record to say, No, it is okay; we will just keep this nuclear waste in our State for 15, 20, 25 more years.

With that, let's look at the options we have here.

The nuclear power plant that I'm addressing today is called Millstone. It is in Connecticut. I always like to compare it to where the high-level nuclear waste should be, which is underneath a mountain, in a desert in Nevada, at Yucca Mountain, where, in 1987, we passed into law and said Yucca Mountain will be the location for our high-level nuclear waste. It is the law of the land.

How have we done? How much nuclear waste is at Yucca Mountain, this mountain in the desert? We don't have any. We've already spent $15 billion. The waste would be stored 1,000 feet underground. The waste would be stored 1,000 feet above the water table. The waste would be 100 miles from the nearest body of water, which would be the Colorado River.

□ 1040

Well, let's compare it to Millstone in Connecticut. Right now, Millstone has 1,350 million tons of uranium spent nuclear fuel on site. The waste is stored in pools and in dry casts. The waste is 15 to 20 feet from the water table. It is on Niantic Bay, just off Long Island Sound. Here's a picture. Here's the nuclear power plant; here's the bay. It's right next to the water. And without moving forward on Yucca Mountain, this waste will continue to be stored there 15, 20, 25 more years.

So let's look at the Senators from the surrounding States that border this body of water. We have Senator BLUMENTHAL—new. He said in a campaign interview that he opposed Senator REID's fight to prevent Yucca Mountain, so we put him in the ''yes'' column. Senator LIEBERMAN voted ''no'' in 2002, so we put him in the ''no'' column. Senator LAUTENBERG from New Jersey voted ''no'' on the Senate Appropriations Committee amendment to restore funding, so we put him in the ''no'' column. Senator MENENDEZ from New Jersey has been a vocal critic, and so he's in the ''no'' column. KIRSTEN GILLIBRAND, Senator from New York, we have her as undecided. We're kind of waiting for her to take a position. Part of this debate is to at least get Senators on the record somehow to see where they will be on this position.

Senator SCHUMER—obviously fairly close to Connecticut and New York City—he had voted ''no'' in '02. Senator JACK REED—actually a pretty good friend of mine—from Rhode Island voted ''no'' in 2002. Senator WHITEHOUSE, a Democrat from Rhode Island, we have as really ''undecided.'' Two ''undecided,'' a whole bunch of ''nays,'' and one ''yes.''

So how does that do for our totality of where Senators are at this time based upon the information we have? Well, we have 41 Senators who say we need to move high-level nuclear waste out of our State to a desert underneath a mountain. We have 14 that we really have no public record on. We'd like to see the Senate sometime take a vote and figure out where they might be. And we have 15 ''nays.''

Now, why is this important? The Nuclear Waste Policy Act in 1982 said: Let's find a single repository. The Blue Ribbon Commission, which testified before my committee just last week, said: We need a long-term geological repository. As I quoted in a story yesterday, Brent Scowcroft, the cochair, said: We're not excluding Yucca Mountain, but we have so much nuclear waste now that we're going to have to find a second location.

So you can continue your fight on Yucca Mountain, but the Blue Ribbon Commission said we need a long-term geological storage centralized. We're just saying we already have one. If we're going to need a second one, then we better start that process of looking at a second one, but we ought to start filling up the first one.

We spent $15 billion. And why aren't we moving forward? Well, we have the majority leader of the Senate who says no. In fact, my colleague, Mr. CLYBURN, was quoted in a paper as saying: As long as HARRY REID is alive, Yucca is dead.

OPPOSING PIONEERS ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in strong opposition to the so-called PIONEERS Act that, among other things, repeals the Gulf of Mexico Energy Security Act, or GOMESA.

It's hard to believe that the lessons of the Deepwater Horizon oil spill are already being forgotten, less than 2 years after almost 5 million barrels of oil flowed out into the ocean and devastated the gulf region's environment and economy.

Through this horrible tragedy, we learned firsthand the dangers of drilling at extreme ocean depths and the difficulties in stopping a spill once it occurs. We also learned the dangers posed by the powerful Gulf of Mexico loop currents in the eastern gulf. These loop currents are capable of transporting spilled petroleum into the Florida Straits, through the Florida Keys, and onto shorelines up the Atlantic side of my home State, endangering hundreds of miles of coastline in Florida, and beyond up the east coast.

We were extremely lucky that more of Florida was not affected by the Deepwater Horizon spill in 2010 and that the site of the spill was not within these normally-occurring loop currents. Allowing drilling in the eastern Gulf of Mexico would place leasing directly within the strong loop current and is the height of folly.

Even if we didn't have such a powerful precautionary tale as the Deepwater Horizon accident, drilling near Florida's coast simply doesn't add up. Florida's $65 billion tourism industry relies on pristine beaches. Florida is also home to 85 percent of the United States' coral reefs, which are profoundly sensitive to oil spills.

Coastal resources like mangroves and sea grasses would also be put in harm's way, as well as Florida's vibrant commercial and recreational fishing industries. That is why so many bipartisan members of Florida's congressional delegation have lined up in opposing drilling near our shores. In fact, a few weeks ago, Congressman JOHN MICA held a field hearing in Miami to discuss the dangers of offshore drilling by Cuba that is within 100 miles of Florida's shores. The Florida Lieutenant Governor—a Republican—Jennifer Carroll stated at the hearing that:

> The Deepwater Horizon incident in 2010 has shown that a spill that poses even a potential of impacting Florida's water or land causes a huge negative impact on the economy.

I could not have said it better myself. This is why we simply should not allow drilling in the eastern Gulf of Mexico.

I would welcome a debate weighing the harms against the benefits of expanding offshore exploration off Florida's coastline if the benefits were comparable to the risks, but they're not—not even close. Expanding drilling for oil in the Gulf of Mexico would not lower gas prices or produce enough oil to reduce our dependence on foreign oil.

In short, opening the eastern Gulf of Mexico is not the answer to our energy concerns. If we are serious about weaning our dependence on foreign oil, we need to continue the clean energy policies of the Obama administration and efforts in recent years by Congress. We have more domestic oil production today, right now, than we have ever had. For example, the 2007 bipartisan effort to increase the fuel efficiency of cars over the next decade will have a profound effect on the demand side of the supply-demand equation.

The Natural Resources Defense Council estimates that by 2020 the new auto fuel standards will save consumers $65 billion in fuel costs by cutting consumption by 1.3 million barrels a day—more than could be produced in the eastern gulf in an entire year.

Finally, a little history lesson on the 2006 law that this bill will repeal. In 2006, Republican leadership in both Houses of Congress enacted GOMESA, which opened 8 million acres for new oil drilling leases off Florida's panhandle in the eastern Gulf of Mexico. In exchange, the 2006 law placed the rest of the eastern gulf under a statutory moratorium until 2022. That agreement should be honored, not tossed aside less than 6 years later.

Our word must be our bond, or negotiations and handshakes are rendered meaningless. In my 19-year legislative career, your word being your bond was always supposed to be paramount. In this case, apparently there are some Members of the Republican leadership that don't believe that and are willing to cast it aside.

Beyond the economic and environmental reasons for honoring the 2006 deal, protecting our military training areas is also important. The military uses the eastern Gulf of Mexico for training operations, and the Pentagon has said that drilling structures and associated development are incompatible with military activities, like missile flights, low-flying drone aircraft, and training. For this reason, the Pentagon has long opposed expanding offshore drilling in the eastern gulf.

The 2006 law incorporates an agreement between the Department of the Interior and the Defense Department to set aside waters east of the ''military mission line'' to preserve military readiness. On behalf of Florida's tourism industries, fishing industries, and on behalf of the needs of the Defense Department and in the name of military readiness, I urge my colleagues to remove this terrible provision from this legislation.

To add insult to injury, it is unconscionable that House leadership has refused to even allow a vote on a bipartisan amendment that I cosponsored with my Florida colleagues that would have stripped out the GOMESA repeal. If they had the courage of their conviction, they would allow a fair and open debate on this. But when you don't have much to back up your argument, you can't allow a fair fight.

COMMEMORATING THE LIFE OF DANNY THOMAS

The SPEAKER pro tempore (Mr. RIBBLE). The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, I'm here today to commemorate the life of a truly wonderful man, Mr. Danny Thomas, who represents so much that is wonderful about our country.

Born to a poor immigrant family, Thomas understood the meaning of hard work from a very young age. He started work at the age of 10 selling newspapers and worked until he moved to Detroit to go into show business. After years of struggling, Thomas achieved unrivaled success with shows like ''Make Room for Daddy,'' the ''Andy Griffith Show,'' and the ''Dick Van Dyke Show.'' It was with this success that Thomas started St. Jude Children's Research Hospital, where no child is turned away because of an inability to pay.

□ 1050

Since it opened in 1962, St. Jude has saved thousands of lives, helped countless families, and forwarded vital research on childhood cancer and other diseases.

This month marks the 50th anniversary of St. Jude, and to commemorate this incredible work done at St. Jude, the U.S. Postal Service is honoring Danny Thomas and St. Jude with a commemorative stamp. I can think of no one and no charity more worthy for this honor than Thomas and St. Jude. His is a story of hard work, success, and giving.

HONORING THE LIFE OF SPECIALIST ROBERT J. TAUTERIS, JR.

The SPEAKER pro tempore (Mr. RIBBLE). The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to solemnly remember and honor the life and dedicated service of Specialist Robert Tauteris, Jr., a native son of Hamlet, Indiana, and a proud member of the 713th Engineer Company based in Valparaiso and assigned to 81st Troop Command.

Specialist Tauteris died, along with three of his fellow soldiers, on January 5, 2012, in Kandahar province, Afghanistan, of wounds sustained when their vehicle was hit by a roadside improvised explosive device as they scouted for bombs and potential problems along a major supply route.

The State of Indiana mourns the loss of the four brave men who took on this dangerous mission to ensure the safety of their fellow soldiers. Specialist Tauteris died, along with his fellow National Guardsmen, Specialist Brian Leonhardt, Specialist Christopher Patterson, and Staff Sergeant Jonathan Metzger. Private Douglas Rachowicz was severely injured in the same incident.

Robert graduated from North Judson High School in 1986 and had worked in manufacturing at Ferro Corporation in Plymouth. Robert Tauteris served one tour in Afghanistan with the National Guard and volunteered for his second deployment when his son, Robert Tauteris III enlisted. Father and son left together for Afghanistan in the fall of 2011. Bobby III accompanied his dad's body home to Dover Air Force Base.

Robert's posthumous awards include the Bronze Star Medal, Purple Heart, Army Good Conduct Medal, and the Army Achievement Medal. He also earned the National Defense Service Medal, Afghanistan Campaign Medal with the Bronze Service Star, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with M Device, Army Service Ribbon, Overseas Service Ribbon, the NATO Medal, Combat Action Badge, Driver and Mechanic Badge, Combat and Special Skill Badge, Basic Marksmanship Qualification Badge, and the Overseas Service Bar. It is an extraordinary record, and he is an extraordinary hero.

Robert will be remembered by his friends, his family, and fellow soldiers as a dedicated, reliable, hardworking man who cared deeply for his family. He is survived by his sons, Robert III and Matthew; Robert III's wife, Kayla—and they are here with us today—his dad, Robert Tauteris; his sister, Tammy Tauteris Smith; brother, Tom; half-brother, Darrel Ray Minix; and stepmother, Nichelle; as well as extended family and friends who are left to treasure his memory.

It is my solemn duty and humble privilege to honor the life, the service, and the memory of Specialist Robert Tauteris, Jr. He is a testament to the great honor possessed and sacrifices made by our men and women in the Armed Forces. We mourn his passing and offer solemn gratitude for his service and sacrifice.

On behalf of the United States of America, we want to thank your family for your service, for your sacrifice, and for everything you have done.

God bless you.

REFORMS TO THE MEDICARE SYSTEM

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to speak on behalf of the senior citizens in Pennsylvania's Eighth Congressional District who rely on a Medicare system which makes predictable and stable payments to their physicians.

I came to Washington, with one of the largest freshman classes in recent history, to make the difficult decisions that for too long have been deferred and delayed. I'm proud to have joined a bipartisan group of my fellow Representatives last spring in passing a budget resolution which addressed the long-term challenges facing Medicare.

The budget resolution we supported provides fiscal stability to a program which will face severe cuts and drastic changes in the future without serious reform. However, while these basic reforms to the existing system are being debated, we are currently faced with a more pressing issue, the solution to which has already earned widespread support among lawmakers, doctors, and health care industry groups.

The practicality of the sustainable growth formula for Medicare payments has been a subject of much debate in this Chamber since its implementation in 1997. Over the course of the past two decades, Congress has deemed it acceptable to provide for short-term, temporary fixes to ensure that doctors receive adequate payment for the services they provide to Medicare patients. Short-term fixes provide no stability or predictability to these important service providers.

In speaking with a cardiologist in my home of Bucks County, he shared his concerns with me over the way Congress has chosen to handle the SGR. He told me that every time a short-term extension comes up for a vote, he is faced with the possibility of having to lay off employees and reducing his practice in the face of potential cuts.

The constant threat of cuts to the Medicare reimbursement rate prevents doctors and hospitals from developing new delivery and payment models intended to reduce rising health care costs and denies them the flexibility they need to achieve savings through improved care.

Each time Congress enacts a short-term fix, the scheduled cuts in the SGR formula grow deeper and the cost of a full repeal increases. A full repeal in 2005 would have cost less than $50 billion. Today's cost is upwards of $300 billion. In the next 5 years, if nothing is done to correct this predictable crisis, the cost of short-term fixes and the total debt accumulated from the SGR will climb to over $600 billion.

With the drawdown of the conflicts in Iraq and Afghanistan and the homecoming of many of the brave young men and women who so proudly served our country in those theaters over the course of the past decade, we are presented with a unique opportunity to provide for a permanent fix to the Medicare physician payments, and to do so without adding to our already burdensome national debt. The use of savings from the Overseas Contingency Operations fund to permanently repeal the SGR formula will provide doctors and their patients with the certainty they so desperately need in these difficult economic times.

As with so many of the challenges facing our Nation today, we are presented with two clear options:

We can choose to ignore the problems posed by the SGR formula to doctors, seniors, and to our fiscal health by continuing the practice of short-term fixes and forced draconian cuts to hospitals and health care providers and apply the savings from the OCO funds elsewhere; or

We can choose to use these funds to permanently repeal the SGR and to set our Medicare system on a new path and provide for long-term stability for doctors that promote equality, efficiency, and improved health care services for our Nation's seniors.

I understand that we're presented with another opportunity to provide some breathing room for doctors and their patients as part of the middle class tax cut bill that looks to achieve bipartisan support here this week. Let us use the next 10 months to engage in some honest discussion about the real cost and impact of the SGR. Let's get this right before the end of the year. And I look forward to working with my colleagues on both sides of the aisle to do just that.

BRING THE WAR IN AFGHANISTAN TO AN END

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

Ms. LEE of California. Mr. Speaker, first let me just thank my colleagues, Congressman JONES, Congressman MCDERMOTT, Congressman ELLISON and others, for speaking out this morning clearly, saying that it's past time to bring the war in Afghanistan to a swift and orderly end.

There's no military solution in Afghanistan. We need to bring our troops home now, and we need to make sure that we leave no permanent military bases. The American people are sick and tired of the past decade of war, and they want this war to end.

At a time when tens of millions of Americans are unemployed and nearly 50 million Americans are living in poverty, the Pentagon is requesting almost $100 billion in the President's budget to fund Overseas Contingency Operations, including the wars in Iraq and Afghanistan.

□ 1100

First of all, we all thought the war in Iraq was really supposed to be over. So why in the world are we spending billions of dollars on a war that we are no longer fighting? Mr. Speaker, we've already spent over $1.3 trillion on the wars in Iraq and Afghanistan, and we cannot afford to blindly continue down this path.

The reason, of course, that I voted against that original resolution in 2001 authorizing the use of military force was because it was a blank check for war against any nation, anywhere, anytime, any organization, and any individual.

The situation we are in right now, being asked to spend another $100 billion on endless war, is exactly what we should have considered 10 years ago when we went down this path. This war without end must end.

While everyone would like a stable democracy in Afghanistan, the facts on the ground suggest that we are not headed in that direction, yet we've spent hundreds of billions of dollars there. Instead of a stable democracy, we have a corrupt state that relies almost entirely on foreign countries for its budget.

The reality on the ground in Afghanistan stands in stark contrast to the steady reports of progress we have been hearing from those who seek to maintain a military presence in Afghanistan in 2014 and beyond. It's time to bring our troops home from Afghanistan—not in 2014, not next year, but right now.

Later today, some of us will be meeting with the courageous Army officer Colonel Daniel Davis. Colonel Davis wrote a revealing account of the war in Afghanistan after witnessing the huge gap between what the American public was being told about progress in Afghanistan and the dismal situation on the ground.

Colonel Davis' assessment is backed up by a recently released report from Afghanistan's NGO safety officer. The report warns NGO employees in Afghanistan not to take seriously the message of advances in security coming from the Pentagon.

Mr. Speaker, I ask that this page from the Afghanistan NGO safety officer quarterly data report be inserted into the RECORD.

AOG INITIATED ATTACKS

AOG initiated attacks grew by 14% over last year and demonstrated an enhanced operational tempo—with 64% of all operations occurring before the end of July (compared to 52% in 2010)—and then trailing off sharply once OP BADR ended over Ramadan.

The tactical portfolio remained consistent with 2010, with close range engagements (SAF/RPG) making up the bulk of operations (55%) and IED/IDF operations at 44%. Suicide attacks remained at just 1% of the total yet caused close to 70% more fatalities this year, including roughly 400 Afghan civilians (230 in 2010).

Throughout the year ISAF made a number of statements claiming a 3% reduction in attacks between Jan–Aug when compared with 2010. We are not in a position to evaluate their data but, obviously, we do not agree with their finding and advise NGOs to simply ignore it as practical security advice—a use for which it was likely never intended in any case. We find their suggestion that the insurgency is waning to be a dangerous political fiction that should be given no consideration in NGO risk assessment for the coming year.

Interestingly, our data does find that this year's 14% growth rate (what you might call the IEA profit margin) is substantially lower than previous years (above right) suggesting that there has indeed been some serious reduction in the effort that the IEA is putting in. Whether this reduction has been forced upon them by ISAF or whether they consciously chose it—on the calculus that there is no point sprinting to the finish if everyone else has dropped out of the race—is unknown to us and, we suspect, to ISAF.

The report reads:

We find their suggestion that the insurgency is waning to be a dangerous political fiction that should be given no consideration in NGO risk assessment for the coming year.

''A dangerous political fiction''—that is how this organization dedicated to ensure the safety of NGO employees in Afghanistan characterizes the rosy reports of steady progress in Afghanistan. Mr. Speaker, if we're going to ask our brave men and women in uniform to continue to risk their lives in Afghanistan, the least we can do is be frank and honest about how we are doing in Afghanistan. Our soldiers deserve to know the truth, and the American people deserve to know the truth after spending the past decade fighting wars.

The war in Afghanistan has already taken the lives of almost 1,900 soldiers and drained our treasury of over $500 billion in direct costs. Those costs will only go up as we spend trillions of dollars on long-term care for our veterans, which we must do.

We are set to spend an additional $88 billion in Afghanistan over the next year while domestic cuts in education, health care, roads, bridges, and other essential priorities are sacrificed. Again, I repeat, it is time to bring our troops home from Afghanistan, not in 2014, not next year, but right now.

Let me conclude by saying that as the daughter of a 25-year Army officer who served in two wars, I salute our troops, and I honor our troops. Our service men and women have performed with incredible courage and commitment in Afghanistan. But they have been put in harm's way, and they have performed valiantly. It's time to bring them home.

ALCATRAZ ELEVEN

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

Mr. DOLD. Mr. Speaker, today I rise to pay tribute to American men and women in uniform, but specifically to an era in the Vietnam conflict that I think did not get as much thanks as it deserves.

On February 11, 1965, flying off of the USS Coral Sea, Lieutenant Commander Robert Harper Shumaker, flying an F–8 Crusader, was shot down over North Vietnam. His parachute deployed about 35 feet before he hit the ground. His back was broken upon impact. He was immediately captured and paraded through the streets.

They took him to what became known at that time as the Hoa Lo Prison. This was going to be the main facility that would house POWs over the next several years. This prison was then dubbed by Commander Shumaker as what we know it today, the Hanoi Hilton. This was an area where a number of POWs were tortured on a regular basis. Lieutenant Commander Shumaker was the second American pilot shot down. At that point in time, it was somewhat of a blessing because the news media actually got pictures and was able to send word back to his family that he was, indeed, alive. That same fate would not be given to many other POWs, which is why the POWs spent time each and every day memorizing the names, the ranks, of all of the other 591 POWs that would go through the halls of the Hanoi Hilton.

The Hanoi Hilton wasn't the only prison, however. Eleven members of the United States military were actually taken out of the Hoa Lo Prison and brought over to what would become known as Alcatraz. These became known as the Alcatraz Eleven. These were considered by the North Vietnamese to be the eleven greatest threats to camp security. We had men like Jeremiah Denton, who was a senator from Alabama, Jim Stockdale, who was awarded the Congressional Medal of Honor, George Coker, Ron Storz, and I'm pleased to say a Member of this body, SAM JOHNSON.

In Alcatraz, these men spent literally years in solitary confinement in a 3-by-9 foot box with a single lightbulb which was kept on all the time. They were tortured on a regular basis if they were caught communicating. Lieutenant Commander Shumaker was actually known amongst his peers as ''the great communicator.''

They'd devised a tap code earlier, the tap code which would become famous for those going through POW training, survival training.

It was a 5-by-5 box. Starting in the top row, A, B, C, D, E—they cut out ''K'' so they could have an even 5-by-5 box. They would communicate unbelievable volumes of knowledge. Lieutenant Commander Shumaker actually taught French through the walls to SAM JOHNSON.

In that solitary confinement, again, if they were caught communicating, they were tortured, so there was a reluctance to communicate. But that's

how they kept themselves alive. That's how they exercised the one most important muscle out there, and that was their brain.

Just a couple days ago, Mr. Speaker, marked the 39th anniversary of their release, February 12, 1973. So, although we were not here in this body—we were at home—I felt it appropriate to come up and talk about the anniversary.

Lieutenant Commander Shumaker holds a near and dear place in my heart. He happens to be my uncle. When my wife and I had our first child, we decided to name her Harper after him.

This is an example of the bravery that goes on each and every day for our men and women in uniform. Not a day goes by that I don't thank the good Lord for the men and women that are protecting our Nation each and every day. But I don't look at the picture of my uncle upon his capture and say it's never going to be that bad.

The stories are remarkable, and they continue to come in day and day out because they don't like to talk about them. This was a unique group of individuals that the American public was actually in support of. The Vietnam conflict wasn't very supported, but everybody in America was supportive of the POWs that were putting their lives on the line.

They would resist time and again from giving up information, and yet the North Vietnamese would continue to bring them in to try and torture them for additional information.

Mr. Speaker, we are blessed to have countless American heroes amongst us, but I am proudest of my Uncle Bob Shumaker.

□ 1110

HONORING THE COURAGEOUS PATRIOTISM OF ACTIVE DUTY ARMY OFFICER LIEUTENANT COLONEL DANIEL DAVIS

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

Mr. MCDERMOTT. Mr. Speaker, this country has many faces of bravery, and today I want to recognize the courageous patriotism of active duty Army officer Lieutenant Colonel Daniel Davis, who recently returned from a second tour in Afghanistan.

He traveled thousands of miles throughout the country, patrolled with American troops in eight provinces, and spoke to hundreds of Afghan and American security officials and civilians about conditions on the ground.

Convinced that senior leaders of this war, both uniformed and civilian, have intentionally and consistently misled the American people about the conditions in Afghanistan, Davis wrote an 84-page report challenging the military's assertion that the war in Afghanistan has been a success.

This report, which I read, was written at great risk to Lieutenant Colonel Davis' military career and personal life, and it forces us to confront uncomfortable truths about the war in Afghanistan and about the decisionmaking that has led us to our current situation.

Davis reports:

> Senior-ranking U.S. military leaders have so distorted the truth when communicating with the U.S. Congress and American people in regards to conditions on the ground in Afghanistan that the truth has become unrecognizable.

I strongly encourage every Member of Congress to read this report as soon as possible. It's like the Pentagon papers in its power. After reading it, you will find it impossible not to heed Davis' advice to hold public congressional hearings on the state of the Afghan war.

More than 5,500 Americans were killed or wounded in Afghanistan in 2011 alone. ''How many more soldiers,'' he says, ''must die in support of a mission that is not succeeding?'' That is his question. Each and every one of us ought to ask himself or herself this difficult question. Even our intelligence agencies are skeptical about the Afghan war—if it is salvageable and if our objectives are realistic.

Last month, a National Intelligence Estimate given to President Obama painted a bleak picture about our efforts in Afghanistan. At current levels of foreign assistance by the U.S. and Europe, which will be hard to sustain under the budgetary pressures, the NIE does not forecast rapid improvements in Afghan security forces or governance or in the removal of the Taliban.

I fear that we have forgotten the difference between respect for our military leaders and unquestioning deference to them. Questioning the war's strategies and objectives and consequences all too often discredits one's patriotism and impugns one's motives. Yet that unflinching assessment is precisely what the lieutenant colonel implores us to do.

After 10 years in Afghanistan, what is the wisest course for us now?

Sadly, we cannot even begin to answer that question because the rampant over-classification of information has made it nearly impossible for Congress to fully oversee, evaluate and to, perhaps, recast our war efforts.

Recently, declassified information about the Afghan war exposed brutal realities that have been withheld from the public—American troops incidentally and accidentally killing Afghan civilians, widespread corruption in the U.S.-backed Karzai government and revelations about Pakistan's assistance to Afghan insurgents, to name just a few.

Not every American has traveled 9,000 miles and witnessed what Lieutenant Colonel Davis has seen, heard, and understood; but we can in this body, and must, begin to investigate the charges of deception and dishonesty in his report. For our democracy to work, congressional officials and the public must have access to this type of information.

The American public, which bears the extraordinary cost of this war both in money and in pain, deserves to know the truth. The ancient Greek playwright Aeschylus cautioned: ''In war, truth is the first casualty.''

It is time to reclaim the truth of our war in Afghanistan by having congressional hearings. They should begin now. Some of us believe we ought to bring the troops home more quickly than the President, but we have to have hearings so that the American public will understand why it is this action should be taken.

THE DANNY THOMAS COMMEMORATIVE STAMP

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

Mr. COHEN. Mr. Speaker, I rise today to talk about the life and work of Danny Thomas and of the St. Jude Children's Research Hospital, which is located in Memphis, Tennessee.

This year marks the 50th anniversary of St. Jude's hospital and what would have been the 100th birthday of Danny Thomas. Commemorative postage stamps are one of the most visible and enduring ways that our Nation honors organizations and people. Today, the United States Postal Service will be celebrating the life and work of Danny Thomas with the commemorative stamp in my district of Memphis, Tennessee, at the St. Jude Children's Research Hospital.

Danny Thomas was born on January 6, 1912, in Deerfield, Michigan. After saving enough money, he moved to Detroit to take up a show business career. One of his first jobs was on a radio show called ''The Happy Hour Club,'' which is where he met his wife, Rose Marie Mantell. He met her on the show, and he escorted her home for 3 years, traveling together on a streetcar. Finally, he proposed. They were married in 1936, and they had three children whom the world pretty much knows—Marlo, Tony, and Terre.

When Rose Marie was about to give birth to their first child, Marlo, Danny Thomas was torn between his dedication to work and his responsibilities to his wife and his newborn daughter. Desperately, he sought relief in prayer. He knelt before the statue of St. Jude, the patron saint of hopeless causes, and begged for a sign. Should he or should he not remain in show business? He promised that if St. Jude showed him the way he would erect a shrine in his honor.

Danny went on to become one of the best loved entertainers of his era, starring in many TV shows and movies. From '53 to '64, he received five Emmy nominations for a starring role in ''Make Room for Daddy,'' winning Best Actor Starring in a Regular Series in '53 and '54. The show also received an Emmy for Best New Situation Comedy

in '53 and Best Situation Comedy in '54. He also produced comedy programs: ''The Dick Van Dyke Show,'' ''The Andy Griffith Show,'' ''The Real McCoys,'' and ''The Mod Squad.''

Yet he never forgot his promise to build a shrine to St. Jude. He had conversations with his close friend and mentor, a native of Tennessee and archbishop of Chicago, Cardinal Samuel Stritch. Cardinal Stritch was the cardinal in Toledo when Danny Thomas was in church, and they became close. Cardinal Stritch, who served time in Memphis at St. Patrick's church after he was in Nashville, which was his home, told Danny that the shrine to St. Jude should be a hospital where children should be cared for regardless of race, religion, or ability to pay. He told him that the hospital should be in Memphis, Tennessee.

Cardinal Stritch was a great man for many, many reasons, but this was one of them—the creation of the St. Jude Children's Research Hospital with Danny Thomas. The hospital, located in Memphis, is one of the world's premier centers for research and treatment of pediatric cancer and for other catastrophic children's diseases. It is the first and only pediatric cancer center to be designated as a comprehensive cancer center by the National Cancer Institute.

Children throughout the United States and from around the world come to Memphis and in through the doors of St. Jude for treatment. Thousands more have benefited from its research, which is shared freely with the world global community. No child is denied treatment because of an inability to pay. The hospital has developed procedures that have pushed the survival rate for childhood cancers from less than 20 percent when the hospital opened to 80 percent today. By U.S. News and World Report, it ranks as the number one children's cancer hospital in the United States. It was the first completely integrated hospital in the South, a condition demanded by both Danny Thomas and Cardinal Stritch. Black doctors treated white patients, and white and black patients were together in the same rooms.

As one of Memphis' largest employers, St. Jude has more than 3,600 employees, supported by a full-time fundraising staff of almost 900 at ALSAC, which is the American Lebanese Syrian Associated Charities. The Shadiac family has a great history in running that charity. ALSAC/St. Jude, the fundraising organization of St. Jude, is the third largest health care charity in America, and it raises money solely to support St. Jude.

□ 1120

Danny Thomas was presented with a Congressional Gold Medal in 1983 by President Reagan in recognition for his work with St. Jude Children's Research Hospital. He died in 1991 at the age of 79. His great accomplishments and altruism make him an American hero worthy of the honor a commemorative stamp imparts. His life perfectly illustrates how the American Dream can be within the reach of anyone, even an immigrant son of Lebanese parents with a humble upbringing.

Mr. Thomas was an extremely compassionate man who certainly deserves nationwide recognition for his dedication to St. Jude and all the children that the hospital has helped over these 50 years. To this day, Danny Thomas is still a part of every child's experience at St. Jude. Children rub the nose of Danny's statue for good luck prior to every treatment, sure proof that he will always be a source of hope and inspiration.

I was pleased to support this effort by leading a letter to Postmaster General Patrick Donahoe, and I commend the United States Postal Service for selecting Danny Thomas.

I urge everyone to contribute and to visit the St. Jude Children's Research Hospital. I congratulate St. Jude and the family of Danny Thomas for this honor and for all that they do for children of the world.

AFGHANISTAN AND IRAN

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

Mr. ELLISON. Mr. Speaker, President Obama's decision to end combat operations in Afghanistan next year is welcome news. I commend President Obama for making this decision. But we should bring our troops home even sooner than that.

The American people are tired of this war in Afghanistan. Large majorities of them want a safe and orderly withdrawal from Afghanistan as soon as possible. A decade of war has ravaged military families, our Nation's treasury, and our standing in the world.

I commend President Obama for ending the war in Iraq as well. I commend him for trying to end the war in Afghanistan. The courageous truth telling of Lieutenant Colonel Daniel Davis should give us pause. His report and the failure to establish peace in Afghanistan after 10 years of war should remind us that we need a political solution, not a military one.

We have ended the war in Iraq. This is a good thing. We are slowly ending the war in Afghanistan. This is also welcome news. But I suggest to you, Mr. Speaker, that it would be unwise for the United States to enter into a new war just as we're ending two others.

But if you listen to the rhetoric around Washington and the Nation, Mr. Speaker, it is literally impossible to not hear the drumbeat of war with Iran. The rhetoric in Washington about the military strike against Iran leads me to think that we may be sliding into a new war yet.

I would like to be perfectly clear, because whenever you speak against a war, your patriotism is challenged and your courage is challenged until they find out that you were right. So let me be clear:

I strongly oppose nuclear proliferation, and that includes Iran. I have supported sanctions against Iran to help prevent the spread of nuclear weapons. Iran's repression of human rights and support for terrorist groups is appalling.

But the heated rhetoric we hear around our city and the events on the world stage are deeply troubling, Mr. Speaker. News headlines read, ''The Coming Attack on Iran.'' Pundits discuss the possibility with shocking casualness, and I am alarmed by this.

America, we have seen this movie before, and, Mr. Speaker, it doesn't end well. Two months after leaving Iraq, we have already forgotten the consequences of war it appears. If you need a reminder, talk to a veteran or a veteran's widow.

Our military leaders are cautioning against a strike on Iran. Secretary of Defense Leon Panetta said the United States ''could possibly be the target of retaliation from Iran, sinking our ships, striking our military bases.'' He said, ''That would not only involve many lives, but I think could consume the Middle East in a confrontation and a conflict that we would regret.'' Let me repeat, ''a conflict that we would regret.''

Mr. Speaker, I wish the United States had never entered Iraq. And before we entered it, the world—not just Americans, but the world—said, ''Don't do it.'' Some people led us to war anyway; and haven't we all regretted—after no weapons of mass destruction, no linkage between Saddam Hussein and Osama bin Laden—that none of these things that were recommended have come to pass, yet we've lost, literally, thousands of American lives and perhaps $1 trillion.

Israeli intelligence officials have equally dire predictions about a military strike against Iran. Former Israeli Mossad Chief Meir Dagan said that attacking Iran ''would mean regional war, and in that case, you would have given Iran the best possible reason to continue the nuclear program.''

There is serious concern that a military strike on Iran would hasten Iran's development of a nuclear weapon, not slow it down. A strike would only delay—not end—development. Speaking about what would happen after a military strike, retired General Anthony Zinni said, ''If you follow this all the way down, eventually I'm putting boots on the ground somewhere.''

America cannot afford another war. We've just gotten out of Iraq. We're getting out of Afghanistan. And diplomacy, diplomacy, diplomacy is what is called for to avoid a new war with Iran.

CONSTITUENT IDEAS

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

Mr. CARNAHAN. Mr. Speaker, a few weeks ago, I proposed a simple challenge to my constituents back home in St. Louis. I said: Tell me your ideas for creating more jobs and economic opportunity in 2012, and I'll compile them and not only take them back to Washington but work to turn your ideas into action.

I want to thank the over 600 Missourians I heard from, each offering many of their own commonsense solutions to help our economy continue to grow.

I want to share their message on the floor of the U.S. House of Representatives today. Their message was a clear consensus that we need to invest in our infrastructure, make things here in the U.S., bring manufacturing jobs back from overseas, educate and train our workforce for 21st century opportunities, and work together for the good of the country instead of pulling our country apart at the seams.

My constituents in St. Louis are deeply concerned that our communities will be left behind in this new global economy if we don't act now, right now, without delay.

As Joseph C. expressed best:

Missouri is a great State, but I'm afraid it will be left behind, and manufacturing jobs will go elsewhere.

Chris K., from St. Louis, sent me an email saying:

What would help my personal economic situation and those of many others would be a greater investment in our Nation's infrastructure.

Joseph P., from St. Louis, commented:

Investing in our infrastructure and educational systems will not only create jobs but will also result in long-term economic benefits for the entire Nation.

Karen M. said:

We need to realize how important good carpenters, plumbers, electricians, bricklayers, secretaries, and caregivers are in the long scheme of things. We need to encourage and applaud these jobs.

As Kevin N. put it:

We need to invest in infrastructure for communications and transportation because public infrastructure is the greatest catalyst for economic development.

To create jobs, Diane M. said:

I have long thought that the unions and small businesses that require special skills should provide apprentice programs to students, which would give hope and possibility through real skills to thousands of students who would not be exposed to these trades otherwise.

And Christine A. echoed this sentiment by saying:

I believe it could be helpful to increase job training opportunities in our high schools.

We need to pull together to create economic opportunities across this country and for the good of the country. Marilyn B. wrote to me:

Personally, I'm really frustrated with both sides of the aisle not being willing to work together for the good of all.

As a Member of Congress, I pledge to work with my colleagues to see that these great ideas from America's heartland are developed further. By working together and reaching across the aisle, I'm confident we can grow jobs and economic opportunity across this country.

□ 1130

I look forward to using these commonsense ideas to build a blueprint for putting our economy back on track, to turn these great ideas into action.

RECESS

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

Accordingly (at 11 o'clock and 30 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

Eternal God, through whom we see what we could be and what we can become, thank You for giving us another day.

In these days, our Nation is faced with pressing issues of conscience, constitutional religious and personal rights, and matters of great political importance.

We thank You that so many Americans have been challenged and have risen to the exercise of their responsibilities as citizens to participate in the great debates of these days.

Grant wisdom, knowledge, and understanding to us all, as well as an extra measure of charity.

Send Your spirit upon the Members of this people's House who walk through this valley under public scrutiny. Give them peace and Solomonic prudence in their deliberations.

And may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

Mr. QUAYLE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. QUAYLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

RELIGIOUS LIBERTY: THE CONSTITUTION DEMANDS IT

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

Mr. POE of Texas. Mr. Speaker, religious liberty is under attack by the administration.

The right of religious liberty is guaranteed in the First Amendment of the Constitution because it is a foundation for other rights. Yet the administration is forcing religious organizations to violate their conscience by indirectly providing their employees with services that trample on those religious beliefs.

The administration's so-called ''promise of accommodation'' changes nothing. It is just political word games.

The issue is not about contraception. This is an issue about religious liberty. It affects not just Catholics, but many religions and individuals of faith.

Regardless of where Americans stand on the issue of contraception, sterilization or the morning-after pill, it should be alarming to all who believe the government should not persecute religion or substitute a government secular doctrine and impose it on citizens.

The Constitution does not accommodate for religious liberty, it demands it, whether this administration likes it or not.

And that's just the way it is.

STUDENT-LOAN BORROWER BILL OF RIGHTS

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

Mr. CLARKE of Michigan. Mr. Speaker, I'm speaking directly to the American people today, to all families

who are burdened by student-loan debt. A solution is on the way. I am working on bills that will responsibly forgive certain student loans and provide every student-loan borrower with basic consumer protections by enacting a student-loan borrower bill of rights.

I urge every Member of Congress to help our American families get out of this debt so they can live better lives and create jobs for America.

PRESIDENT'S BUDGET: HIGHER TAXES, MORE DEBT

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

Mr. WILSON of South Carolina. Mr. Speaker, for 3 years, Americans have watched the President as he has tried to borrow and spend his way out of an economic recession. His failed policies have failed this Nation with unemployment still over 8 percent.

The Washington Examiner stated:

> What this country needs is an honest leader who will tell the truth about our entitlement spending crisis and identify real reforms. But Obama's latest budget does none of that. Instead, he offers double doses of deficits, tax hikes, and crony capitalism. America deserves better.

Over the past year, House Republicans have passed dozens of pieces of legislation that decrease spending, provide tax cuts, and encourage job creation through private sector job growth. I urge the President and the liberal Senate to work with House Republicans to support legislation that promotes jobs.

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

MAKE IT IN AMERICA

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

Ms. HOCHUL. Mr. Speaker, from Buffalo to Rochester, New York, people in my district want to get back to work. They just need the opportunity. That's why during budget hearings yesterday with the Secretary of Defense and the Secretary of Homeland Security, I posed the question: Can our government be doing more to make sure that our limited Federal procurement dollars are being spent on jobs in manufacturing right back here in America?

The answer is, yes. They want to work with us, and we need to work together to make more of our limited dollars spent in companies that have a higher percentage of the American workforce right here making our defense systems and our products for the Department of Homeland Security. My policy is to give more preferences to those businesses based on the percentage of workers in America.

We need to have a policy that is going to reward those companies and not penalize them. We need to create more opportunities for manufacturing right here in America and in my district in upstate New York.

So I look forward to working collaboratively. I'm going to introduce legislation that I expect to be bipartisan in nature. Who could not agree that we could do more to make it in America?

BUILDING BETTER BUSINESS PARTNERSHIPS ACT OF 2012

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

Mr. SCHILLING. Mr. Speaker, when small businesses compete for government contracts, the government saves billions of dollars, and thousands of private sector jobs are created through these investments. However, the process of contracting can be needlessly time-consuming and onerous for small businesses to navigate. Last year, the Federal Government failed to meet the requirement for contracts awarded to small businesses. This complicated procurement procedure is hindering job creation and slowing our economic recovery.

Last week I introduced—along with my colleague, Representative JUDY CHU from California—H.R. 3985, Building Better Business Partnerships Act of 2012. H.R. 3985 focuses on improving and streamlining mentor-protege programs which pair new businesses looking to increase their government contracts with more experienced businesses. My bill will make mentor-protege programs more efficient and successful by placing the SBA in charge of overseeing and setting standards for programs based on what we know works. Ultimately, H.R. 3985 will make it easier for small business firms to compete.

□ 1210

WE ARE AT A CROSSROAD IN AMERICA

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

Mr. BUTTERFIELD. We are at a crossroad in America where we must decide if we're going to continue building economic recovery on the backs of middle- and low-income families, or whether we're going to ask wealthy Americans to join in the sacrifice by paying their fair share.

Too many Americans have already made sacrifices to aid our slow moving economy and reduce the deficit. The military had to scale back, Federal workers had to take a pay freeze, health care providers had to take a pay cut, but we have not required those who can actually afford it to share in the sacrifice.

Changing our Nation's tax policies is not about redistribution of wealth; it's about fairness, doing what's best for the American people. If those who can afford it don't make the sacrifice, the survival of America will be affected.

The President's budget will ensure that those who have been blessed with a portfolio that has multiplied under the Bush tax cuts will no longer be the primary beneficiaries of tax cuts and policies.

I urge my colleagues to insist that all Americans, including the rich, share the pain of this recovery.

PRESIDENT OBAMA'S PROPOSED BUDGET IS DEBT ON ARRIVAL

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

Mr. BUCHANAN. Mr. Speaker, earlier this week, the President released his budget for next year. It fails to reduce the national debt by one penny. That's why it's already being called ''debt on arrival.''

Under this budget, for the fourth consecutive year, our Nation's deficit will be measured in the trillions of dollars. Let me repeat that. For four consecutive years, trillions of dollars in deficit.

Failure to address our mounting debt crisis puts us on the same course as Greece. We need to act, and act now. Repeating the reckless spending patterns of the past defies common sense.

It's time for Washington to make the tough choices necessary to balance the budget for taxpayers today and future generations. The American people deserve nothing less.

COMMENDING PRESIDENT OBAMA'S COMMITMENT TO PROMOTING INNOVATION

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

Mr. FALEOMAVAEGA. Mr. Speaker, the catchword is ''innovation.'' President Obama has made it clear that on the road to economic recovery we must also make long-term investments in American innovation.

In his FY 2013 budget proposal, President Obama reasserted his commitment to an agenda that supports startups and small businesses, where new jobs are created. President Obama proposed to expand tax relief while eliminating regulations that prevent aspiring entrepreneurs from getting the financing that is needed to grow.

The President's budget also calls for a $2.2 billion investment to support advanced manufacturing research and development programs to assist our business community throughout the country. President Obama's budget also creates a manufacturing capacity for vital defense technologies and dramatically improves production and distribution of manufactured goods.

Mr. Speaker, I commend President Obama for his commitment to keeping

America the global frontrunner in innovation.

PRESIDENT OBAMA'S 2013 BUDGET REQUEST

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

Mr. BONNER. Mr. Speaker, earlier this week the President sent his fiscal year 2013 budget request to Congress. It's been roundly panned as being ''not serious,'' ''inadequate,'' and ''political.''

But, Mr. Speaker, I want the American people to understand, in addition to all these assessments, the President's budget request is downright dangerous. House Republicans have begun a serious conversation with the American people about our debt, our out-of-control Federal spending, the unsustainability of mandatory spending, as well as our future.

But it's past time for this President and his party in Congress to join us in honestly acknowledging the real challenges facing our Nation and offering realistic solutions to put America back on the path to prosperity to ensure that our best days are still in front of us.

Sadly, the President's lack of leadership on these critical issues endangers not only the current economic recovery but the very future of our great Republic.

EFFECTS OF HEALTH CARE REFORM

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

Ms. TSONGAS. Mr. Speaker, the health care reform effort signed into law by President Obama in 2010 contains important new benefits for our seniors and Medicare recipients that have already started to take effect.

Nearly 3.6 million seniors in the doughnut hole have already saved $2.1 billion on their prescription drugs. Twenty-four million people with Medicare have already taken advantage of free preventive services.

Additional reforms such as a prohibition of lifetime caps on insurance expenditures will soon be made available to our seniors, thanks to health care reform. Nothing in health reform reduces Medicare benefits for seniors.

Health care reform achieves Medicare savings by cracking down on inefficiency, fraud, and waste in Medicare, targeted at private health insurance companies and providers, not beneficiaries. This is how government should operate: by demanding efficiency, accountability, and protecting taxpayer dollars.

JOB-KILLING REGULATIONS

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

Mr. QUAYLE. Mr. Speaker, in just this past year approximately 79,000 pages of regulations were printed in the Federal Register. The cost to comply with our regulatory enterprise exceeds $1 trillion per year.

Now this past August, the Department of Labor issued its final rule governing the non-displacement of qualified workers under service contracts. Under this rule, when a government contract is given to a new firm, the company is required to first offer employment to the previous contractor's workers.

The administration claims this rule will help government efficiency, but it gives a preference to union employees and limits the ability of the firm to negotiate and hire the workers that it actually wants. This rule will impact thousands of employers and billions in government contracting.

By piling on new hoops for employers to jump through, we are simply increasing costs that are passed on to taxpayers. Regulatory compliance costs are a hidden tax borne by us all. The administration must stop this myriad of job-killing regulations.

AMERICAN HEART MONTH

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

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of American Heart Month. February, you know, is not just about Valentine's Day, but it's also a month designated to raise awareness of heart disease, especially its impact and effects on women.

Heart disease is the number one cause of death for women. And most Americans, including over 90 percent of primary care physicians, are not even aware that heart disease kills more women each year than men.

We have lost far too many of our loved ones to heart disease. I dare say each of us knows someone, a dear friend or a family member, affected by it. And that's why I reintroduced H.R. 3526, the Heart for Women Act, to increase awareness of and access to care for those impacted by heart disease.

I encourage my colleagues to cosponsor this legislation and join me in the battle against heart disease.

A GOVERNMENT TAKEOVER

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

Mr. PITTS. Mr. Speaker, why do we say that the President's health care law is a government takeover? Because, under the law, the government can force religious organizations to violate their conscience. Because, under the law, the Independent Payment Advisory Board can cut Medicare reimbursements without the consent of Congress.

This same board could start running with minimal congressional oversight, given the President's attempt to broaden the definition of a recess.

It is a government takeover because the minimum essential benefits package will effectively dictate the level of coverage for every health care plan in the Nation. It is a government takeover because the United States Preventive Services Task Force will determine what services have to be provided without any copayment.

Finally, when the government can force you to purchase a service that it firmly controls, it's a government takeover. The list could go on and on. Clearly, the Federal Government is now in the driver's seat. The President's health care law is already failing, which is why we need to end it before it's fully implemented.

□ 1220

MEDICARE

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

Mr. CARNAHAN. Mr. Speaker, on March 1, Medicare physician payments will be slashed by 27 percent, badly impacting seniors' access to health care. We must act now to make sure that doesn't happen.

A few months ago, I had the opportunity to speak to World War II veterans from Missouri who visited Washington to see the memorial to their service. They spoke to me about how, during their crisis, Americans pulled together to meet the great challenges of their time. That's the can-do attitude we need now. We should stop using the lives and health of our seniors as political bargaining chips.

Plain and simple, paying doctors for doing their job, keeping seniors' access to health care should not be a partisan issue. It should be an American value we can all rally around.

I call on my colleagues to work together to keep access to Medicare services strong. That's an American value.

NANNY STATES

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

Mr. DUNCAN of South Carolina. Mr. Speaker, a year or two ago, some local bureaucrat in Oregon shut down a 7-year-old girl's lemonade stand because she had not paid the $120 required to get a restaurant license. The bureaucrat's supervisor defended the action because some government officials will never admit a mistake. Fortunately, elected officials got the action rescinded and let the little girl operate her lemonade stand.

I thought about this when I heard that Big Brother had struck once again

by not allowing a 4-year-old girl in North Carolina to eat the lunch she had brought to school from home because supposedly it did not meet Federal guidelines. The little girl had brought a very healthy lunch: a turkey and cheese sandwich, banana, chips, and apple juice. Instead, she ate three chicken nuggets apparently okayed by the government, and the school sent a bill for the lunch to her mother.

This is the Big Government nanny state run amuck. This was not only ridiculous and excessive, it was cruel to tell a 4-year-old child the lunch her mother had sent was bad or not proper. Plus, the little girl went home hungry.

We seem to have, Mr. Speaker, a government of, by, and for the bureaucrats instead of one that is of, by, and for the people.

REPUBLICAN TRANSPORTATION BILL

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

Ms. PELOSI. Mr. Speaker, I rise to address the House in relationship to the transportation bill that we are currently debating in the House this week.

Transportation, as you know, has traditionally and historically been an idea where our two parties have been able to find common ground. Transportation has been an opportunity for Republicans and Democrats, alike, to work to rebuild America, to create jobs, strengthen our economy, move commerce, move people, improve the quality of life, including public safety—that is, up until now; and that is, until this bill.

With the legislation that we are debating today, Republicans put forth the most partisan transportation package in 50 years. It is not just partisan; it's bad for our Nation, destroying more than half a million American jobs. The transportation bill is supposed to be a job-creating bill. It always has been—until now.

Destroying more than half a million jobs, cutting highway investments in 45 States, bankrupting the highway trust fund with a $78 billion shortfall, and, just the strangest of all, among many shortsighted provisions in the bill, I want to make particular mention of what it does to public transportation. It eliminates all of the dedicated funding for public transportation, leaving millions of riders already faced with service cuts and fare increases out in the cold.

The legislation is so detrimental to our Nation that the Secretary of Transportation, Ray LaHood, a former Member of this body on the Republican side of the aisle, has said:

> This is the most partisan transportation bill that I have ever seen, and it is also the most antisafety bill I have ever seen. It hollows out our number one priority, which is safety, and frankly, it hollows out the guts of the transportation efforts that we've been about for the last 3 years. It's the worst transportation bill I've ever seen during 35 years of public service.

In recommending that the President veto this legislation, the administration has said:

> The legislation would make America's roads, rails, and transit systems less safe, reduce the transportation options available to America's traveling public, short-circuit local decision making, and turn back the clock on environmental and labor protections.

Mr. Speaker, this is so unfortunate because it's so out of character with the American way, the common sense of the American people about what we should be doing for them.

At the beginning of our country, Thomas Jefferson, when he was President, enlisted his Cabinet officers to build an infrastructure plan for America that involved transportation. In the 1800s, this plan, under Secretary Gallatin, the Secretary of the Treasury, was put forth. It recognized that we had made the Louisiana Purchase, that there were Lewis and Clark expeditions going on, and that we had to build America—build roads and transportation out into these territories so that people would move there, commerce would develop, our country would be strong.

Following this, the Erie Canal, the transcontinental railroad, the Cumberland Road, they were all built after the War of 1812—of course, the transcontinental railroad later than that—when our population was sparse and so was our national treasury.

In my own community of San Francisco, the Golden Gate Bridge and the San Francisco Bay Bridge both were built 75 years ago in the midst of the Great Depression.

President Eisenhower in the mid- to late fifties, not a good economic time either, built and instituted the Interstate Highway System, unifying our country. It was a national security issue to unify our country. It was done at a time when our coffers were low on money, but it created jobs. It did what it was intended to do.

Now we are abdicating our responsibility. Again, 200 years ago, Thomas Jefferson; 100 years later, Teddy Roosevelt, and his initiative for infrastructure centered around our national park system and how we make that part of our national patrimony, and some of that falls under the Transportation Subcommittee of the Congress of the United States. Now, here we are, 100 years later, putting forth a bill that loses jobs, diminishes public safety. It's a missed opportunity, and it's no wonder our Republican colleagues are having so much trouble building support for it in their own caucus.

I just wanted to take a moment to share my views with our colleagues about how wrong this is for the future and how out of keeping it is with our great past, which has seen the strength of our country grow because of our investments in our infrastructure and our bringing people together through transportation.

BUDGET'S FAILURE TO ADDRESS OUR DEBT CRISIS

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

Mr. BILIRAKIS. Mr. Speaker, for the fourth year in a row, of course President Obama's budget fails to seriously address our Nation's debt crisis and calls for higher taxes and increased stimulus spending.

This budget punishes small businesses, job creators, and seniors at the expense of the administration's spending addiction. This is not a recipe for long-term economic growth.

Instead, we need credible solutions that simplify the Tax Code, control Federal spending, and preserve valuable services for our seniors. Washington should create a win-win situation for all Americans.

The House continues to take these steps with jobs bill after jobs bill that will put people back to work and allow job creators and entrepreneurs to grow.

Unfortunately, the President's budget spends too much, taxes too much, borrows too much, and picks the winners and losers of our economic recovery. This is not what America needs right now.

□ 1230

INTRODUCTION OF SUPPLEMENTAL SECURITY INCOME EQUALITY ACT

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

Mr. PIERLUISI. Mr. Speaker, as a territory, Puerto Rico has always been treated unequally under Federal health programs. While the Affordable Care Act improved the island's treatment under Medicaid, a number of key inequalities remain under both Medicaid and Medicare.

Today, I am reintroducing legislation to eliminate a provision in Federal law that requires Medicare to reimburse Puerto Rico hospitals far less than Stateside hospitals.

Under the current system, Puerto Rico hospitals are paid a base rate that is about 13 percent lower than the base rate for hospitals in the States. Thus, an island hospital will receive substantially less than any urban, suburban, or rural hospital in the States for providing the same inpatient services, making it harder for island hospitals to deliver high-quality care and to remain financially sound.

This is another example of how the people of Puerto Rico are placed at a clear disadvantage in the race of life because of the island's territory status. I hope my colleagues on both sides of the aisle will support my bill.

HELMETS TO HARDHATS

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

minute and to revise and extend his remarks.)

Mr. HIGGINS. Mr. Speaker, earlier this month, I met with the executive director of the not-for-profit organization Helmets to Hardhats. Since 2003, Helmets to Hardhats has partnered with the Department of Defense, over 82,000 American businesses, and organized labor to help returning veterans prepare for and find work.

The current unemployment rate for returning veterans under the age of 24 is an unacceptable 38 percent. Helmets to Hardhats gives veterans the tools they need to start long-term careers in the construction trades. In 2008 alone, the organization placed nearly 1,800 military veterans into construction careers.

Mr. Speaker, the last of our combat troops has left Iraq, and we are winding down our military operations in Afghanistan. These veterans have put their lives on the line overseas, and they deserve the assistance of a grateful Nation when they return in order to ensure that they can participate in the economy and in lasting careers.

With that in mind, I congratulate Helmets to Hardhats, and I encourage my colleagues to do the same.

MEDICAID

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

Mr. AL GREEN of Texas. If a free society cannot help the many who are poor, it cannot save the few who are rich.

Mr. Speaker, there is an effort afoot to move Medicaid from a needs-based program to a block grant program. This, of course, by some estimates, would save approximately $180 billion.

Yet the question is not really how much money will it save. The question is, How many people will have their bodies healed by virtue of a reduction in the moneys that would go to Medicaid? How many lives will be saved is the question we have to ask ourselves.

In a country that is the richest in the world, the rich must pay their fair share of taxes so that all can benefit from the tax coffers and so that those who are poor and those who need health care can get a fair amount of health care.

I remind you again of what Kennedy said: If a free society cannot help the many who are poor, it cannot save the few who are rich.

RELIGIOUS LIBERTY VERSUS CONTRACEPTION COVERAGE

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

Ms. HANABUSA. Mr. Speaker, we began today's session with a debate on contraception. It seems to pit the availability and access to care, which I believe is a fundamental right, against whether you can legislate the behavior of religious institutions. It seems like an intractable dilemma that we face, but that's not so.

Mr. Speaker, look to Hawaii. Since the 1970s, Hawaii has led the way in terms of medical plans and medical provisions. We have had prepaid health care since then, and of course, as you can imagine, we've had this debate. We had this debate in 1999. The way the State resolved it—and I was there—was that there was the religious exemption given for religious organizations broadly defined, but the employee was also entitled to buy coverage from the insurer at no extra cost.

What does this mean?

This means that it may have been, maybe, an additional $2 or $3 a month. The reality of it is, Mr. Speaker, that they didn't pay anything. The insurers covered it because they knew that it was in their best interests. And guess what? Many of the religious organizations did not opt out.

So don't speculate. See the reality. Look at Hawaii.

CAREER AND TECHNICAL EDUCATION MONTH

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

Mr. LANGEVIN. Mr. Speaker, I rise to recognize Career and Technical Education Month. I am proud to be able to work with my colleague, G.T. THOMPSON of Pennsylvania, as he and I co-chair the Career and Technical Education Caucus.

In particular, Mr. Speaker, I would like to address the importance of the initiative that President Obama announced recently that supports partnerships between community colleges and expanding industry. It should be a bipartisan priority.

We've heard a lot about the skills gap that we're facing in this country, and businessowners repeatedly tell me that they cannot fill openings because the applicants lack the necessary skills. We need better collaboration between the companies doing the hiring and the educators who are preparing our students.

In my district, National Grid—the primary utility—and the Community College of Rhode Island offer a model program to prepare workers for available high-skilled jobs. Through coursework and hands-on training, students receive a certificate in Energy Utility Technology and can then become new employees.

Unfortunately, community colleges simply can't afford enough of these programs. The President's Community College to Career Fund is a small price to pay for the resulting benefit. It's a worthwhile program, and I believe that we need to support it.

Mr. Speaker, there are some partisan differences that this Congress, perhaps, cannot overcome, but the idea of multiplying this effort at our community colleges is a commonsense goal if our goal is, in fact, to put Americans back to work.

SMALL BUSINESS

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

Mrs. DAVIS of California. Mr. Speaker, small businesses, from used furniture stores to restaurants to barbershops, drive our economy, but they've had to take a haircut recently since they've been more subject to the ups and downs of the economy than, perhaps, anyone else.

Just last week, I visited small businesses in the San Diego communities of Lemon Grove and Spring Valley, and the people told me they need more customers walking in the doors with money to spend. Well, increasing consumer demand is a key part of our recovery, but it won't come right away. Yet we can use a more immediate tool to help these businesses grow in the meantime.

In the State of the Union address, the President mentioned 17 tax cuts for small businesses in order to put money in their pockets soon. Tax credits for hiring unemployed Americans and for health care costs will incentivize hiring and ensure that the Affordable Care Act is affordable for businesses to implement. An exemption from capital gains taxes for small business investments will spur small business spending and hiring. Also, the American Jobs Act has a provision which would reduce employers' contributions to the payroll tax for their employees.

I support measures like these to encourage the growth of small businesses in order to reignite the American Dream.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 16, 2012 at 9:48 a.m.:

That the Senate agreed to without amendment H. Con. Res. 99.

Appointments:

Washington's Farewell Address.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess.

□ 1516

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 3 o'clock and 16 minutes p.m.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3408.

□ 1517

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, with Mr. WOODALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, February 15, 2012, amendment No. 12 printed in part A of House Report 112–398, offered by the gentleman from Florida (Mr. DEUTCH), had been disposed of.

AMENDMENT NO. 13 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 112–398.

Mr. THOMPSON of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 954, after line 19, insert the following:

SEC. ___. LIMITATION ON LEASING OFF THE COAST OF NORTHERN CALIFORNIA.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(9) No oil and gas lease may be issued under this Act for any area of the outer Continental Shelf for which the State of California is an affected State under section 2(f)(1) and that is located west of Marin, Sonoma, Mendocino, Humboldt, or Del Norte County, California.''.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Mr. Chairman, I yield myself such time as I may consume.

I represent a coastal community and we take seriously threats to our Nation's coastline. The Thompson-Woolsey amendment would clarify that H.R. 3408 would not open drilling along the northern California coast.

Proponents of H.R. 3408 claim that northern California does not meet the minimum production potential to be eligible for offshore drilling; however, I do not simply want to take the House majority's word for it. In a Congress that has seen an unprecedented push to weaken safety standards for our environment, I don't want to leave the door open for alternative interpretations. The people of the north coast of California want to make sure that their environmentally unique and critical coast is protected, period.

Because this amendment is a clarification of the legislation's intent, there is no cost associated with it. It's important to me and to my constituents that H.R. 3408 makes clear that drilling will not occur in the northern California planning area along the coast of Mendocino, Humboldt, Del Norte, Sonoma, and Marin Counties. The coastal area of my district is one of the most productive ecosystems in the world and supports salmon, Dungeness crab, rockfish, sole, and urchin populations.

□ 1520

It also boasts an important and successful tourism industry which represents millions of dollars to the local economies and to the working families of our area. If an oil spill were to occur in this area, the environmental and economic cost would be staggering. Response and cleanup efforts would be hazardous and minimally effective given the rocky shores and rough waters. Drilling for oil or gas off California's north coast would cause serious harm to a unique and productive ecosystem, abundant marine life, and tourism businesses. This amendment will simply clarify that this bill does not require drilling off the north coast of California.

I urge a ''yes'' vote on the amendment, and I yield 2 minutes to Ms. WOOLSEY.

Ms. WOOLSEY. I thank my friend and neighbor for yielding.

I don't know how many of my colleagues have visited the California north coast that Mr. THOMPSON and I represent. If you haven't, I don't know what you're waiting for. The waters off our shore are quite simply the most abundant and exquisitely beautiful on the face of the Earth. Our commercial fishing industry depends on this thriving marine ecosystem; these waters are invaluable to the research of university scientists; and more than 16,000 tourism jobs in Sonoma County alone depend on these open, beautiful waters. If the majority were truly interested in helping job creators, they would not be supporting a drill-everywhere approach.

Actually, oil and gas resources available off our coasts don't come close to justifying opening this area in the first place to any drilling; and even in parts of the country where there is oil, I believe the costs to our natural environment are much too great when we start punching holes in the ocean floor. We have learned nothing, it would appear, from the Deepwater Horizon disaster if we don't pass this amendment.

We can and we must address our energy security challenges with a stronger commitment to green technologies and to clean and renewable energy sources. And we can start by saying no to drilling in northern California. I strongly urge my colleagues to support the Thompson-Woolsey amendment.

Mr. THOMPSON of California. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I rise to oppose this amendment. Last year, during our offshore debate, an identical amendment was offered, and it failed in the House by a bipartisan vote. In fact, 263 of our colleagues voted ''no'' on this amendment. Right now, under existing law, the Northern California Planning Area is available for leasing. It's been available since 2008 when gasoline prices hit $4 per gallon and the President and the Congress at that time lifted the offshore drilling moratoria.

I'll remind the House that in 2008 when gas prices were rising and the Democrats controlled the House, nothing was done regarding these $4-a-gallon gasoline prices until after the session ended and the President ended his moratoria and the Congress entered that moratoria. So going into 2009, there essentially was no moratoria that existed.

This legislation, then, aims to open up our Federal resources and increase energy production despite President Obama's failure to do just the opposite. This amendment would simply block additional areas from energy production in the future. The Outer Continental Shelf and the resources it contains are under the jurisdiction of the Federal Government. It belongs to all of the people of the United States.

The State of California—and I need to remind colleagues of this—the State of California's top import is petroleum from overseas. This amendment would block the domestic production potentially of petroleum off their coast—production that could be used to help California consumers and provide California people with jobs.

This amendment would do just the opposite of what the underlying bill intends to do, so I urge my colleagues to vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. THOMPSON of California. I don't see how this is going to do anything to affect oil production or jobs if your own Web site says that there's little oil there and we wouldn't be drilling there. So you can't have it both ways. Either there's little oil there and we're not going to drill there, or you have something else up your sleeve.

I want to point out that this area is an area that's historically prone to earthquakes, which would make any kind of drilling there extremely dangerous, and that it's one of four major upwellings in the entire world's oceans. This is a critical area to our marine life and the businesses that thrive because of it. And my friend from Washington is 100 percent right on one thing that he said, and that is that this coastline belongs to all the people of the United States of America; and for that reason alone, we ought to break our pick to make sure that we do everything to protect it, to protect the fisheries jobs, the tourism jobs and that beautiful area, so that not only the people today can enjoy it, but for future generations to enjoy, as well.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I just want to tell my friend that going into 2009, there were no moratoria. And the reason there were no moratoria on the Pacific or the Atlantic coasts was because the American people demanded that we seek areas where there is potential resources of energy.

Why did they demand that of Congress? Because gas prices hit $4 a gallon and potentially were going higher. We are now in that same situation again. And this underlying legislation, as I mentioned, because the gentleman rightfully said there may not be resources off northern California because this legislation directs the Department of the Interior to offer leases where there are known resources, now, there may be some resources, maybe new technology will find it. We need to keep that option open.

But I think this amendment will start the precedent of blocking off areas when the American people want to have more American energy, more American energy jobs; and this underlying legislation will do precisely that. And I think this amendment will harm that prospect.

Mr. THOMPSON of California. Will the gentleman yield?

Mr. HASTINGS of Washington. I will yield to the gentleman.

Mr. THOMPSON of California. Do you believe that we should be drilling off the coast of northern California in an area that's one of four major upwellings in the world's oceans, in an area that is prone to earthquakes, in an area that everyone knowledgeable about this particular issue claims that there's not enough resources to drill for?

Mr. HASTINGS of Washington. Reclaiming my time, I believe that we should open all areas where there are potential resources. I would just remind my good friend from California that you could make the same argument in Alaska, and yet we drill off the coast in Alaska. You can make the same case that there are fault lines in southern California, and the gentleman knows very, very well that there are huge potential resources in southern California.

So the answer to the gentleman's question is, yes. I believe that we should keep these resources open for potential, and that's what the underlying bill does.

But I will yield to the gentleman if he wants to comment.

Mr. THOMPSON of California. Thank you. I just want to point out that my amendment doesn't affect southern California. It only affects the area in the counties that I mentioned—Del Norte, Humboldt, Mendocino, Sonoma and Marin—an area that has been designated by the scientists and the people in the oil business that there is not enough oil there to bother with and an area that I pointed out before that is very, very important.

Mr. HASTINGS of Washington. Reclaiming my time, I know that's what the gentleman says. I'm arguing against the precedent, like the precedent yesterday, where there's an attempt to block offshore drilling from essentially northern Maryland north, and that was defeated by the House. So what I'm afraid of in the long term is the precedent, and I believe we should keep these options open.

So with that, Mr. Chairman, I urge rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. THOMPSON of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1530

AMENDMENT NO. 14 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 112–398.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 954, after line 19, insert the following:

SEC. 17603. LAND AND WATER CONSERVATION FUND LOCKBOX.

Nothing in this subtitle reduces the amount of revenues received by the United States under oil and gas leases of areas of the Outer Continental Shelf that is available for deposit into the Land and Water Conservation Fund.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, this amendment comes from both sides of the aisle. I'm joined by Mr. MURPHY, Mr. BASS, Mr. GERLACH, Mr. DINGELL, Mr. KIND, and I see Mr. DOLD of Illinois here.

Almost five decades ago, the Land and Water Conservation Fund was created on a sound and fair principle: oil companies who drill on public lands and who therefore are taking a resource that belongs to all citizens of the United States should, in return, out of fairness, give Americans the protection of land so that as they take this resource and refine it and sell it, they preserve these resources—parks, recreation, direct preservation of cultural and land resources.

The bill before us today aims to increase the amount of oil and gas production in Federal waters as a means to raise revenue for transportation funding. These oil fields belong to all Americans. Just as the revenues generated from offshore oil drilling must be shared with all Americans, a portion of these revenues should be used towards conservation and preservation of public lands that belong to all of us. That has been the principle now for four decades, almost five decades, of the Land and Water Conservation Fund.

The LWCF enjoys strong bipartisan and popular support. The program has protected land in every State and has supported more than 41,000 State and local parks and other open-space parcels.

The Trust for Public Land recently conducted an analysis of the return on the investment from LWCF funds. In an 11-year, 12-year period, going up until about 1 year ago, for the $537 million invested in conserving 131,000 acres, $2 billion was generated in economic goods and services. In other words, for every dollar invested in LWCF funds, $4 was returned in economic value. These are not taxpayer dollars that are invested. This is revenue that comes from the oil companies.

Our amendment would stipulate, simply, that nothing in the bill would reduce the amount of revenue from oil and gas receipts available for deposit into the LWCF.

I urge adoption of this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Chairman, I certainly appreciate my friend and colleague from New Jersey yielding me some time.

Today I rise in strong support of this bipartisan amendment.

Since 1964, the Land and Water Conservation Fund has been our Nation's primary program for Federal land conservation. Using a portion of the leases

collected from energy production on the Outer Continental Shelf, this fund provides matching grants to State and local governments for the acquisition of land and ensures public land and water conservation projects can move forward.

In my home State of Illinois, the economic benefits of preserved public lands are indeed undeniable. Sportsmen, wildlife watchers, outdoorsmen, and others combine to spend over $2 billion annually on outdoor recreation in Illinois.

Mr. Chairman, our amendment today is simple. We believe that this Congress should continue its commitment to conservation programs by ensuring that the underlying transportation bill will not reduce the amount of revenue available for the Land and Water Conservation Fund that has supported over 41,000 State and local projects over its 46-year history.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment really is not needed because you can look with a magnifying glass through this whole bill and you will see absolutely no mention whatsoever of the Land and Water Conservation Fund. There's nothing in here that impacts that.

I know the gentleman, my good friend from New Jersey, has a real passion for this particular fund—sometimes we don't agree on that, but, nevertheless, he has a real passion for it—but there is nothing in here at all that even talks about the Land and Water Conservation Fund.

I understand the gentleman wanted to make a statement—I appreciate that—and his desire would be to withdraw the amendment. So with that, I'll reserve my time pending his action.

Mr. HOLT. Mr. Chairman, although the Land and Water Conservation Fund is authorized to receive $900 million annually from oil and gas leasing revenues, Congress must appropriate those funds after they have been deposited from the revenues.

Taxpayers aren't footing the bill for this program. Oil and gas companies fund the LWCF. The amount they pay is less than 1 percent of the massive profits these companies take each year. It's a small token of what we can do to preserve these other resources as the oil and gas resources are used. Preserving open space is more than a narrow environmental issue. It really is a quality of life issue.

As my friend, the chairman, has assured us, there is nothing in the underlying bill that would reduce the amount of revenue available for the Land and Water Conservation Fund. So with that assurance that the legislation here today will in no way harm the Land and Water Conservation Fund, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 15 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part A of House Report 112–398.

Ms. HANABUSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 954, after line 19, add the following new section:

SEC. 17603. SAFETY REQUIREMENTS.

The Secretary of the Interior shall require that drilling operations conducted under each lease issued under this subtitle (including the amendments made by this subtitle) meet requirements for—

(1) third-party certification of safety systems related to well control, such as blowout preventers;

(2) performance of blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

(3) independent third-party certification of well casing and cementing programs and procedures;

(4) mandatory safety and environmental management systems by operators on the outer Continental Shelf (as that term is used in the Outer Continental Shelf Lands Act); and

(5) procedures and technologies to be used during drilling operations to minimize the risk of ignition and explosion of hydrocarbons.

The Acting CHAIR. Pursuant to House Resolution 547, the gentlewoman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HANABUSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, April 20, 2010, September 19, 2010, those dates may not mean much to a lot of people, but I will tell you, I was not a Member of this body at that time, but I remember when the BP oil spill started, April 20, 2010, and when we all cheered when it was supposed to be capped on September 19, 2010, almost 5 months of watching it daily, even in Hawaii, of the oil and the attempts and cheering and then being disappointed when they couldn't take care of this oil spill that was devastating, clearly, the coast.

Now, there was an independent BP spill commission that was appointed, and their conclusions were published. They said that it was preventable. They said that corners were cut, bad decisions were made, and stronger safety standards could have prevented the disaster. It also pointed out that the United States has a fatality rate in terms of offshore drilling that is four times that in Europe. They also found that the problems were systemic to this industry.

The amendment that I have before you is a simple one and a very commonsense amendment. It simply states that the Secretary of the Interior shall require, when he does leasing, that each lease must meet the requirements for a third-party certification of safety systems related to well control, such as blowout preventers. It must meet requirements for performance of blowout preventers, including the qualitative risk, as well as subsea testing. It also must meet requirements for an independent third-party certification of well casing and cementing programs and procedures. It must meet requirements for mandatory safety and environmental management system of the operators in the Outer Continental Shelf.

□ 1540

And it must meet requirements of procedures and technologies to be used during drilling operations to minimize the risk of igniting an explosion of hydrocarbons. Anyone who remembers the BP oil spill, watching it on television, as I did, every day, watching the news, all of these points are so relevant to what have occurred.

So, Mr. Chair, I ask that my colleagues vote along with me to pass this very commonsense amendment as we remember what happened in those 5 months, April 2010 to September 2010. We have the opportunity of being the safest offshore oil industry in the world, and this amendment would help us get there. That's what we owe the people. We owe those people who suffered through this, and we owe the rest of this Nation a sense of being secure and knowing that when we are drilling that we are drilling safely, and we will not see those fatalities again.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I rise to oppose this amendment. We have seen amendments of this nature multiple times throughout the debates, both in the committee that I have the privilege to chair, the Natural Resources Committee, and here on the House floor. And every single time amendments of this nature have failed, often with bipartisan votes.

The amendment would write into law the imposition of strict safety requirements as part of the lease terms. This amendment would override the judgment of two agencies that have the authority to set and enforce safety regulations. Those agencies are the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement. I might add, these agencies within this administration have, on multiple occasions, testified that offshore drilling operations are being

done safely. This is post-BP, I might add.

It seems like the effort is to continue to try to divert attention away from the real issue of increasing American energy production, increasing American jobs, lowering energy costs, and improving our national security. How? By lessening our dependence on foreign oil.

Our good friends on the other side, they simply do not want to face the fact that this bill says that we can move forward with responsible oil and natural gas exploration and production here in America while, at the same time, ensuring that increased safety measures are undertaken. These are not mutually exclusive goals.

Republicans want to make U.S. offshore drilling the safest in the world so that we can produce more American energy, thus creating more American jobs and thus strengthening our national security.

As I mentioned, Mr. Chairman, amendments of this nature have repeatedly failed in the House. I hope it will do so again, and I urge opposition to this amendment.

I reserve the balance of my time.

Ms. HANABUSA. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, it becomes quite troubling when we hear that, from the Republican side, the other side of the aisle, that the Obama administration is doing okay, or they're taking the representations of the Obama administration, when we know continually that that's not the case. So, if anything, this should send up a red flag for everyone to wonder, what is it that's really causing this concession to an agency?

The facts are the facts. We had the BP oil spill. It took five months. There's nothing that's been proposed in concrete as to how to prevent that from happening. That's why we're the Congress of the United States. That's why we're asked to pass laws, because it is only with the passage of laws that we can say, you know, you've got to do this. And if they are doing it, and if they can guarantee that, and they can say that these leases are, in fact, in compliance, it's up to them.

All that we're doing in the statute is giving a format and a framework to say, hey, make sure that these points are met in these leases. They're the ones who are going to determine whether it's met or not.

That's why I think we owe it to the people who died, we owe it to the people who suffered the economic losses, we owe it to everyone in this Nation to make sure that we do not suffer a BP oil spill again.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of the time, Mr. Chairman.

I just want to point out to my good friend from Hawaii, after the BP spill we had a committee hearing down in Louisiana, and part of that was to ascertain the economic impacts in that part of the country, but also to work with or seek from the industry what would happen if there were, heaven forbid, another spill like this. The industry has responded by building a consortium, funding a consortium, I should say, in order to respond to a spill like this.

There were two of them that were testifying at the hearing that day. I said, In the event—and hopefully it doesn't happen—if there were an event like BP again, how quickly could you respond to something like that? Because that's what the issue is. You want to make sure that people respond if there is, in fact, another spill. And in both cases, both of them said they could respond immediately and probably cap it, something like this, in less than 3 weeks. That was over a year ago. I suspect now that that technology is even greater than that.

But my point is that we have the regulations. We have to have American energy and the ensuing jobs that that has created, and I'm afraid that adopting this amendment would hinder that. So I would urge my colleagues to reject this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part A of House Report 112–398.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Streamlining Federal Review To Facilitate Renewable Energy Projects

SEC. 17801. SHORT TITLE.

This subtitle may be cited as the ''Cutting Federal Red Tape to Facilitate Renewable Energy Act''.

SEC. 17802. ENVIRONMENTAL REVIEW FOR RENEWABLE ENERGY PROJECTS.

(a) COMPLIANCE WITH NEPA FOR RENEWABLE ENERGY PROJECTS.—In complying with the National Environmental Policy Act of 1969 (41 U.S.C. 4321 et seq.) with respect to any action authorizing or facilitating a proposed renewable energy project, at the election of the applicant a Federal agency shall—

(1) consider only the proposed action and the no action alternative;

(2) analyze only the proposed action and the no action alternative; and

(3) identify and analyze potential mitigation measures only for the proposed action and the no action alternative.

(b) PUBLIC COMMENT.—In complying with the National Environmental Policy Act of 1969 with respect to a proposed renewable energy project, a Federal agency shall only consider public comments that specifically address the proposed action or the no action alternative (or both) and are filed within 30 days after publication of a draft environmental assessment or draft environmental impact statement.

(c) DEFINITIONS.—For purposes of this section:

(1) FEDERAL WATERS.—The term ''Federal waters'' means waters seaward of the coastal zone (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), to the limits of the exclusive economic zone or the Outer Continental Shelf, whichever is farther.

(2) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' has the meaning the term ''outer Continental Shelf'' has in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project on Federal lands or in Federal waters, including a project on the Outer Continental Shelf, using wind, solar power, geothermal power, biomass, or marine and hydrokinetic energy to generate energy, that is constructed encouraging the use of equipment and materials manufactured in the United States.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this amendment passed the House Natural Resources Committee last year in the form of stand-alone legislation on a bipartisan vote. My amendment would accelerate the development of clean, renewable energy projects on Federal lands by streamlining and simplifying government regulations while ensuring thorough environmental reviews.

House Republicans are committed to utilizing America's abundant and diverse energy resources to implement the all-of-the-above American-made energy strategy that we put forth last year. This includes utilizing our public lands for renewable energy projects. These projects have the potential to create thousands of American jobs, to generate economic benefits, and contribute to our energy security.

Unfortunately, renewable energy projects on Federal lands frequently get caught up in bureaucratic red tape. Regulatory roadblocks and burdensome lawsuits continue to plague and delay these projects, sometimes by many years.

This amendment will facilitate the development of clean, renewable energy on Federal lands by providing a clear, simple process for completing important environmental reviews.

The amendment would require an environmental review to be conducted

only for the specific location where the renewable energy project would be located, rather than requiring thousands of pages of environmental review for numerous different locations. This would significantly reduce the number of years it takes to develop clean, renewable energy projects.

So I want to stress that this amendment includes no subsidies, only the streamlining of government regulations. America has been blessed with an abundance of energy resources of all kinds. We all know that. And we should be actively looking to use these resources to create jobs and to improve American energy security.

So I urge my colleagues to support the renewable energy development regulatory relief plan I have, and support this amendment.

I reserve the balance of my time.

□ 1550

Mr. HOLT. I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, you may think that the gentleman from Washington has suddenly decided that he's going to accelerate renewable energy deployment in the United States; but the fact is, no, he has not gotten religion. This is not intended to accelerate renewable energy. It is to remove protections for the environment.

The amendment really is highly problematic. It has very little upside and significant downside, both in terms of protecting the environment and in producing renewable energy. The measure fundamentally changes public lands policy in a way that could be extremely harmful.

Completely gutting bedrock environmental review processes is not something that should be done lightly. It shouldn't be done with a 10-minute debate on an amendment on a completely separate bill. This $250 billion transportation bill is not the appropriate place to debate a fundamental shift of public lands policy. We spent nearly a day debating this in committee, and it deserves a debate at least that thorough here on the floor.

Right now, a renewable energy project that's proposed for Federal lands can get a green light, a yellow light, or a red light from the permitting agency. What the gentleman from Washington would do with his amendment is get rid of the yellow light.

By only allowing consideration of the proposed action and not allowing any no-action alternative, you know what that means, Mr. Chairman? Well, it means—and it should be obvious—it means that projects that could be viable will get a red light. The permitting agency requiring more data, requiring care, requiring additional conditions will have to say yes or no. They're going to say no. Let me state that again. Projects that can otherwise get built if their plans were tweaked would now, under this amendment, be killed. That means fewer megawatts of renewable energy production on public lands.

No, the gentleman has not suddenly gotten religion about renewable energy.

We've heard from the Bureau of Land Management, we've heard it from the Renewable Energy Industry, the American Wind Association, the Solar Energy Industry Association, the Geothermal Industry Association. They have not endorsed this proposal.

The way to ensure that our public land managers are able to expeditiously permit renewable energy projects is not to handcuff them, like this amendment would do, but to make sure that they have the resources to do the job. Now, the Republicans last year did the opposite by trying to take $1 billion out of the Interior Department's budget.

In addition to keeping the land management agencies from doing their job, this amendment would also reduce the ability of the public to participate in the process. If the public is not given meaningful opportunity, say through environmental hearings, you know what they're going to turn to? They're going to turn to the courts. So this amendment would actually lead to more lawsuits, more delays, less renewable energy on public lands.

This is not endorsed by any renewable energy industry group. That should give you reason to pause.

The representatives of the renewable energy industry have testified that this language could have a perverse effect of forcing agencies to reject projects, of sending projects into court, of preventing the actions we should be taking to develop renewable energies.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I rise in support of the amendment of the committee chairman.

This amendment promotes the Republican all-of-the-above approach to energy policy in this country and will just streamline the NEPA process to ensure the efficient production of energy on public lands.

Right now we don't have a balance. We need to strike a balance. Yes, there are good environmental laws in place that are well-intended and that need to be followed to protect our air and water, but sometimes the threat of litigation or the burdensome application of regulations is used to simply slow down the production of energy, even renewable energy projects on public lands.

So this amendment will allow renewable energy developers to commit their limited resources to a single project and have some certainty that the project will actually take place. They will make the investment necessary, put in the dollars that are required to bring forth wind, solar, geothermal, even tidal types of renewable energy projects that right now will otherwise be held up by burdensome regulations.

These projects have the potential to provide many thousands of American jobs and generate millions of dollars of benefits because right now we're not getting these projects built on public lands. We need some streamlining of the burdensome regulations.

The administration claims to have placed a priority on renewable energy development; and yet roadblocks keep popping up, litigation keeps coming forward, and we don't have anything really happening on public lands. We have to get the ball rolling. That's what this amendment does.

I'm sorry that my colleague from New Jersey doesn't see it that way, but this is intended to bring forth and actually see the realization for once of some of these renewable energy projects. So I would ask for support of this amendment.

Mr. HOLT. May I ask the amount, please, of remaining time.

The Acting CHAIR. Both sides have 1 minute remaining.

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

I hope I made it clear that this amendment would slow things down, would throw things into court, would result in rejected projects.

If the Republicans really want to help renewable energy, you don't need to gut environmental safeguards. Ensure Federal financing tools are available, establishing policies that create a market demand for renewable power in the regulated electricity industry, establish policies that create market demand for renewable power, and support smart-from-the-start policies.

If you really want to help renewable energy, don't raise taxes on the wind industry. Extend the production tax credit. That would save, well, let's say 30,000 to 40,000 jobs. Yes, the production tax credit. That would be the way to help the renewable industry, not to gut environmental protections.

Please, I ask my colleagues, don't support this amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, this is a good amendment because part of the process of creating American energy jobs is to reduce regulation.

I was struck when my good friend from New Jersey said that this amendment would lead to more litigation. For goodness sakes, when we heard testimony on this issue in front of our committee, the Cape Wind Project off Massachusetts testified something to the effect, and I don't have the exact testimony in front of me, but they are the poster child of litigation. Why? Because that litigation covered a very, very broad area.

This specifies where, if somebody has a problem with it, the regulations would deal with the specific area. This really clarifies the whole process more than anything else. So I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part A of House Report 112–398.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Miscellaneous Provisions

SEC. 17801. PROHIBITION ON EXPORT OF GAS.

Each oil and gas lease issued under this title (including the amendments made by this title) shall prohibit the export of gas produced under the lease.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1600

Mr. MARKEY. Mr. Chairman, this amendment is very simple. It prohibits the export of the natural gas produced from the leases that are going to be given to oil and gas companies under this bill.

The bottom line is, what the Republicans want to do is open up drilling for natural gas off of the beaches of Florida, off of the beaches of California, off of the beaches of Virginia, off of the beaches of New Jersey and Massachusetts. Then all they say is, Oh, we have to do this; it's for our national security. But right now, over at the Department of Energy, there are eight applications seeking to export 18 percent of our natural gas overseas—to China, to Europe, to Latin America.

Why is that? Well, it's very simple.

The price of natural gas in the United States is six times lower than in Asia. These companies want to make a big profit, not here in America, but by selling our natural gas—drilled for off of our beaches—to other countries. In Europe, it is four times more expensive for natural gas. That's where they want to sell it.

Now, why would we support that?

It's only if there is an oil and gas company agenda because, unlike natural gas, oil has a price which is set on the international marketplace. So, if it's $100 a barrel in China, it's $100 a barrel in the United States. Not so, ladies and gentlemen, with natural gas. Natural gas is our greatest asset. It's what's fueling our economic recovery. Manufacturing new jobs have been the highest in the last 5 years. It's very low-priced natural gas which is fueling this revolution in creating new jobs because the price of energy is so low in America for natural gas.

What is the plan of the oil and gas companies?

It's to send this natural gas around the rest of the world.

What would the impact be?

It would increase prices for the American steel industry; increase prices for the chemical industry; increase prices for the plastics industry; increase prices for the utility industries, which generate electricity for American homes and businesses; and it would ultimately increase prices for consumers in our country.

This amendment, the Markey amendment, is aimed straight at the Strait of Hormuz, and it's saying to them, We've got the natural gas here in America. We're going to drill for it, but we're keeping it here because it's six times lower in price than it is in Asia and in Europe, and that's what we're going to keep here for our American citizens. We're not going to play this game of international markets so that the oil and gas industry can raise the price of natural gas up to the price of oil. They get rich, and ExxonMobil is reporting $137 billion in profits even as we give them, through the Republicans, $40 billion worth of tax breaks.

When do American consumers get a break? When do American manufacturers get a break? When do the plastics, the chemical, the steel industries get a break in low energy prices? Is it all a one-way street for ExxonMobil and these big multinationals?

The Markey amendment says that we drill for natural gas off the beaches of this country. That natural gas stays here in this country. It is not exported.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

This amendment was offered in committee markup, and it failed on a bipartisan vote simply because it was a bad idea. This amendment, Mr. Chairman, has one goal—to stop the development of natural gas on Alaska's North Slope. This amendment is completely unnecessary and irrelevant.

Currently, there is no way to export natural gas out of ANWR. There are no liquefying gas facilities on the shore. There is also not a single natural gas pipeline out of ANWR to transport natural gas anywhere in the United States. In fact, there are limited ways to export Alaska natural gas.

One of the preferred methods, of course, would be to build a pipeline to cross the U.S.-Canada border and then back into the United States; but under the gentleman's amendment, this wouldn't be possible. I might add, we all know how the gentleman feels about pipelines in general.

Another method would be to convert gas to LNG and ship it to the United States. I know the gentleman is well aware of this process because his home State gets about 40 percent of its natural gas from countries like Yemen, Egypt, or Trinidad. However, should Alaska choose to convert to LNG and try to ship it to California, this amendment would stop them from considering that because the import terminal in southern California is in Mexico, where they get their natural gas from Gazprom, which is in Russia.

The transportation of natural gas across Alaska is a tremendous challenge. As with any major pipeline in construction, the investment will be in the billions of dollars, but it would certainly employ tens of thousands of people. It is something that should and can happen. However, without a market for the natural gas, it is unlikely that this pipeline will ever be built. As mentioned, this amendment then would stop gas from reaching the U.S. markets both by pipeline and by ship.

On this side of the aisle, we hope that a pipeline like this can be built for all of the reasons that we have said in the past. We want the gas to come to America. Our hope is that this gas will displace the natural gas shipments from Russia coming into southern California and possibly even the Yemeni shipments to Boston. This is our hope, and that would be a challenge if this amendment were to be adopted.

This amendment goes against the main objective of the bill—American jobs, American energy and American energy security. So I urge my colleagues to vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. MARKEY. May I ask how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 1 minute remaining. The gentleman from Washington has 2½ minutes remaining.

Mr. MARKEY. At this point, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. At this time, I am very pleased to yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, America is at its best when we're not hypocritical and when we don't shoot ourselves in the foot. This Markey amendment does both.

We insist that China play by the rules. In fact, they've been hoarding their raw materials and holding them back from export to America, which harms American companies. We just won an important ruling around the world that says China has to stop that. Yet here we are on the House floor, trying to do the exact same thing to our export of natural gas, and we're

going to be called on it just like we called it out on China.

Secondly, besides being hypocritical, this is going to kill American jobs. We need not just to buy American; we need to sell American around the world: our cars, our ag products, our electronics, computers, and, yes, our natural gas. That's how we grow America's economy.

I urge defeat.

Mr. MARKEY. I would inquire as to who has the right to close and if the majority is down to its last speaker.

The Acting CHAIR. The gentleman from Washington has the right to close.

Mr. HASTINGS of Washington. Mr. Chairman, I advise my friend from Massachusetts that I have requests from two other Members, so there are three including me.

Mr. MARKEY. Mr. Chair, through you, I would prefer to wait until the final speaker for the majority is about to take the podium.

I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased, Mr. Chairman, to yield 30 seconds to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I also rise in opposition to this amendment. As the chairman has pointed out, there is no market in Alaska, and we know how the other side feels about building pipelines through Canada.

Right now, we've got an historic low price of gas, which is great for America, but it's also great for the rest of the world. This is our opportunity to use our excess capacity. We're producing more than we can consume, hence the low price. We're flaring it through areas of Texas. This is an opportunity to lower our balance of trade and to make some money. Then, as the price goes up, the government gets more in royalties.

I would also like to point out, if we applied this same logic to other commodities—well, let's not export our food so our food prices go down. Let's not export our cars so our car prices go down.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 30 seconds to the gentleman from Texas (Mr. OLSON).

□ 1610

Mr. OLSON. Mr. Chairman, I rise in opposition to the Markey amendment. The gentleman from Massachusetts has displayed a clear lack of understanding of our great Nation's history with his amendment to restrict American exports of natural gas.

Exports have made America a world power. Our country grew stronger economically by providing the products the world demands. No one would get upset if Ford or GM were making enough cars so that they could supply domestic markets and also ship cars overseas. Nobody is proposing to restrict the export of Massachusetts lobsters.

I urge my colleagues to vote ''no'' on the Markey amendment.

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

The Republican slogan 2 years ago was, ''Drill here, drill now, pay less.'' Today the slogan is, ''Drill here, sell to China, pay more in the United States.''

If all these terminals get built, the Energy Department says the price is going to go up by 54 percent for American consumers. Let me tell you what Boone Pickens says. Boone Pickens said something that is very, very clear about exporting natural gas. He said:

''If we do it, we're truly going to go down as America's dumbest generation. It's bad public policy to export natural gas.'' American energy for American jobs.

Oil and natural gas are not lobsters. They are not toothbrushes. They are our key to the strategic protection of our national security. This is a signal to OPEC that we mean business. We're going to drill for the natural gas. We're going to keep it here. And we're going to tell them we don't need their oil any more than we need their sand.

Vote for the Markey amendment. Keep the natural gas, which we drill for off of the beaches in this country, in our country, and tell them they can keep their sand. We'll keep our natural gas right here in America. Vote ''aye'' for the Markey amendment.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

My friend from Massachusetts makes a great point with great, great passion. I thought that the gentleman was arguing in support of the underlying bill. And the reason I say that is because the underlying bill opens up areas on the Atlantic and Pacific coasts for drilling for oil and gas.

The gentleman said yesterday that he is very much in favor of natural gas. There is natural gas off the north shore of the Atlantic. Shipping costs would be very, very little. I'm somewhat confused. But I don't think that the gentleman's amendment will accomplish what he says. But his rhetoric—I can tell you, Mr. Chairman—will accomplish what the underlying bill says, and that will make us less dependent on foreign sources of energy and create American energy jobs.

With that, I urge rejection of the Markey amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part A of House Report 112–398.

Mr. MARKEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Miscellaneous Provisions

SEC. 17801. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—Beginning in fiscal year 2013, the Secretary of the Interior shall not accept bids on any new leases offered pursuant to this title (including the amendments made by this title) from a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person that has any direct or indirect interest in, or that derives any benefit from, a covered lease.

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a covered lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any new lease offered pursuant to this title (including the amendments made by this title) or the economic benefit of any such new lease, unless the lessee or other person has—

(1) renegotiated each covered lease with respect to which the lessee or person is a lessee, to modify the payment responsibilities of the lessee or person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include

limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(c) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term ''covered lease'' means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) NEW LEASE.—The term ''new lease'' means a lease issued in a lease sale under this title or the amendments made by this title.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Last year, ExxonMobil made $41 billion in profits. Together, the top five oil companies made a combined $137 billion in profits. You would think that every time these large oil companies extract oil from public lands offshore in the Gulf of Mexico that they would be required to pay the American people a fee, a royalty to do so, since the lands are owned by the people of the United States. Well, you would be wrong. As a result of an oil company court challenge to a 1995 law, oil companies are not paying any royalties to the American people on leases issued between 1996 and 2000 on public lands of our country.

The Republicans want to drill into the pensions of Federal workers to fund our highways. They want to drill in the Arctic National Wildlife Refuge, America's Serengeti, and off our beaches in California and Florida and New Jersey to fund this transportation bill. But if we are looking for revenue to fund our road projects, we should just start by ending this free ride Big Oil is getting on public land.

In recent years, the amount of free oil these companies have been pumping has gone through the roof as more of these free drilling leases have gone into production. In fact, right now more than 25 percent of all oil produced offshore on Federal lands is produced royalty free, tax free. They don't have to pay any taxes whatsoever. Let me say that again. These companies get a complete windfall profit by paying no taxes for drilling off of the coastline of the United States, owned by the American people. What kind of plan can that be to make sure that we have sufficient funding in order to pay for Medicare, pay for kids going to college, pay for the research to find a cure for cancer? Of all the companies that should be kicking in their fair share of the dues to run this country, it should be the companies who made $137 billion last year and are getting away scot-free and not paying taxes for drilling off of the coastlines of our country on public lands.

At this point, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment is virtually identical once again to amendments that have failed on the House floor by a bipartisan vote, and I'm speaking specifically of last year.

Let me give a little bit of a history. In 1995, a Democrat Senator and the Clinton White House negotiated the Deep Water Relief Act. The intent was to promote interest in deepwater leases. According to the 1995 law, the royalty relief is on the volume of oil and gas produced on a lease. While other royalty-relief provisions are dependent upon economic hardship, these are solely dependent on volume produced.

While the gentleman's amendment aims to fix the problem by including price thresholds, this issue has been repeatedly settled in courts of law and the courts have determined that including price thresholds to this law would be a violation of the contract law. The U.S. Supreme Court found that the Department did not have the authority to include price thresholds on lease agreements issued under the 1995 law. In fact, the Department of Interior has lost this issue in the district court, the appellate court, and the Supreme Court. Simply stated, including price thresholds on these leases would be illegal. If this amendment passed, the issue would almost certainly be challenged in court, where the Department would again use taxpayer dollars to lose again. Ultimately, this amendment seeks to force U.S. companies to break a contract negotiated under government law or else be denied the opportunity to do business in the United States.

The ranking member aims to back companies into a corner and force them to break an unbreakable contract. I think this is a bad amendment. The House has rejected it in the past, and I would urge the House and my colleagues to again reject it this time.

I reserve the balance of my time.

Mr. MARKEY. May I inquire once again as to how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 2¾ minutes remaining. The gentleman from Washington has 3 minutes remaining.

Mr. MARKEY. I yield myself a minute and three-quarters.

The amendment that I'm offering would give these oil companies a strong incentive to renegotiate their leases and to pay their fair share of royalty taxes. My amendment would offer these oil companies a choice. They can choose to either continue to produce royalty tax-free in the Gulf of Mexico on public lands but not be able to receive any new leases on public lands, or they can agree to pay their fair share and be able to bid on new areas. They can't have it both ways. With oil prices at $100 a barrel, this free drilling is absolutely unacceptable.

The Congressional Research Service has repeatedly found that this amendment would not be an abrogation of contract or constitute a taking. In 2010, the Congressional Research Service wrote of my amendment:

> To reiterate, the amendment imposes no legal compulsion. Just as in Ruckelshaus, Congress simply would be posing an election.

□ 1620

This amendment does not require these companies to renegotiate their leases to pay their fair share; it just gives them an incentive to do so. And this amendment would not force companies to give up their leases; it would just impose a condition in issuing future leases.

As CRS has stated, as a general matter, the United States has broad discretion in setting the qualifications of those with whom it contracts. These companies would be perfectly free to choose to continue producing this free windfall oil even if prices climbed well past $100 a barrel and gas prices go past $4 a gallon—they can do that. They can hang on to these windfall leases if they want. But if they do, they will not get any new leases from the American people on the public lands of our country.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, this amendment has been defeated so many times on the House floor, it's like one of those bad ''American Idol'' tryouts. And there is good reason for it. It is as Chairman HASTINGS said. In the 1990s, we wanted to encourage more American-made energy, not importing it from the Middle East. So we encouraged companies to explore in deepwater. They did.

American companies invested hundreds of millions of dollars in leases paid to the American Government in new investment, in new equipment, and it worked. They found oil and gas. They pumped it, and they paid billions of dollars in revenue in royalties to us based on how much they pumped. The more they pumped, the more they paid to the American taxpayer.

This outraged our Democrat friends. They've tried to break those American contracts, force the government to go back on its word. Four times the

courts have said, including the Supreme Court, No, the American Government's word means something.

Today, they want to break that word on the House floor, extort our American companies into breaking those contracts.

We're going to say no. The American Government's contract and the words mean something, and we're going to create the jobs that come from American-made energy.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. BRADY of Texas. Mr. Chairman, I just want to reiterate the point we've been making. The goal of this amendment is not simply to break America's contract, it's really to stop American companies from investing here in America, and creating jobs from clean natural gas, from oil, from traditional energy that fuels so much of America's economy, to make sure that we are reliant on our energy, not on the Middle East or Venezuela.

And so the goal of this amendment, the reason it has been killed so many times, is it works against America's energy interests. It works against American energy jobs, and it breaks the rule of law. America is not a banana republic. Our contracts mean something, and we're going to uphold them.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

These oil giants are the most profitable companies in the history of the world. Yet the Republicans are going to give them $40 billion in tax breaks over the next 10 years. And rather than reclaiming them for our soldiers or for Medicare recipients, they say no, you can't touch that.

And so I turn to them and I say: What about all of the royalty tax-free drilling they're doing? Twenty-five percent of all oil drilled for off of the coastlines of our country on public lands, no taxes. No royalties. No contribution to America. They're not paying their fair share of the dues.

And the gentleman from Texas just said the more they drill, the more they pay. Absolutely not true. The more they drill, the bigger their profits. They don't have to pay a nickel in royalty taxes. They get off scot-free. Everyone else gets tipped upside down by the tax man on April 15 to pick up what they're not willing to pay. It's time for them to pay their fair share of the dues.

That's what the Markey amendment says. Either start renegotiating those leases or you're not drilling any longer on the public lands of the United States of America. Vote ''aye.''

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there is a very important principle here, and that is a contract is a contract. You abide by what you negotiate under the existing law. And this existing law has worked its way through the courts all of the way to the Supreme Court. And in every case, the 1995 law in these leases was upheld. Why would we want to jeopardize and send the wrong message to those who would want to take the risk and make the investments under this law? It would send a very, very wrong signal, in my view.

Once again, this amendment has been defeated on this floor a number of times. I urge my colleagues to vote ''no'' one more time to defeat this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. LABRADOR

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part A of House Report 112–398.

Mr. LABRADOR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

Subtitle D—Promotion of Timely Exploration for Geothermal Resources

SEC. 17801. SHORT TITLE.

This subtitle may be cited as the ''Exploring for Geothermal Energy on Federal Lands Act''.

SEC. 17802. GEOTHERMAL EXPLORATION NOTICE AND EXCLUSION.

(a) DEFINITION OF GEOTHERMAL EXPLORATION TEST PROJECT.—In this section the term ''geothermal exploration test project'' means the drilling of a well to test or explore for geothermal resources on lands leased by the Department of the Interior for the development and production of geothermal resources, that—

(1) is carried out by the holder of the lease;

(2) causes—

(A) less than 5 acres of soil or vegetation disruption at the location of each geothermal exploration well; and

(B) not more than an additional 5 acres of soil or vegetation disruption during access or egress to the test site;

(3) is developed—

(A) no deeper than 2,500 feet;

(B) less than 8 inches in diameter;

(C) in a manner that does not require off-road motorized access other than to and from the well site along an identified off-road route for which notice is provided to the Secretary of the Interior under subsection (c);

(D) without construction of new roads other than upgrading of existing drainage crossings for safety purposes; and

(E) with the use of rubber-tired digging or drilling equipment vehicles;

(4) is completed in less than 45 days, including the removal of any surface infrastructure from the site; and

(5) requires the restoration of the project site within 3 years to approximately the condition that existed at the time the project began, unless the site is subsequently used as part of energy development on the lease.

(b) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to a project that the Secretary of the Interior determines under subsection (c) is a geothermal exploration test project.

(c) NOTICE OF INTENT; REVIEW AND DETERMINATION.—

(1) REQUIREMENT TO PROVIDE NOTICE.—A leaseholder intending to carry out a geothermal exploration test project shall provide notice to the Secretary of the Interior not later than 30 days prior to the start of drilling under the project.

(2) REVIEW OF PROJECT.—The Secretary shall by not later than 10 days after receipt of a notice of intent under paragraph (1) from a leaseholder—

(A) review the project described in the notice and determine whether it is a geothermal exploration test project under subsection (a); and

(B) notify the leaseholder—

(i) that under subsection (b) of this section, section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) does not apply to the project; or

(ii) that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project, including clear and detailed findings on any deficiencies in the project that preclude the application of subsection (b) of this section to the project.

(3) OPPORTUNITY TO REMEDY.—If the Secretary provides notice under paragraph (2)(B)(ii) that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project, the Secretary shall provide the leaseholder an opportunity to remedy the deficiencies described in the notice prior to the date the leaseholder intended to start of drilling under the project.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Idaho (Mr. LABRADOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. LABRADOR. Mr. Chairman, for far too long, the Federal Government has imposed regulatory burdens that have impeded economic growth and limited our access to domestic energy. This legislation, which passed out of the Natural Resources Committee on a bipartisan basis, establishes a commonsense, streamlined policy for the development of clean geothermal energy resources that will create jobs and provide low-cost energy to American families.

In Idaho, we have an abundance of geothermal energy potential that is unavailable due to Federal bureaucratic impediments. Idaho has a unique history of developing geothermal energy. I served for 4 years in the Idaho legislature, where our 100-year-old statehouse is entirely heated by geothermal energy, as are many of our downtown Boise office buildings, old and new. The annual operating costs

for generating this abundant heat are essentially zero.

Current law requires each geothermal exploration hole to go through an individual environmental review and approval process, discouraging energy companies from investing in projects and curtailing our access to geothermal energy. Each individual environmental review process can take between 10 months to 2 years to complete.

Now, more than ever, we should encourage private enterprise by removing the regulatory burdens that stall our economic growth. My amendment does just that.

What the legislation does: number one, it improves regulations that hamper geothermal exploration and allows projects to be done without the construction of new roads and without the use of off-road motorized vehicles to ensure minimal environmental damage.

Number two, it protects the environment by requiring the removal of any surface infrastructure to minimize surface impact.

Number three, it sets firm deadlines for permitting to occur, providing the geothermal companies the certainty they need to make appropriate business decisions. This is important.

What my amendment does not do: it does not subsidize geothermal energy. It merely eliminates a regulatory hurdle that is unique to the geothermal development process, allowing increased deployment without a tax credit or other cost to the taxpayers.

It also does not allow geothermal development to occur in any of our pristine areas that are currently off limits to exploration. The bill simply removes bureaucratic layers that companies must endure after they obtain a lease.

I urge my colleagues to support this bipartisan amendment.

I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Thank you.

We're all for geothermal. There's nobody on this side that's opposed to geothermal. We think it is a really good resource. In fact, in my own history way back in California, the first geothermal wells were drilled when I was on the Resources Committee in the State. We did it well. We required an upfront review of the potential wells, and we continued to do that in California. And it turns out that this particular law would waive the NEPA requirements, simply a categorical exemption for geothermal test wells. It's not necessary, and not wise.

□ 1630

Already the Bureau of Land Management rapidly approves thermal test wells with a very quick environmental review to determine if there's any potential problem in that particular area from that particular well. In fact, about 72 applications had been made, and 47 had been done very quickly. Why were the others not done? There was a potential problem. Perhaps they were near somebody else's resource, perhaps they were in an area that was environmentally sensitive, perhaps they were in an area where you could draw down a naturally occurring hot spring or a geyser.

So there are reasons for the review, and there is no reason for a categorical exemption unless, of course, you want to somehow, bit by bit, terminate NEPA, which seems the strategy of the Republicans here, just nibble away enough so that NEPA has no meaning.

I would draw the attention to the majority here that the natural gas industry obtained an exemption for natural gas fracking from the EPA regulations. The result, at least in Pennsylvania and in New York, was extraordinary trouble for the natural gas industry.

So let's not rush forward here. There's a process in place that provides for an exemption, a very quick process to determine if that particular well is appropriate and allowed to go forward. Where there's trouble, don't do it.

I reserve the balance of my time.

Mr. LABRADOR. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank my colleague from Idaho.

I rise in strong support of this amendment. It would streamline the geothermal exploration process to expedite the development of geothermal energy on Federal lands. Being from Colorado, I know well the potential for geothermal energy development. In fact, just last year, the National Renewable Energy Laboratory, NREL, teamed up with IKEA to build the first IKEA store in the United States that is partially powered by geothermal energy.

As our Nation heads down the path of energy security, we should be facilitating the development of renewable energy on Federal land. This is a good amendment that could potentially shave years off the process of geothermal energy exploration and contribute to our increasing domestic energy portfolio in the United States.

I urge your support of the Labrador amendment.

Mr. GARAMENDI. May I ask the remaining time.

The Acting CHAIR. The gentleman from California has 3 minutes remaining.

Mr. GARAMENDI. It sounds good, doesn't it? Until the well happens to destroy the neighbor's well or until the well happens to destroy one of the many hot springs or geysers that exist in public parks, national parks. It sounds good until you begin to understand the implications of what happens when there is no environmental review.

Oh, yeah, it sounds good. But I will guarantee you this, that if this exemption goes forward, it will only be a matter of time before there is a major controversy over the exploration of a well and the effect on surrounding resources. If that's what the majority wants, then go ahead. The result will be a huge blow-up such as we now see with fracking.

We don't need that. What we need to do is rapidly expand our geothermal production in America, and there are many different resources available to us. I would just remind my friend from Colorado that the kind of geothermal he's talking about is not the deep well, hot geothermal, but rather a geothermal that uses the ambient temperature of the soil several feet deep into the ground. That's a different kind of geothermal situation.

What we're talking about here is tapping a hot portion of the Earth and extracting from that the energy that's possible. Do it with care, because there is the potential for very serious problems if you do it incorrectly. Take a look.

And, by the way, to our knowledge, the geothermal industry is not interested in this exemption. There may be some company out there; but in testimony before the committee, it was clear that the geothermal industry said, We don't need this; things are moving along the way we want them to move along.

Understand that there is competition between geothermal companies. One person may be on this side of the geothermal resource, another on the other side, a third entity comes in and tries to extract the oil, the energy in a test well, and, voila, now we've got conflict. Without a review, those things will happen. There is no need for a categoric exemption.

I reserve the balance of my time.

Mr. LABRADOR. Mr. Chairman, may I inquire how much time remains.

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. LABRADOR. I yield 1 minute to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I want to congratulate my friend and colleague from Idaho for this amendment. And let me correct just one statement that was made just a moment ago. The geothermal industry testified in our committee in favor of this bill. But there seems to be a pattern here when we talk about activity on Federal land, which, of course, is under the jurisdiction of the committee that I have the privilege to chair. And if I hear it once, I hear it dozens of times, and we hear it virtually in all the testimony when we hear of issues that come before our committee, and that is the red tape that you have to go through to utilize our public lands for multiple-purpose use.

Let me just say this, Mr. Chairman. Our public lands were designed, unless Congress sets aside specifically, for multiple use. That means commercial

activity and that means recreational activity, a wide variety of activities. But when we have these other laws that inhibit that use, then I think it works against what the American people are trying to accomplish.

This is a very simple process that says, goodness, if you have a lease in an area, why do you have to have so much redundancy to do the same thing over and over again? I think this amendment is a good amendment. As I mentioned, it passed out of committee on a bipartisan vote, and I urge adoption.

Mr. GARAMENDI. I suppose it's time to just finish up this debate, so I yield myself the balance of my time.

A quick quote from Paul Thomsen of Ormat Technologies in committee representing the geothermal industry at the legislative hearing June 23, 2011:

If we can get to an implementation that is consistent with what the current policy currently is, we would be very happy with that and I don't think this necessarily requires a total exemption from NEPA.

Let it be that. We'll go on. They don't need an exemption. And it was just stated that if you've got an area, a resource area, what difference does it make if somebody drills within that area. I can tell you what difference it makes. In California, regarding the geysers—a huge resource, one of the very first in the United States—it makes a great deal of difference where somebody else drills in your neighborhood, because that drilling can dry up your resource.

It is exceedingly important to understand the geology and understand the environmental risks associated with exploratory and then the development. No need for an exemption unless, of course, you want to, once again, nibble away at NEPA until it's not worth having at all, which apparently is the strategy we're seeing from this committee and these numerous amendments.

I yield back the balance of my time.

Mr. LABRADOR. Mr. Chairman, in conclusion, let's correct two statements that were just made. Number one, the Chamber of Commerce and the geothermal industry testified in our committee that they're for this, and I have letters from them saying that they're for this amendment. And, number two, the bogeyman that they keep using is geyser holes and other things. The EIS for geothermal leasing in the western United States expressly states that the BLM is prohibited from issuing leases on the following lands: lands contained within a unit of the National Park System or that are otherwise administered by the National Park System. They continue to use Yellowstone and all these other bogeymen, and we know that is not true because we cannot do any leasing or any geothermal activity in any of those lands.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. LABRADOR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GARAMENDI. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

□ 1640

AMENDMENT NO. 20 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part A of House Report 112–398.

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE XVIII—RESTORE ACT

SECTION 18001. SHORT TITLE.

This title may be cited as the ''Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012''.

SEC. 18002. FINDINGS.

Congress finds that—

(1) as a result of decades of oil and gas development in the Gulf of Mexico, producing and nonproducing States in the Gulf Coast region have borne substantial risks of environmental damage and economic harm, all of which culminated with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*;

(2) the discharge of oil in the Gulf of Mexico that began following the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* has caused substantial environmental destruction and economic harm to the people and communities of the Gulf Coast region;

(3)(A) in the report entitled ''America's Gulf Coast—A Long Term Recovery Plan after the Deepwater Horizon Oil Spill'', the Secretary of the Navy stated, ''Together, the Gulf's tourism and commercial and recreational fishing industries contribute tens of billions of dollars to the [United States] economy. More than 90 percent of the [N]ation's offshore crude oil and natural gas is produced in the Gulf, and the [F]ederal treasury receives roughly $4.5 billion dollars every year from offshore leases and royalties. And it is in the Gulf of Mexico that nearly one third of seafood production in the continental [United States] is harvested. America needs a healthy and resilient Gulf Coast, one that can support the diverse economies, communities, and cultures of the region.'';

(B) to address the needs of the Gulf Coast region, the Secretary of the Navy stated, ''It is recommended that the President urge Congress to pass legislation that would dedicate a significant amount of any civil penalties recovered under the [Federal Water Pollution Control Act] from parties responsible for the *Deepwater Horizon* oil spill to those directly impacted by that spill.''; and

(C) to mitigate local challenges and help restore the resiliency of communities adversely affected by the spill, the Secretary of the Navy stated that the legislation described in subparagraph (B) should ''[b]uild economic development strategies around community needs, and take particular efforts to address the needs of disadvantaged, underserved, and resource constrained communities'';

(4) in a final report to the President, the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling—

(A) stated, ''Estimates of the cost of Gulf restoration, including but not limited to the Mississippi Delta, vary widely, but according to testimony before the Commission, full restoration of the Gulf will require $15 billion to $20 billion: a minimum of $500 million annually for 30 years.''; and

(B) like the Secretary of the Navy, recommended that, to meet the needs described in subparagraph (A), a substantial portion of applicable penalties under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) be dedicated to long-term restoration of the Gulf of Mexico;

(5) taking into account the risks borne by Gulf Coast States for decades of oil and gas development and the environmental degradation suffered by the Gulf Coast region, the amounts received by the United States as payment of administrative, civil, or criminal penalties in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* should be expended—

(A) to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, coastal wetlands, and economy of the Gulf Coast; and

(B) to address the associated economic harm suffered by the people and communities of the region;

(6) the projects and programs authorized by this title and the amendments made by this title should be carried out pursuant to contracts awarded in a manner that provides a preference to individuals and entities that reside in, are headquartered in, or are principally engaged in business in a Gulf Coast State; and

(7) Federal, State, and local officials should seek—

(A) to leverage the financial resources made available under this title; and

(B) to the maximum extent practicable, to ensure that projects funded pursuant to this title complement efforts planned or in operation to revitalize the natural resources and economic health of the Gulf Coast region.

SEC. 18003. GULF COAST RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Gulf Coast Restoration Trust Fund'' (referred to in this section as the ''Trust Fund''), consisting of such amounts as are deposited in the Trust Fund under this section or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this title in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(c) EXPENDITURES.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall be available, pursuant to a future Act of Congress enacted after the date of enactment of this Act—

(1) for expenditure to restore the Gulf Coast region from the *Deepwater Horizon* oil spill for undertaking projects and programs in the Gulf Coast region that would restore

and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region; and

(2) solely to Gulf Coast States and coastal political subdivisions to restore the ecosystems and economy of the Gulf Coast region.

(d) INVESTMENT.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this section.

(e) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term ''coastal political subdivision'' means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico.

(2) *DEEPWATER HORIZON* OIL SPILL.—The term ''*Deepwater Horizon* oil spill'' means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(3) GULF COAST REGION.—The term ''Gulf Coast region'' means—

(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) that border the Gulf of Mexico;

(B) any adjacent land, water, and watersheds, that are within 25 miles of those coastal zones of the Gulf Coast States; and

(C) all Federal waters in the Gulf of Mexico.

(4) GULF COAST STATE.—The term ''Gulf Coast State'' means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. Mr. Chairman, I yield myself such time as I may consume.

As we approach the 2-year anniversary of the *Deepwater Horizon* disaster, my amendment sets up the Gulf Coast Restoration Trust Fund and requires that 80 percent of the Clean Water Act fines will be directed to the fund for the purposes of restoring the ecosystems and economies that were directly impacted by the oil spill.

This amendment shares strong bipartisan support and is the first step in ensuring that the Gulf Coast States have the ability to recover from the largest environmental disaster in our country's history.

Mr. Chairman, I reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Mr. Chairman, I yield myself 3 minutes.

In the aftermath of the BP *Deepwater Horizon* disaster, a consensus was reached that 80 percent of the Clean Water Act fines and penalties that BP is required to pay because of the damage go to the gulf coast. President Obama has proposed this, a bipartisan group of lawmakers—lawmakers on both sides of the aisle—agreed to this, a national commission recommended it, another national task force recommended it, businesses, environmentalists, we've all reached consensus that 80 percent of the fines and penalties that BP will be required to pay for violating the Clean Water Act go to Gulf of Mexico recovery and research. But, see, Congress must pass a law to do this.

Everyone has urged the Congress to act on this, but the Congress has not done so, unfortunately. As the cochair of the bipartisan Gulf Coast Caucus, I asked my colleagues not to let the effort languish any longer. The House should act expeditiously to do so and devote 80 percent of the *Deepwater Horizon* fines and penalties to the Gulf of Mexico.

Unfortunately, the Scalise amendment could be interpreted as an endorsement of a particular piece of legislation, the RESTORE Act. And while the RESTORE Act does devote 80 percent of the fines and penalties to the gulf coast, it is flawed in its current form and does not achieve meaningful recovery for the Gulf of Mexico. So while I urge my colleagues, reluctantly, to defeat this amendment, the time is now for the Congress to pass an 80 percent bill and focus on the economic and environmental recovery of the Gulf of Mexico.

I reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, I would remind my colleague from Florida that this legislation actually is the only instrument available that is germane to this legislation, that does direct 80 percent of those BP fines to the Gulf Coast States, as the President's commission and many others have called for who support our legislation, the RESTORE Act, by the way.

With that, I yield 45 seconds to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman from Louisiana for the time and for all he has done to bring this forward. I also want to thank all my colleagues from the gulf coast who fought so hard to make sure that this legislation came to the floor.

I would say that, given the time that I have, this amendment is vital. It's important to not only the State of Florida but the entire gulf coast area because it will return a great portion of the fines that will ultimately be paid for the oil spill back to the gulf coast.

The amendment is the first step in a very long process to make sure that BP and the other responsible parties are held responsible, and would start to restore the gulf coast from the damages that were suffered as a result of the worst oil spill in the history of the world. So I urge all my colleagues to support this amendment.

Ms. CASTOR of Florida. Mr. Chairman, at this time I'm pleased to yield 2 minutes to our colleague from Louisiana (Mr. RICHMOND).

Mr. RICHMOND. I thank the gentlewoman from Florida.

I rise today in support of the amendment from my colleague from Louisiana (Mr. SCALISE).

I'd like to just remind the Chair that it was a little less than 2 years ago that the *Deepwater Horizon* occurred and we lost 11 Americans. We lost the lives of 11 Americans, and over 200 million gallons of oil were spilled into the Gulf of Mexico.

Also, when you look at the damage that occurred, you have to remember that the year of the spill our shrimp supply was down 37 percent, crab was down 39 percent. Every day, when a waitress or a waiter or a bartender went to work, they made less money, business owners were making less money to make ends meet, all because of the *Deepwater Horizon* oil spill.

So what we want to make sure with this amendment is that those who suffered actually recoup the benefit of it so that they can protect their coast and make sure that they protect their citizens from future hurricanes—not only their citizens, but protect a big investment of this country.

When we talk about our ports, when we talk about the oil and gas industry, I would just remind my colleagues that when Katrina happened, gas prices went up 48 cents around the country. That's because Louisiana was suffering, and we could not produce the oil and gas we normally produce.

So this bill allows us to protect the coast, protect America's energy investment, and also make sure that we can save the lives of Louisiana citizens.

The last thing that I will add is that we should not let the 200 million gallons of oil and the 11 lives that were lost open up an opportunity for a windfall for the American treasury. We should make sure that these funds go exactly where they should go so that we can help the gulf coast, which is so vital to this country's energy independence and the seafood that we all enjoy.

So I would again just say, Mr. Chairman, that I rise in support of the amendment. It's not perfect, it's not the end all, but this is the best way right now to make sure that the sentiment is established that 80 percent of the fines should go to those coastal communities so that they can help their own recovery.

Mr. SCALISE. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Alabama (Mr. BONNER).

Mr. BONNER. I thank the gentleman for yielding.

I'm pleased to join my colleagues today in support of this amendment.

Let's be clear: Today's amendment, even if adopted, is not the end of our efforts to make the gulf coast whole after the tragic BP *Deepwater Horizon* oil spill almost 2 years ago. But make no mistake: This amendment is critically important as a step toward that end.

The creation of the Gulf Coast Restoration Trust Fund is absolutely essential if we're going to ensure that

the penalties paid by BP and the other responsible parties are set aside for future expenditure to remediate the long-term environmental and economic damage done to each of the five Gulf Coast States.

Mr. Chairman, the Federal Government should not benefit from the tragedy that occurred in our backyard. And I can't say enough, thanks to Chairman HASTINGS and his leadership for giving us this opportunity with this amendment for this broader effort.

I urge adoption of the amendment.

Ms. CASTOR of Florida. I reserve the balance of my time.

Mr. SCALISE. At this point, Mr. Chairman, I would like to yield 45 seconds to the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. I thank my colleague from Louisiana for yielding.

Mr. Chairman, nearly 2 years ago, the *Deepwater Horizon* explosion took the lives of 11 Americans—and four of those were Mississippians—and caused an oil spill of epic proportions. For 86 days, millions of barrels of oil gushed into the waters of the Gulf of Mexico, washed up on our beaches, and threatened the ecosystems and the economic stability of an entire region of the country.

The road to recovery for the gulf coast has been a long one, and it's not over. With this amendment, we take a huge step forward in making things right for those most devastated by this spill. These fines are not taxpayer funds. The Federal Government, as my colleague from Alabama said, should not profit from the gulf coast's pain and suffering.

At a time when Congress agrees on so little, this effort has broad bipartisan support in both Houses of Congress, and external, too—conservation and sportsmen. Many agree that restoring and replenishing the gulf coast is more than a responsible decision; it is the right thing to do.

Ms. CASTOR of Florida. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, at this time I would like to yield 45 seconds to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I'd like to thank the gentleman from Louisiana for yielding. I also would like to commend him on his leadership regarding the work that we have performed on this bipartisan effort to really restore the Gulf of Mexico.

The five States that were affected most, their Representatives here—many who have already spoken today—have worked extremely hard to make sure that the Federal Government never profits from the pain and suffering of those who call the Gulf of Mexico and the gulf coast their home.

This has been a wonderful experience to work across the aisle with many who understand how critical it is that we take care of the hardworking men and women along the gulf coast. I just urge approval and passage of this amendment.

□ 1650

Ms. CASTOR of Florida. I continue to reserve the balance of my time.

Mr. SCALISE. Can I inquire the balance of the time, Mr. Chairman.

The Acting CHAIR. The gentleman has 1¾ minutes remaining.

Mr. SCALISE. I yield 45 seconds to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Mr. Chairman, I rise in support of the amendment introduced by my friend and colleague on the Energy and Commerce Committee, the gentleman from Louisiana.

In April of 2011, the *Deepwater Horizon* rig exploded, killing 11 workers and starting the worst oil spill in U.S. history.

While the whole Nation suffered, the five Gulf States were particularly hard hit. Each of our five States suffered differing damages. A moratorium was ordered that sent U.S. jobs overseas with the rigs that went overseas. Tourism on some of our most pristine beaches was lost; the shrimping and fishing industries were unable to bring their catches home.

While the RESTORE Act will not replace the lives lost, it will ensure that the five States most impacted by the spill get their fair share of the compensation for our damages.

I urge my colleagues to support this amendment and come back to the gulf.

Ms. CASTOR of Florida. I continue to reserve the balance of my time.

Mr. SCALISE. I am prepared to close, Mr. Chairman, so I would reserve and allow the gentlelady from Florida to close.

Ms. CASTOR of Florida. Mr. Chairman, I am very pleased to see so much bipartisan support for legislation to devote 80 percent of the fines and penalties under the Clean Water Act from the BP *Deepwater Horizon* disaster to the Gulf of Mexico. And I reluctantly have to oppose this amendment because the amendment is entitled RESTORE, and that is one of the pieces of legislation that, on the one hand, does devote 80 percent but, on the other, is completely flawed; and so for that reason, I'm going to have to urge everyone to vote ''no.''

But let's not lose momentum here. Let's redouble our efforts in this Congress as soon as possible to pass legislation that does devote 80 percent of the fines and penalties to the Gulf of Mexico.

The problems with the RESTORE Act are many. It does not focus on gulf-wide research and recovery. It does not devote the kind of resources to long-term monitoring in the Gulf of Mexico that many other areas in America enjoy. It potentially will duplicate the natural resource damage-assessment billions flowing to the impacted areas.

For those reasons, I urge a ''no'' vote.

I yield back the balance of my time.

Mr. SCALISE. Mr. Chairman, I want to thank the chairman of the Natural Resources Committee, Mr. HASTINGS, for his support and help on this.

Despite the gentlelady from Florida's comments, the RESTORE Act actually has a broad range of support, not only from over 30 Members of Congress from both sides of the aisle, but also from numerous outside groups, both on the environmental side and on the business side.

I will include in the RECORD all of these letters from various business and environmental groups in support of the RESTORE Act.

This amendment is a crucial first step towards ensuring that 80 percent of the BP Clean Water Act fines will be dedicated to help Gulf Coast States, and especially our fragile ecosystems along coastal Louisiana, to fully recover from the *Deepwater Horizon* disaster.

Just the other day, parish president Billy Nungesser from Plaquemines Parish brought me these pictures that were taken just 2½ weeks ago from south Plaquemines' inner marsh where you can still see clearly dead turtles and oil in the marsh. We're going to be dealing with these impacts for years to come, Mr. Chairman, and we've seen from other disasters that the proper way to do this is by setting aside those funds to make sure that BP, the responsible parties, not the Federal Government, pay to restore that damage.

THE ASSOCIATED GENERAL
CONTRACTORS OF AMERICA,
Arlington, VA, October 17, 2011.

Re H.R. 3096, the Gulf Coast Restoration Act.

The Hon. STEVE SCALISE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SCALISE: The Associated General Contractors of America (AGC) would like to thank you for supporting the recovery of the Gulf Coast region by introducing H.R. 3096, the Gulf Coast Restoration Act. This legislation will ensure that the penalties the federal government is owed are distributed in the best interest of the coastal communities.

Under current law, the penalties acquired from BP and other responsible parties would go into the U.S. Treasury and the needed Gulf Coast restoration would receive no direct relief from these penalties. This legislation would ensure the vast majority of all civil penalties paid by BP or any other responsible party in connection with the Deepwater Horizon spill would be divided among the five Gulf Coast states most impacted by the spill.

AGC is encouraged this legislation would promote the long-term ecological and economic recovery of the Gulf Coast region through the funding of infrastructure projects, including coastal flood protection, directly affected by coastal wetland losses, beach erosion, or the impacts of the Deepwater Horizon oil spill.

Once again, thank you for your efforts to address the environmental and economic impacts of the Deepwater Horizon oil spill, by providing recovery hinds to ensure the restoration of the natural resources in the Gulf Coast region.

Sincerely,

MARCO A. GIAMBERARDINO,
Senior Director, Federal and
Heavy Construction Division.

PARTNERS FOR STENNIS,
Bay St. Louis, MS, October 26, 2011.

Re Support for S. 1400 and H.R. 3096, the RESTORE Act.

Senate Majority Leader HARRY REID,
522 Hart Senate Office Bldg, Washington, DC.
Speaker JOHN BOEHNER,
H–232, U.S. Capitol, Washington, DC.
Majority Leader ERIC CANTOR,
H–329, U.S. Capitol, Washington, DC.
Chairman DOC HASTINGS,
Committee on Natural Resources, Washington, DC.
Chairman JOHN MICA,
Committee on Transportation and Infrastructure, Washington, DC.
Senate Minority Leader MITCH MCCONNELL,
317 Russell Senate Office Building, Washington, DC.
Minority Leader NANCY PELOSI,
H–204, U.S. Capitol, Washington, DC.
Minority Whip STENY HOYER,
1705 Longworth House Office Building, Washington, DC.
Ranking Member ED MARKEY,
Committee on Natural Resources, Washington, DC.
Ranking Member NICK RAHALL,
Committee on Transportation and Infrastructure, Washington, DC.

DEAR SENATE MAJORITY LEADER HARRY REID, SENATE MINORITY LEADER MITCH MCCONNELL, SPEAKER JOHN BOEHNER, MINORITY LEADER NANCY PELOSI, MAJORITY LEADER ERIC CANTOR, MINORITY WHIP STENY HOYER, CHAIRMAN DOC HASTINGS, RANKING MEMBER ED MARKEY, CHAIRMAN JOHN MICA, AND RANKING MEMBER NICK RAHALL: The undersigned organization enthusiastically support S. 1400 and H.R. 3096, also known as the RESTORE Act, authored by Senator Mary Landrieu, Senator Thad Cochran, Senator Kay Bailey Hutchison, Senator Bill Nelson, Senator Marco Rubio, Senator Jeff Sessions, Senator Richard Shelby, Senator David Vitter, Senator Roger Wicker, Congressman Steve Scalise, Congressman Jo Bonner, Congressman Jeff Miller, Congressman Steve Southerland, Congressman Steven Palazzo, Congressman Pete Olson and other Gulf Coast members. While we recognize that the bills have minor differences, the concept of dedicating at least 80% of BP penalties paid under the Clean Water Act to Gulf Coast states to invest in the long-term health of the coastal ecosystem and its economies provides targeted environmental and economic recovery to the region affected most by the BP Deepwater Horizon Oil Spill.

The penalties that will be assessed exist because of damage inflicted on the Gulf Coast states by the responsible parties. When these penalties and the Oil Spill Liability Trust Fund were created years ago, a spill the magnitude of the BP Deepwater Horizon Oil Spill could not have been anticipated. It only makes sense that the majority of the fines that will be assessed should be directed to the Gulf Coast to help these states recover as they deal with the long-term impacts of the oil spill.

It is not an exaggeration to say that our region's future—economic and otherwise—depends on the restoration of our ecosystems. But even more importantly, the Gulf Coast provides this nation with economic and energy security. Between hosting some of the highest producing ports, a large majority of the oil and gas production in America, and many of the nation's fisheries and top tourism destinations, the Gulf Coast and its sustainability is clearly crucial to the strength of the nation's economy. The Gross Domestic Product (GDP) of the five states of the Gulf Coast region was almost $2.4 trillion in 2009, representing 30% of the nation's GDP. The Gulf Coast states, if considered an individual country, would rank 7th in global GDP. Failure to restore the Gulf Coast puts our national economy at risk, and with the region still recovering from the effects of the oil spill, we urge you to move the RESTORE Act forward as quickly as possible.

In fact, NASA's Stennis Space Center on the Mississippi Gulf Coast is a federal city uniquely suited to host coastal restoration and recovery efforts. Many of the key federal players involved in response to the Deepwater Horizon oil spill are located at Stennis including the Naval Oceanographic Office, NOAA, EPA Gulf of Mexico Program, USGS along with several state universities. The synergy realized from the multiagency arrangement coupled with the resident technical expertise and geographic location, make Stennis Space Center the best choice to serve as the Headquarters to insure a healthy and resilient Gulf of Mexico.

We believe that enacting the RESTORE Act is vital to the environmental and economic recovery of a region still dealing with the devastating impact of this disaster. We urge Members in the House and Senate to join our support of the RESTORE Act and look forward to working with you to move this legislation forward.

Sincerely,

TISH H. WILLIAMS,
Executive Director Partners for Stennis.

U.S. CHAMBER OF COMMERCE,
CONGRESSIONAL AND PUBLIC AFFAIRS,
Washington, DC, February 15, 2012.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly supports the transportation infrastructure reauthorization legislation that the House has begun to consider. This package of bills, H.R. 7, H.R. 3408 and H.R. 3813, would reinvest in domestic transportation infrastructure, and would help enhance U.S. energy policy by expanding domestic energy production; long term revenues from increased exploration would help ensure long term transportation funding. The Chamber urges you to strongly support this legislation, and urges you to oppose any amendments that would weaken it.

H.R. 7 is a responsible infrastructure investment bill that would extensively reform transportation programs, would make states more accountable for how federal funds are spent, would speed project delivery to reduce overall costs, would provide greater opportunities for private sector investment, and does not contain earmarks. Specifically, the bill would provide for:

Modernization and maintenance of highway, transit and intermodal assets identified as being in the national interest;

Continuing a federal role in ensuring a comprehensive, results-oriented approach to safety;

Focusing on freight to ensure adequate capacity, reduce congestion and increase throughput at key choke points;

Supporting congestion mitigation and improved mobility in urban areas;

Supporting rural connectivity to major economic and population centers;

Speeding project delivery;

Consolidating and simplifying the federal program structure;

Increasing accountability for investment of public funds and expanding performance management;

Supporting research and development toward application of improved technologies; and

Enhancing opportunities for the private sector to partner with the public sector on infrastructure projects.

Although the Chamber believes that the necessary revenues for transportation infrastructure projects should come from a user-fee based source structured to ensure that the purchasing power of revenue sources keeps pace with inflation and is sustainable and predictable, the Chamber recognizes that such an approach lacks consensus in this Congress.

Therefore, the Chamber believes it would be appropriate for Congress to employ general fund resources, including spending reductions, rescissions of authority and other savings measures, to move forward with a multi-year bill and the much needed policy and funding certainty to the states, locals and the private sector provided in this legislation.

The Chamber remains very concerned with provisions of the bill that would make changes to how transit programs are funded. Unfortunately, such provisions of the bill would create uncertainty and put current and future public transportation investments in jeopardy. We look forward to working with the House, Senate and Administration as the legislative process continues to ensure that transit is provided sustainable and dedicated long term funding levels.

The energy components of the legislation would create long-term jobs and help expand long-term domestic energy security and energy production. These provisions fully restore access to America's offshore oil and gas resources, a move that could provide hundreds of thousands of additional new jobs, hundreds of billions of dollars in cumulative additional revenue for the government, and several million additional barrels oil equivalent per day. The legislation would establish clear rules for the production of domestic oil shale and would remove regulatory barriers that are preventing development of one of America's greatest strategic and economic assets. Furthermore, by opening less than three percent of the North Slope of Alaska to environmentally responsible oil and gas exploration, this legislation would help prolong the life of the Trans-Alaska Pipeline System by ensuring that oil continues to flow through the pipeline while creating important jobs in Alaska and throughout the country. In all, the enerv provisions of the legislation would create jobs while adding more stability to energy supplies, a true ''win-win'' scenario for American consumers.

The Chamber strongly supports efforts by Congress to undo President Obama's rejection of the vital Keystone XL project. This legislation would be an important step towards approval of the proposed 1,600–mile Keystone XL pipeline, which would deliver more than 700,000 barrels of oil per day from Alberta, Canada, through Cushing, Oklahoma, to Gulf Coast refineries. The $7 billion project is expected to create a more than 20,000 jobs during the manufacturing and construction phases of the project. The pipeline would also reduce need for foreign oil imports from less stable regions of the world. In addition, Keystone XL would provide much need supply distribution infrastructure for American domestic energy producers in the Upper Northwest/Bakken region and in the Southwest.

The Chamber strongly opposes any amendment that would bar exports of petroleum that would pass through the Keystone XL pipeline, or any product refined from such crude. First, such an amendment is unnecessary. Virtually all of the crude that would travel through the Keystone XL pipeline would be refined at American refineries by American workers. Congress should support—not hamper—these American energy workers. Second, such a law would violate commitments the United States has undertaken as a member of the World Trade Organization (WTO). In fact, the United States recently challenged China's export restraints

on certain raw materials at the WTO, and the United States won a clear victory in the case. Restricting the re-export of crude or refined product from Keystone XL would violate the same WTO rules.

The U.S. has just begun reversing a two-decade-long decline in energy independence by increasing the proportion of demand met by utilizing all domestic energy sources. America needs a comprehensive energy policy that takes advantage of all domestic energy resources. The Chamber applauds the House for considering legislation that expands production and transmission of oil and natural gas in this infrastructure legislation. At the same time, we encourage the House to also focus on legislation that expands the development of all other domestic energy sources, including coal and renewables.

The Chamber strongly opposes any amendment to the transportation and energy portions of this legislation that would seek to impose ''Buy America'' like provisions. Such provisions would have the unintended consequence of delaying the implementation of job-creating projects and greatly diminish competition and efficiency in the contracting process. The direct result would be delayed projects, fewer projects funded, and fewer Americans put back to work. The United States already imposes significant ''Buy America'' requirements at the federal level that restrict access to procurement markets for countries that have not opened their procurement markets to our exporters, in accordance with the multilateral Government Procurement Agreement. There is no need to expand ''Buy America'' provisions—doing so would be highly counterproductive, particularly for industry sectors hard hit by the recession.

Additionally, the Chamber supports an amendment offered by Rep. Scalise, which is based on the bipartisan RESTORE Act. This amendment would provide much needed funding to economic and ecosystem restoration efforts in the Gulf Coast solely through the dedication of Clean Water Act penalties collected from the parties responsible for the Deepwater Horizon oil spill.

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million members and organizations of every size, sector, and region, strongly supports H.R. 7, H.R. 3408 and H.R. 3813. The Chamber will consider including votes on, or in relation to, this legislation in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

To: Member of Congress.

From: Environmental Defense Fund, National Audubon Society, National Wildlife Federation, The Nature Conservancy, Oxfam America, Coalition to Restore Coastal Louisiana, Lake Pontchartrain Basin Foundation.

Date: February 16, 2012.

Re Urgent information regarding Gulf Coast Restoration.

DEAR MEMBER OF CONGRESS: A very important vote is scheduled this afternoon that could begin critical restoration needed on the Gulf Coast. Reps. Scalise (R-La.) Richmond (D-La.), Bonner (R-Ala.), Miller (R-Fla.), Palazzo (R-Miss.), Olson (R-TX) and Southerland (R-Fla.) will introduce an amendment that sets aside Deepwater Horizon penalty money that is necessary for restoring the Gulf Coast's fragile and damaged ecosystems. We urge you to vote YES on this amendment.

Gulf Coast ecologies are unique and support a wide range of valuable economic activities. After decades of damage—coupled with the impacts of the Deepwater Horizon oil spill—restoration in the Gulf is essential. The Scalise amendment would dedicate penalty money from the oil spill to a trust fund, subject to further legislation directing the expenditure of these funds. Separating and securing the money is an important first step.

Subsequent legislation will need to establish an effective governance structure which will dedicate significant funds specifically for restoration, protect vulnerable communities and place appropriate limits on the use of funds beyond ecological restoration. Further, restoration funds will be subjected to appropriate operational and spending roles for federal, state, and local partners.

We look forward to working to ensure that the implementing legislation achieves these goals. In the meantime, please establish the trust fund that will allow the Gulf Coast to begin critical restoration. Vote YES on the Scalise amendment.

Sincerely,

ENVIRONMENTAL DEFENSE FUND.
NATIONAL AUDUBON SOCIETY.
NATIONAL WILDLIFE FEDERATION.
THE NATURE CONSERVANCY.
LAKE PONTCHARTRAIN BASIN FOUNDATION.
OXFAM AMERICA.
COALITION TO RESTORE COASTAL LOUISIANA.

THE AMERICAN SHORE AND BEACH PRESERVATION ASSOCIATION,
Caswell Beach, NC, February 16, 2012.

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

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The American Shore and Beach Preservation Association (ASBPA) is composed of elected officials from coastal communities throughout the nation, as well as a large contingent of coastal engineers, researchers, scientists, and regulators. Together, we are committed to promoting the health of our country's coastal resources, which play a critical role in perpetuating a robust economy, job creation, and environmental well-being. On behalf of our members, I ask that you support the timely passage of the RESTORE the Gulf Coast States Act (H.R. 3096).

By allocating eighty percent of the Clean Water Act penalties to the five Gulf Coast States, the RESTORE Act creates an essential framework to manage and finance the economic and ecological recovery for years to come. Many communities and businesses are still struggling nearly two years after the spill began and experts fear that the total damage from the spill will not be known for at least a decade. Like the rest of our nation's coastline, the Gulf Coast is comprised of vibrant and productive communities, as well as sensitive ecosystems that have been severely damaged. We believe that this bill balances both the ecological and economic interests of comprehensive restoration.

ASBPA recognizes that the RESTORE Act does not affect collected tax dollars because the Act will only use fines paid by BP and other responsible parties. We do not think that the federal government should profit off of the suffering of the Gulf Coast region, especially when many communities and businesses are not yet back on their feet. A recent study by Duke University shows that the funds from the RESTORE Act will benefit at least 140 firms with 400 employees in thirty-seven states.

Recent news reports indicate that BP and the federal government are likely to settle litigation addressing the 2010 Gulf oil spill. If Congress does not immediately take decisive action before any potential settlement occurs, the economic opportunities created by RESTORE Act could be lost entirely. We urge you to take immediate steps to pass the RESTORE Act, so that the BP oil spill penalties can go where they belong: to ecosystem and economic recovery for the States and communities harmed by the worst environmental disaster in U.S. history.

Sincerely,

HARRY SIMMONS,
President.

I urge support of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DENHAM) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Mr. CAMP submitted the following conference report and statement on the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes:

CONFERENCE REPORT (H. REPT. 112–399)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630), to provide incentives for the creation of jobs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Middle Class Tax Relief and Job Creation Act of 2012''.

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

TITLE I—EXTENSION OF PAYROLL TAX REDUCTION

SEC. 1001. EXTENSION OF PAYROLL TAX REDUCTION.

(a) IN GENERAL.—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

''(c) PAYROLL TAX HOLIDAY PERIOD.—The term 'payroll tax holiday period' means calendar years 2011 and 2012.''.

(b) CONFORMING AMENDMENTS.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by striking subsections (f) and (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

TITLE II—UNEMPLOYMENT BENEFIT CONTINUATION AND PROGRAM IMPROVEMENT

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Extended Benefits, Reemployment, and Program Integrity Improvement Act''.

Subtitle A—Reforms of Unemployment Compensation to Promote Work and Job Creation

SEC. 2101. CONSISTENT JOB SEARCH REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) of the Social Security Act is amended by adding at the end the following:

''(12) A requirement that, as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

SEC. 2102. STATE FLEXIBILITY TO PROMOTE THE REEMPLOYMENT OF UNEMPLOYED WORKERS.

Title III of the Social Security Act (42 U.S.C. 501 and following) is amended by adding at the end the following:

''DEMONSTRATION PROJECTS

''SEC. 305. (a) The Secretary of Labor may enter into agreements, with up to 10 States that submit an application described in subsection (b), for the purpose of allowing such States to conduct demonstration projects to test and evaluate measures designed—

''(1) to expedite the reemployment of individuals who have established a benefit year and are otherwise eligible to claim unemployment compensation under the State law of such State; or

''(2) to improve the effectiveness of a State in carrying out its State law with respect to reemployment.

''(b) The Governor of any State desiring to conduct a demonstration project under this section shall submit an application to the Secretary of Labor. Any such application shall include—

''(1) a general description of the proposed demonstration project, including the authority (under the laws of the State) for the measures to be tested, as well as the period of time during which such demonstration project would be conducted;

''(2) if a waiver under subsection (c) is requested, a statement describing the specific aspects of the project to which the waiver would apply and the reasons why such waiver is needed;

''(3) a description of the goals and the expected programmatic outcomes of the demonstration project, including how the project would contribute to the objective described in subsection (a)(1), subsection (a)(2), or both;

''(4) assurances (accompanied by supporting analysis) that the demonstration project would operate for a period of at least 1 calendar year and not result in any increased net costs to the State's account in the Unemployment Trust Fund;

''(5) a description of the manner in which the State—

''(A) will conduct an impact evaluation, using a methodology appropriate to determine the effects of the demonstration project, including on individual skill levels, earnings, and employment retention; and

''(B) will determine the extent to which the goals and outcomes described in paragraph (3) were achieved;

''(6) assurances that the State will provide any reports relating to the demonstration project, after its approval, as the Secretary of Labor may require; and

''(7) assurances that employment meets the State's suitable work requirement and the requirements of section 3304(a)(5) of the Internal Revenue Code of 1986.

''(c) The Secretary of Labor may waive any of the requirements of section 3304(a)(4) of the Internal Revenue Code of 1986 or of paragraph (1) or (5) of section 303(a), to the extent and for the period the Secretary of Labor considers necessary to enable the State to carry out a demonstration project under this section.

''(d) A demonstration project under this section—

''(1) may be commenced any time after the date of enactment of this section;

''(2) may not be approved for a period of time greater than 3 years; and

''(3) must be completed by not later than December 31, 2015.

''(e) Activities that may be pursued under a demonstration project under this section are limited to—

''(1) subsidies for employer-provided training, such as wage subsidies; and

''(2) direct disbursements to employers who hire individuals receiving unemployment compensation, not to exceed the weekly benefit amount for each such individual, to pay part of the cost of wages that exceed the unemployed individual's prior benefit level.

''(f) The Secretary of Labor shall, in the case of any State for which an application is submitted under subsection (b)—

''(1) notify the State as to whether such application has been approved or denied within 30 days after receipt of a complete application; and

''(2) provide public notice of the decision within 10 days after providing notification to the State in accordance with paragraph (1).

Public notice under paragraph (2) may be provided through the Internet or other appropriate means. Any application under this section that has not been denied within the 30-day period described in paragraph (1) shall be deemed approved, and public notice of any approval under this sentence shall be provided within 10 days thereafter.

''(g) The Secretary of Labor may terminate a demonstration project under this section if the Secretary determines that the State has violated the substantive terms or conditions of the project.

''(h) Funding certified under section 302(a) may be used for an approved demonstration project.''.

SEC. 2103. IMPROVING PROGRAM INTEGRITY BY BETTER RECOVERY OF OVERPAYMENTS.

(a) USE OF UNEMPLOYMENT COMPENSATION TO REPAY OVERPAYMENTS.—Section 3304(a)(4)(D) of the Internal Revenue Code of 1986 and section 303(g)(1) of the Social Security Act are each amended by striking ''may'' and inserting ''shall''.

(b) USE OF UNEMPLOYMENT COMPENSATION TO REPAY FEDERAL ADDITIONAL COMPENSATION OVERPAYMENTS.—Section 303(g)(3) of the Social Security Act is amended by inserting ''Federal additional compensation,'' after ''trade adjustment allowances,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks beginning after the end of the first session of the State legislature which begins after the date of enactment of this Act.

SEC. 2104. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Title IX of the Social Security Act is amended by adding at the end the following:

''DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY

''Data Exchange Standards

''SEC. 911. (a)(1) The Secretary of Labor, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate a data exchange standard for any category of information required under title III, title XII, or this title.

''(2) Data exchange standards designated under paragraph (1) shall, to the extent practicable, be nonproprietary and interoperable.

''(3) In designating data exchange standards under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate—

''(A) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(B) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(C) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulations Council.

''Data Exchange Standards for Reporting

''(b)(1) The Secretary of Labor, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and employer perspectives, shall, by rule, designate data exchange standards to govern the reporting required under title III, title XII, or this title.

''(2) The data exchange standards required by paragraph (1) shall, to the extent practicable—

''(A) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

''(B) be consistent with and implement applicable accounting principles; and

''(C) be capable of being continually upgraded as necessary.

''(3) In designating reporting standards under this subsection, the Secretary of Labor shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.''.

(b) EFFECTIVE DATES.—

(1) DATA EXCHANGE STANDARDS.—The Secretary of Labor shall issue a proposed rule under section 911(a)(1) of the Social Security Act (as added by subsection (a)) within 12 months after the date of the enactment of this section, and shall issue a final rule under such section 911(a)(1), after public comment, within 24 months after such date of enactment.

(2) DATA REPORTING STANDARDS.—The reporting standards required under section 911(b)(1) of such Act (as so added) shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act.

SEC. 2105. DRUG TESTING OF APPLICANTS.

Section 303 of the Social Security Act is amended by adding at the end the following:

''(l)(1) Nothing in this Act or any other provision of Federal law shall be considered to prevent a State from enacting legislation to provide for—

''(A) testing an applicant for unemployment compensation for the unlawful use of controlled substances as a condition for receiving such compensation, if such applicant—

''(i) was terminated from employment with the applicant's most recent employer (as defined under the State law) because of the unlawful use of controlled substances; or

''(ii) is an individual for whom suitable work (as defined under the State law) is only available in an occupation that regularly conducts drug testing (as determined under regulations issued by the Secretary of Labor); or

''(B) denying such compensation to such applicant on the basis of the result of the testing conducted by the State under legislation described in subparagraph (A).

''(2) For purposes of this subsection—

''(A) the term 'unemployment compensation' has the meaning given such term in subsection (d)(2)(A); and

''(B) the term 'controlled substance' has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

Subtitle B—Provisions Relating To Extended Benefits

SEC. 2121. SHORT TITLE.

This subtitle may be cited as the ''Unemployment Benefits Extension Act of 2012''.

SEC. 2122. EXTENSION AND MODIFICATION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a)—

(A) by striking ''Except as provided in subsection (b), an'' and inserting ''An''; and

(B) by striking ''March 6, 2012'' and inserting ''January 2, 2013''; and

(2) by striking subsection (b) and inserting the following:

''(b) TERMINATION.—No compensation under this title shall be payable for any week subsequent to the last week described in subsection (a).''.

(b) MODIFICATIONS RELATING TO TRIGGERS.—

(1) FOR SECOND-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4002(c) of such Act is amended—

(A) in the subsection heading, by striking ''SPECIAL RULE'' and inserting ''SECOND-TIER EMERGENCY UNEMPLOYMENT COMPENSATION'';

(B) in paragraph (1), by striking ''At'' and all that follows through ''augmented by an amount'' and inserting ''If, at the time that the amount established in an individual's account under subsection (b) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount (hereinafter 'second-tier emergency unemployment compensation')'';

(C) by redesignating paragraph (2) as paragraph (4); and

(D) by inserting after paragraph (1) the following:

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under such Act if—

''(A) section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 were applied to such State (regardless of whether the State by law had provided for such application); and

''(B) such section 203(f)—

''(i) were applied by substituting the applicable percentage under paragraph (3) for '6.5 percent' in paragraph (1)(A)(i) thereof; and

''(ii) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) APPLICABLE PERCENTAGE.—The applicable percentage under this paragraph is, for purposes of determining if a State is in an extended benefit period as of a date occurring in a week ending—

''(A) before June 1, 2012, 0 percent; and

''(B) after the last week under subparagraph (A), 6 percent.''.

(2) FOR THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4002(d) of such Act is amended—

(A) in paragraph (2)(A), by striking ''under such Act'' and inserting ''under the Federal-State Extended Unemployment Compensation Act of 1970'';

(B) in paragraph (2)(B)(ii)(I), by striking the matter after ''substituting'' and before ''in paragraph (1)(A)(i) thereof'' and inserting ''the applicable percentage under paragraph (3) for '6.5 percent' '';

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) APPLICABLE PERCENTAGE.—The applicable percentage under this paragraph is, for purposes of determining if a State is in an extended benefit period as of a date occurring in a week ending—

''(A) before June 1, 2012, 6 percent; and

''(B) after the last week under subparagraph (A), 7 percent.''.

(3) FOR FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4002(e) of such Act is amended—

(A) in paragraph (2)(A), by striking ''under such Act'' and inserting ''under the Federal-State Extended Unemployment Compensation Act of 1970'';

(B) in paragraph (2)(B)(ii)(I), by striking the matter after ''substituting'' and before ''in paragraph (1)(A)(i) thereof'' and inserting ''the applicable percentage under paragraph (3) for '6.5 percent' '';

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) APPLICABLE PERCENTAGE.—The applicable percentage under this paragraph is, for purposes of determining if a State is in an extended benefit period as of a date occurring in a week ending—

''(A) before June 1, 2012, 8.5 percent; and

''(B) after the last week under subparagraph (A), 9 percent.''.

(c) MODIFICATIONS RELATING TO WEEKS OF EMERGENCY UNEMPLOYMENT COMPENSATION.—

(1) NUMBER OF WEEKS IN FIRST TIER BEGINNING AFTER SEPTEMBER 2, 2012.—Section 4002(b) of such Act is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

''(2) SPECIAL RULE RELATING TO AMOUNTS ESTABLISHED IN AN ACCOUNT AS OF A WEEK ENDING AFTER SEPTEMBER 2, 2012.—Notwithstanding any provision of paragraph (1), in the case of any account established as of a week ending after September 2, 2012—

''(A) paragraph (1)(A) shall be applied by substituting '54 percent' for '80 percent'; and

''(B) paragraph (1)(B) shall be applied by substituting '14 weeks' for '20 weeks'.''.

(2) NUMBER OF WEEKS IN THIRD TIER BEGINNING AFTER SEPTEMBER 2, 2012.—Section 4002(d) of such Act is amended by adding after paragraph (4) (as so redesignated by subsection (b)(2)(C)) the following:

''(5) SPECIAL RULE RELATING TO AMOUNTS ADDED TO AN ACCOUNT AS OF A WEEK ENDING AFTER SEPTEMBER 2, 2012.—Notwithstanding any provision of paragraph (1), if augmentation under this subsection occurs as of a week ending after September 2, 2012—

''(A) paragraph (1)(A) shall be applied by substituting '35 percent' for '50 percent'; and

''(B) paragraph (1)(B) shall be applied by substituting '9 times' for '13 times'.''.

(3) NUMBER OF WEEKS IN FOURTH TIER.—Section 4002(e) of such Act is amended by adding after paragraph (4) (as so redesignated by subsection (b)(3)(C)) the following:

''(5) SPECIAL RULES RELATING TO AMOUNTS ADDED TO AN ACCOUNT.—

''(A) MARCH TO MAY OF 2012.—

''(i) SPECIAL RULE.—Notwithstanding any provision of paragraph (1) but subject to the following 2 sentences, if augmentation under this subsection occurs as of a week ending after the date of enactment of this paragraph and before June 1, 2012 (or if, as of such date of enactment, any fourth-tier amounts remain in the individual's account)—

''(I) paragraph (1)(A) shall be applied by substituting '62 percent' for '24 percent'; and

''(II) paragraph (1)(B) shall be applied by substituting '16 times' for '6 times'.

The preceding sentence shall apply only if, at the time that the account would be augmented under this subparagraph, such individual's State is not in an extended benefit period as determined under the Federal-State Extended Unemployment Compensation Act of 1970. In no event shall the total amount added to the account of an individual under this subparagraph cause, in the case of an individual described in the parenthetical matter in the first sentence of this clause, the sum of the total amount previously added to such individual's account under this subsection (as in effect before the date of enactment of this paragraph) and any further amounts added as a result of the enactment of this clause, to exceed the total amount allowable under subclause (I) or (II), as the case may be.

''(ii) LIMITATION.—Notwithstanding any other provision of this title, the amounts added to the account of an individual under this subparagraph may not cause the sum of the amounts previously established in or added to such account, plus any weeks of extended benefits provided to such individual under the Federal-State Extended Unemployment Compensation Act of 1970 (based on the same exhaustion of regular compensation under section 4001(b)(1)), to in the aggregate exceed the lesser of—

''(I) 282 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(II) 73 times the individual's average weekly benefit amount (as determined under subsection (b)(3)) for the benefit year.

''(B) AFTER AUGUST OF 2012.—Notwithstanding any provision of paragraph (1), if augmentation under this subsection occurs as of a week ending after September 2, 2012—

''(i) paragraph (1)(A) shall be applied by substituting '39 percent' for '24 percent'; and

''(ii) paragraph (1)(B) shall be applied by substituting '10 times' for '6 times'.''.

(d) ORDER OF PAYMENTS REQUIREMENT.—

(1) IN GENERAL.—Section 4001(e) of such Act is amended to read as follows:

''(e) COORDINATION RULE.—An agreement under this section shall apply with respect to a State only upon a determination by the Secretary that, under the State law or other applicable rules of such State, the payment of extended compensation for which an individual is otherwise eligible must be deferred until after the payment of any emergency unemployment compensation under section 4002, as amended by the Unemployment Benefits Extension Act of 2012, for which the individual is concurrently eligible.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 4001(b)(2) of such Act is amended—

(A) by striking ''or extended compensation''; and

(B) by striking ''law (except as provided under subsection (e));'' and inserting ''law;''.

(e) FUNDING.—Section 4004(e)(1) of such Act is amended—

(1) in subparagraph (G), by striking ''and'' at the end; and

(2) by inserting after subparagraph (H) the following:

''(I) the amendments made by section 2122 of the Unemployment Benefits Extension Act of 2012; and''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), and (d) shall take effect as of February 28, 2012, and shall apply with respect to weeks of unemployment beginning after that date.

(2) WEEK DEFINED.—For purposes of this subsection, the term ''week'' has the meaning given such term under section 4006 of the Supplemental Appropriations Act, 2008.

SEC. 2123. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking ''March 7, 2012'' each place it appears and inserting ''December 31, 2012''; and

(2) in subsection (c), by striking ''August 15, 2012'' and inserting ''June 30, 2013''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''August 15, 2012'' and inserting ''June 30, 2013''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''February 29, 2012'' and inserting ''December 31, 2012''; and

(2) in subsection (f)(2), by striking ''February 29, 2012'' and inserting ''December 31, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78).

SEC. 2124. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 96 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), and section 202 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78), is amended—

(1) by striking ''August 31, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''February 29, 2012'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $500,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

Subtitle C—Improving Reemployment Strategies Under the Emergency Unemployment Compensation Program

SEC. 2141. IMPROVED WORK SEARCH FOR THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Section 4001(b) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following:

''(4) are able to work, available to work, and actively seeking work.''.

(b) ACTIVELY SEEKING WORK.—Section 4001 of such Act is amended by adding at the end the following:

''(h) ACTIVELY SEEKING WORK.—

''(1) IN GENERAL.—For purposes of subsection (b)(4), the term 'actively seeking work' means, with respect to any individual, that such individual—

''(A) is registered for employment services in such a manner and to such extent as prescribed by the State agency;

''(B) has engaged in an active search for employment that is appropriate in light of the employment available in the labor market, the individual's skills and capabilities, and includes a number of employer contacts that is consistent with the standards communicated to the individual by the State;

''(C) has maintained a record of such work search, including employers contacted, method of contact, and date contacted; and

''(D) when requested, has provided such work search record to the State agency.

''(2) RANDOM AUDITING.—The Secretary shall establish for each State a minimum number of claims for which work search records must be audited on a random basis in any given week.''.

SEC. 2142. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of such Act, as amended by section 2141(b), is further amended by added at the end the following:

''(i) PROVISION OF SERVICES AND ACTIVITIES.—

''(1) IN GENERAL.—An agreement under this section shall require the following:

''(A) The State which is party to such agreement shall provide reemployment services and reemployment and eligibility assessment activities to each individual—

''(i) who, on or after the 30th day after the date of enactment of the Extended Benefits, Reemployment, and Program Integrity Improvement Act, begins receiving amounts described in subsections (b) and (c); and

''(ii) while such individual continues to receive emergency unemployment compensation under this title.

''(B) As a condition of eligibility for emergency unemployment compensation for any week—

''(i) a claimant who has been duly referred to reemployment services shall participate in such services; and

''(ii) a claimant shall be actively seeking work (determined applying subsection (i)).

''(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

''(A) shall include—

''(i) the provision of labor market and career information;

''(ii) an assessment of the skills of the individual;

''(iii) orientation to the services available through the one-stop centers established under title I of the Workforce Investment Act of 1998; and

''(iv) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

''(B) may include the provision of—

''(i) comprehensive and specialized assessments;

''(ii) individual and group career counseling;

''(iii) training services;

''(iv) additional reemployment services; and

''(v) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops.

''(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate in such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that—

''(A) such individual has completed participating in such services or activities; or

''(B) there is justifiable cause for failure to participate or to complete participating in such services or activities, as determined in accordance with guidance to be issued by the Secretary.''.

(b) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessment activities required to be provided under the amendment made by subsection (a).

(c) FUNDING.—

(1) IN GENERAL.—Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''STATES.—There'' and inserting the following: ''STATES.—

''(1) ADMINISTRATION.—There''; and

(B) by adding at the end the following new paragraph:

''(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—

''(A) APPROPRIATION.—There are appropriated from the general fund of the Treasury, for the period of fiscal year 2012 through fiscal year 2013, out of the employment security administration account (as established by section 901(a) of the Social Security Act), such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

''(B) DETERMINATION OF TOTAL AMOUNT.—The amount referred to in subparagraph (A) is the amount the Secretary of Labor estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3); multiplied by

''(ii) $85.

''(C) DISTRIBUTION AMONG STATES.—Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3); multiplied by

''(ii) $85.''.

(2) TRANSFER OF FUNDS.—Section 4004(e) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) in paragraph (1)(G), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following paragraph:

''(3) to the Employment Security Administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).''.

SEC. 2143. PROMOTING PROGRAM INTEGRITY THROUGH BETTER RECOVERY OF OVERPAYMENTS.

Section 4005(c)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''may'' and inserting ''shall''; and

(2) by striking ''except that'' and all that follows through ''made'' and inserting ''in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State''.

SEC. 2144. RESTORE STATE FLEXIBILITY TO IMPROVE UNEMPLOYMENT PROGRAM SOLVENCY.

Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before March 1, 2012, that, upon taking effect, would violate such subsection.

Subtitle D—Short-Time Compensation Program

SEC. 2160. SHORT TITLE.

This subtitle may be cited as the ''Layoff Prevention Act of 2012''.

SEC. 2161. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) DEFINITION.—

(1) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

''(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this part, the term 'short-time compensation program' means a program under which—

''(1) the participation of an employer is voluntary;

''(2) an employer reduces the number of hours worked by employees in lieu of layoffs;

''(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate (but in no case more than 60 percent), are not disqualified from unemployment compensation;

''(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would otherwise be payable to the employee if such employee were unemployed;

''(5) such employees meet the availability for work and work search test requirements while collecting short-time compensation benefits, by being available for their workweek as required by the State agency;

''(6) eligible employees may participate, as appropriate, in training (including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998) to enhance job skills if such program has been approved by the State agency;

''(7) the State agency shall require employers to certify that if the employer provides health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) or contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program;

''(8) the State agency shall require an employer to submit a written plan describing the manner in which the requirements of this subsection will be implemented (including a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced) together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation and such other information as the Secretary of Labor determines is appropriate;

''(9) the terms of the employer's written plan and implementation shall be consistent with employer obligations under applicable Federal and State laws; and

''(10) upon request by the State and approval by the Secretary of Labor, only such other provisions are included in the State law that are determined to be appropriate for purposes of a short-time compensation program.''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) TRANSITION PERIOD FOR EXISTING PROGRAMS.—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(A) the date the State changes its State law in order to be consistent with such amendment; or

(B) the date that is 2 years and 6 months after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));''.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-time compensation) and inserting the following new paragraph:

''(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and''; and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking ''the payment of short-time compensation under a plan approved by the Secretary of Labor'' and inserting ''the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)''.

(3) UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 2162. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

(a) PAYMENTS TO STATES.—

(1) IN GENERAL.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)) under the provisions of the State law.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—

(1) IN GENERAL.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(A) beginning on or after the date of the enactment of this Act; and

(B) ending on or before the date that is 3 years and 6 months after the date of the enactment of this Act.

(2) THREE-YEAR FUNDING LIMITATION FOR COMBINED PAYMENTS UNDER THIS SECTION AND SECTION 2163.—States may receive payments under this section and section 2163 with respect to a total of not more than 156 weeks.

(c) TWO-YEAR TRANSITION PERIOD FOR EXISTING PROGRAMS.—During any period that the transition provision under section 2161(a)(3) is applicable to a State with respect to a short-time compensation program, such State shall be eligible for payments under this section. Subject to paragraphs (1)(B) and (2) of subsection (b), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a), the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2163. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)).

(2) ABILITY TO TERMINATE.—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a).

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning on or after the date on which such agreement is entered into; and

(B) ending on or before the date that is 2 years and 13 weeks after the date of the enactment of this Act.

(2) TWO-YEAR FUNDING LIMITATION.—States may receive payments under this section with respect to a total of not more than 104 weeks.

(e) SPECIAL RULE.—If a State has entered into an agreement under this section and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a), the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to paragraphs (1)(B) and (2) of section 2162(b), shall be eligible to receive payments under section 2162 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2164. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2).

(B) CLARIFICATION.—A State administering a short-time compensation program, including a program being administered by a State that is participating in the transition under the provisions of sections 301(a)(3) and 302(c), that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986 (as added by 211(a)), and a State with an agreement under section 2163, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying $100,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2010, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2014.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, $100,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term ''short-time compensation program'' has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a).

(3) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2165. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)), the Secretary of Labor (in this section referred to as the ''Secretary'') shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts.

SEC. 2166. REPORTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this subtitle.

(2) REQUIREMENTS.—Any report under paragraph (1) shall at a minimum include the following:

(A) A description of best practices by States and employers in the administration, promotion, and use of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2161(a)).

(B) An analysis of the significant challenges to State enactment and implementation of short-time compensation programs.

(C) A survey of employers in all States to determine the level of interest in participating in short-time compensation programs.

(b) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary of Labor, $1,500,000 to carry out this section, to remain available without fiscal year limitation.

Subtitle E—Self-Employment Assistance

SEC. 2181. STATE ADMINISTRATION OF SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) AVAILABILITY FOR INDIVIDUALS RECEIVING EXTENDED COMPENSATION.—Title II of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by inserting at the end the following new section:

''AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAMS

''SEC. 208. (a)(1) At the option of a State, for any weeks of unemployment beginning after the date of enactment of this section, the State agency of the State may establish a self-employment assistance program, as described in subsection (b), to provide for the payment of extended compensation as self-employment assistance allowances to individuals who would otherwise satisfy the eligibility criteria under this title.

''(2) Subject to paragraph (3), the self-employment assistance allowance described in paragraph (1) shall be paid to an eligible individual from such individual's extended compensation account, as described in section 202(b), and the amount in such account shall be reduced accordingly.

''(3)(A) Subject to subparagraph (B), for purposes of self-employment assistance programs established under this section and section 4001(j) of the Supplemental Appropriations Act, 2008, an individual shall be provided with self-employment assistance allowances under such programs for a total of not greater than 26 weeks (referred to in this section as the 'combined eligibility limit').

''(B) For purposes of an individual who is participating in a self-employment assistance program established under this section and has not reached the combined eligibility limit as of the date on which such individual exhausts all rights to extended compensation under this title, the individual shall be eligible to receive self-employment assistance allowances under a self-employment assistance program established under section 4001(j) of the Supplemental Appropriations Act, 2008, until such individual has reached the combined eligibility limit, provided that the individual otherwise satisfies the eligibility criteria described under title IV of such Act.

''(b) For the purposes of this section, the term 'self-employment assistance program' means a program as defined under section 3306(t) of the Internal Revenue Code of 1986, except as follows:

''(1) all references to 'regular unemployment compensation under the State law' shall be deemed to refer instead to 'extended compensation under title II of the Federal-State Extended Unemployment Compensation Act of 1970';

''(2) paragraph (3)(B) shall not apply;

''(3) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

'''(i) include any entrepreneurial training that the State or non-profit organizations may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and';

''(4) the reference to '5 percent' in paragraph (4) shall be deemed to refer instead to '1 percent'; and

''(5) paragraph (5) shall not apply.

''(c) In the case of an individual who is eligible to receive extended compensation under this title, such individual shall not receive self-employment assistance allowances under this section unless the State agency has a reasonable expectation that such individual will be entitled to at least 13 times the individual's average weekly benefit amount of extended compensation and emergency unemployment compensation.

''(d)(1) An individual who is participating in a self-employment assistance program established under this section may elect to discontinue participation in such program at any time.

''(2) For purposes of an individual whose participation in a self-employment assistance program established under this section is terminated pursuant to subsection (a)(3) or who has discontinued participation in such program, if the individual continues to satisfy the eligibility requirements for extended compensation under this title, the individual shall receive extended compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 202(b).''.

(b) AVAILABILITY FOR INDIVIDUALS RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by sections 2141(b) and 2142(a), is further amended by inserting at the end the following new subsection:

''(j) AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—Any agreement under subsection (a) may provide that the State agency of the State shall establish a self-employment assistance program, as described in paragraph (2), to provide for the payment of emergency unemployment compensation as self-employment assistance allowances to individuals who would otherwise satisfy the eligibility criteria specified in subsection (b).

''(B) PAYMENT OF ALLOWANCES.—Subject to subparagraph (C), the self-employment assistance allowance described in subparagraph (A) shall be paid to an eligible individual from such individual's emergency unemployment compensation account, as described in section 4002, and the amount in such account shall be reduced accordingly.

''(C) LIMITATION ON SELF-EMPLOYMENT ASSISTANCE FOR INDIVIDUALS RECEIVING EXTENDED COMPENSATION AND EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(i) COMBINED ELIGIBILITY LIMIT.—Subject to clause (ii), for purposes of self-employment assistance programs established under this subsection and section 208 of the Federal-State Extended Unemployment Compensation Act of 1970, an individual shall be provided with self-employment assistance allowances under such programs for a total of not greater than 26 weeks (referred to in this subsection as the 'combined eligibility limit').

''(ii) CARRYOVER RULE.—For purposes of an individual who is participating in a self-employment assistance program established under this subsection and has not reached the combined eligibility limit as of the date on which such individual exhausts all rights to extended compensation under this title, the individual shall be eligible to receive self-employment assistance allowances under a self-employment assistance program established under section 208 of the Federal-State Extended Unemployment Compensation Act of 1970 until such individual has reached the combined eligibility limit, provided that the individual otherwise satisfies the eligibility criteria described under title II of such Act.

''(2) DEFINITION OF 'SELF-EMPLOYMENT ASSISTANCE PROGRAM'.—For the purposes of this section, the term 'self-employment assistance program' means a program as defined under section 3306(t) of the Internal Revenue Code of 1986, except as follows:

''(A) all references to 'regular unemployment compensation under the State law' shall be deemed to refer instead to 'emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008';

''(B) paragraph (3)(B) shall not apply;

''(C) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

'''(i) include any entrepreneurial training that the State or non-profit organizations may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and';

''(D) the reference to '5 percent' in paragraph (4) shall be deemed to refer instead to '1 percent'; and

''(E) paragraph (5) shall not apply.

''(3) AVAILABILITY OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCES.—In the case of an individual who is eligible to receive emergency unemployment compensation payment under this title, such individual shall not receive self-employment assistance allowances under this subsection unless the State agency has a reasonable expectation that such individual will be entitled to at least 13 times the individual's average weekly benefit amount of extended compensation and emergency unemployment compensation.

''(4) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(A) TERMINATION.—An individual who is participating in a self-employment assistance program established under this subsection may elect to discontinue participation in such program at any time.

''(B) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—For purposes of an individual whose participation in the self-employment assistance program established under this subsection is terminated pursuant to paragraph (1)(C) or who has discontinued participation in such program, if the individual continues to satisfy the eligibility requirements for emergency unemployment compensation under this title, the individual shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.''.

SEC. 2182. GRANTS FOR SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) IN GENERAL.—

(1) ESTABLISHMENT OR IMPROVED ADMINISTRATION.—Subject to the requirements established under subsection (b), the Secretary shall award grants to States for the purposes of—

(A) improved administration of self-employment assistance programs that have been established, prior to the date of the enactment of this Act, pursuant to section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), for individuals who are eligible to receive regular unemployment compensation;

(B) development, implementation, and administration of self-employment assistance programs that are established, subsequent to the date of the enactment of this Act, pursuant to section

3306(t) of the Internal Revenue Code of 1986, for individuals who are eligible to receive regular unemployment compensation; and

(C) development, implementation, and administration of self-employment assistance programs that are established pursuant to section 208 of the Federal-State Extended Unemployment Compensation Act of 1970 or section 4001(j) of the Supplemental Appropriations Act, 2008, for individuals who are eligible to receive extended compensation or emergency unemployment compensation.

(2) PROMOTION AND ENROLLMENT.—Subject to the requirements established under subsection (b), the Secretary shall award additional grants to States that submit approved applications for a grant under paragraph (1) for such States to promote self-employment assistance programs and enroll unemployed individuals in such programs.

(b) APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as is determined appropriate by the Secretary. In no case shall the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2013.

(2) NOTICE.—Not later than 30 days after receiving an application described in paragraph (1) from a State, the Secretary shall notify the State agency as to whether a grant has been approved for such State for the purposes described in subsection (a).

(3) CERTIFICATION.—If the Secretary determines that a State has met the requirements for a grant under subsection (a), the Secretary shall make a certification to that effect to the Secretary of the Treasury, as well as a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund under section 904 of the Social Security Act (42 U.S.C. 1104). The Secretary of the Treasury shall make the appropriate transfer to the State account not later than 7 days after receiving such certification.

(c) ALLOTMENT FACTORS.—For purposes of allotting the funds available under subsection (d) to States that have met the requirements for a grant under this section, the amount of the grant provided to each State shall be determined based upon the percentage of unemployed individuals in the State relative to the percentage of unemployed individuals in all States.

(d) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal year 2012 through fiscal year 2013 for purposes of carrying out the grant program under this section,

SEC. 2183. ASSISTANCE AND GUIDANCE IN IMPLEMENTING SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) MODEL LANGUAGE AND GUIDANCE.—For purposes of assisting States in establishing, improving, and administering self-employment assistance programs, the Secretary shall—

(1) develop model language that may be used by States in enacting such programs, as well as periodically review and revise such model language; and

(2) provide technical assistance and guidance in establishing, improving, and administering such programs.

(b) REPORTING AND EVALUATION.—

(1) REPORTING.—The Secretary shall establish reporting requirements for States that have established self-employment assistance programs, which shall include reporting on—

(A) the total number of individuals who received unemployment compensation and—

(i) were referred to a self-employment assistance program;

(ii) participated in such program; and

(iii) received an allowance under such program;

(B) the total amount of allowances provided to individuals participating in a self-employment assistance program;

(C) the total income (as determined by survey or other appropriate method) for businesses that have been established by individuals participating in a self-employment assistance program, as well as the total number of individuals employed through such businesses; and

(D) any additional information, as determined appropriate by the Secretary.

(2) EVALUATION.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that evaluates the effectiveness of self-employment assistance programs established by States, including—

(A) an analysis of the implementation and operation of self-employment assistance programs by States;

(B) an evaluation of the economic outcomes for individuals who participated in a self-employment assistance program as compared to individuals who received unemployment compensation and did not participate in a self-employment assistance program, including a comparison as to employment status, income, and duration of receipt of unemployment compensation or self-employment assistance allowances; and

(C) an evaluation of the state of the businesses started by individuals who participated in a self-employment assistance program, including information regarding—

(i) the type of businesses established;

(ii) the sustainability of the businesses;

(iii) the total income collected by the businesses;

(iv) the total number of individuals employed through such businesses; and

(v) the estimated Federal and State tax revenue collected from such businesses and their employees.

(c) FLEXIBILITY AND ACCOUNTABILITY.—The model language, guidance, and reporting requirements developed by the Secretary under subsections (a) and (b) shall—

(1) allow sufficient flexibility for States and participating individuals; and

(2) ensure accountability and program integrity.

(d) CONSULTATION.—For purposes of developing the model language, guidance, and reporting requirements described under subsections (a) and (b), the Secretary shall consult with employers, labor organizations, State agencies, and other relevant program experts.

(e) ENTREPRENEURIAL TRAINING PROGRAMS.—The Secretary shall utilize resources available through the Department of Labor and coordinate with the Administrator of the Small Business Administration to ensure that adequate funding is reserved and made available for the provision of entrepreneurial training to individuals participating in self-employment assistance programs.

(f) SELF-EMPLOYMENT ASSISTANCE PROGRAM.—For purposes of this section, the term ''self-employment assistance program'' means a program established pursuant to section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), section 208 of the Federal-State Extended Unemployment Compensation Act of 1970, or section 4001(j) of the Supplemental Appropriations Act, 2008, for individuals who are eligible to receive regular unemployment compensation, extended compensation, or emergency unemployment compensation.

SEC. 2184. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY.—The terms ''State'' and ''State agency'' have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

TITLE III—MEDICARE AND OTHER HEALTH PROVISIONS

Subtitle A—Medicare Extensions

SEC. 3001. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), and section 302(a) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''November 30, 2011'' and inserting ''March 31, 2012''.

(b) SPECIAL RULE.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), for the period beginning on December 1, 2011, and ending on March 31, 2012, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period described in paragraph (1), include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—

(1) IN GENERAL.—The Secretary shall make payments required under subsections (a) and (b) by not later than June 30, 2012.

(2) OCTOBER 2011 AND NOVEMBER 2011 CONFORMING CHANGE.—Section 302(c) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78) is amended by striking ''December 31, 2012'' and inserting ''June 30, 2012''.

SEC. 3002. EXTENSION OF OUTPATIENT HOLD HARMLESS PAYMENTS.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 308 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''March 1, 2012'' and inserting ''January 1, 2013''; and

(B) in the second sentence, by striking ''or the first two months of 2012'' and inserting ''or 2012''; and

(2) in subclause (III), in the first sentence, by striking ''March 1, 2012'' and inserting ''January 1, 2013''.

(b) REPORT.—Not later than July 1, 2012, the Secretary of Health and Human Services shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report including recommendations for which types of hospitals should continue to receive hold harmless payments described in subclauses (II) and (III) of section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) in order to maintain adequate beneficiary access to outpatient services. In conducting such report, the Secretary should examine why some similarly situated

hospitals do not receive such hold harmless payments and are able to rely only on the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

SEC. 3003. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d)(13) of the Social Security Act (42 U.S.C. 1395w–4(d)(13)), as added by section 301 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in the heading, by striking ''FIRST TWO MONTHS OF 2012'' and inserting ''2012'';

(2) in subparagraph (A), by striking ''the period beginning on January 1, 2012, and ending on February 29, 2012'' and inserting ''2012'';

(3) in the heading of subparagraph (B), by striking ''REMAINING PORTION OF 2012'' and inserting ''2013''; and

(4) in subparagraph (B), by striking ''for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013'' and inserting ''for 2013''.

(b) MANDATED STUDIES ON PHYSICIAN PAYMENT REFORM.—

(1) STUDY BY SECRETARY ON OPTIONS FOR BUNDLED OR EPISODE-BASED PAYMENT.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study that examines options for bundled or episode-based payments, to cover physicians' services currently paid under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4), for one or more prevalent chronic conditions (such as cancer, diabetes, and congestive heart failure) or episodes of care for one or more major procedures (such as medical device implantation). In conducting the study, the Secretary shall consult with medical professional societies and other relevant stakeholders. The study shall include an examination of related private payer payment initiatives.

(B) REPORT.—Not later than January 1, 2013, the Secretary shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under this paragraph. The Secretary shall include in the report recommendations on suitable alternative payment options for services paid under such fee schedule and on associated implementation requirements (such as timelines, operational issues, and interactions with other payment reform initiatives).

(2) GAO STUDY OF PRIVATE PAYER INITIATIVES.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study that examines initiatives of private entities offering or administering health insurance coverage, group health plans, or other private health benefit plans to base or adjust physician payment rates under such coverage or plans for performance on quality and efficiency, as well as demonstration of care delivery improvement activities (such as adherence to evidence-based guidelines and patient-shared decision making programs). In conducting such study, the Comptroller General shall consult, to the extent appropriate, with medical professional societies and other relevant stakeholders.

(B) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under this paragraph. Such report shall include an assessment of the applicability of the payer initiatives described in subparagraph (A) to the Medicare program and recommendations on modifications to existing Medicare performance-based initiatives.

SEC. 3004. WORK GEOGRAPHIC ADJUSTMENT.

(a) IN GENERAL.—Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 303 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''before March 1, 2012'' and inserting ''before January 1, 2013''.

(b) REPORT.—Not later than June 15, 2013, the Medicare Payment Advisory Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that assesses whether any adjustment under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) to distinguish the difference in work effort by geographic area is appropriate and, if so, what that level should be and where it should be applied. The report shall also assess the impact of the work geographic adjustment under such section, including the extent to which the floor on such adjustment impacts access to care.

SEC. 3005. PAYMENT FOR OUTPATIENT THERAPY SERVICES.

(a) APPLICATION OF ADDITIONAL REQUIREMENTS.—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as amended by section 304 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) by inserting ''(A)'' after ''(5)'';

(2) in the first sentence, by striking ''February 29, 2012'' and inserting ''December 31, 2012'';

(3) in the first sentence, by inserting ''and if the requirement of subparagraph (B) is met'' after ''medically necessary'';

(4) in the second sentence, by inserting ''made in accordance with such requirement'' after ''receipt of the request''; and

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

''(B) In the case of outpatient therapy services for which an exception is requested under the first sentence of subparagraph (A), the claim for such services shall contain an appropriate modifier (such as the KX modifier used as of the date of the enactment of this subparagraph) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

''(C)(i) In applying this paragraph with respect to a request for an exception with respect to expenses that would be incurred for outpatient therapy services (including services described in subsection (a)(8)(B)) that would exceed the threshold described in clause (ii) for a year, the request for such an exception, for services furnished on or after October 1, 2012, shall be subject to a manual medical review process that is similar to the manual medical review process used for certain exceptions under this paragraph in 2006.

''(ii) The threshold under this clause for a year is $3,700. Such threshold shall be applied separately—

''(I) for physical therapy services and speech-language pathology services; and

''(II) for occupational therapy services.''.

(b) TEMPORARY APPLICATION OF THERAPY CAP TO THERAPY FURNISHED AS PART OF HOSPITAL OUTPATIENT SERVICES.—Section 1833(g) of such Act (42 U.S.C.1395l(g)) is amended—

(1) in each of paragraphs (1) and (3), by striking ''but not described in section 1833(a)(8)(B)'' and inserting ''but (except as provided in paragraph (6)) not described in subsection (a)(8)(B)''; and

(2) by adding at the end the following new paragraph:

''(6) In applying paragraphs (1) and (3) to services furnished during the period beginning not later than October 1, 2012, and ending on December 31, 2012, the exclusion of services described in subsection (a)(8)(B) from the uniform dollar limitation specified in paragraph (2) shall not apply to such services furnished during 2012.''.

(c) REQUIREMENT FOR INCLUSION ON CLAIMS OF NPI OF PHYSICIAN WHO REVIEWS THERAPY PLAN.—Section 1842(t) of such Act (42 U.S.C. 1395u(t)) is amended—

(1) by inserting ''(1)'' after ''(t)''; and

(2) by adding at the end the following new paragraph:

''(2) Each request for payment, or bill submitted, for therapy services described in paragraph (1) or (3) of section 1833(g), including services described in section 1833(a)(8)(B), furnished on or after October 1, 2012, for which payment may be made under this part shall include the national provider identifier of the physician who periodically reviews the plan for such services under section 1861(p)(2).''.

(d) IMPLEMENTATION.—The Secretary of Health and Human Services shall implement such claims processing edits and issue such guidance as may be necessary to implement the amendments made by this section in a timely manner. Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction. Of the amount of funds made available to the Secretary for fiscal year 2012 for program management for the Centers for Medicare & Medicaid Services, not to exceed $9,375,000 shall be available for such fiscal year and the first 3 months of fiscal year 2013 to carry out section 1833(g)(5)(C) of the Social Security Act (relating to manual medical review), as added by subsection (a).

(e) EFFECTIVE DATE.—The requirement of subparagraph (B) of section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)), as added by subsection (a), shall apply to services furnished on or after March 1, 2012.

(f) MEDPAC REPORT ON IMPROVED MEDICARE THERAPY BENEFITS.—Not later than June 15, 2013, the Medicare Payment Advisory Commission shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report making recommendations on how to improve the outpatient therapy benefit under part B of title XVIII of the Social Security Act. The report shall include recommendations on how to reform the payment system for such outpatient therapy services under such part so that the benefit is better designed to reflect individual acuity, condition, and therapy needs of the patient. Such report shall include an examination of private sector initiatives relating to outpatient therapy benefits.

(g) COLLECTION OF ADDITIONAL DATA.—

(1) STRATEGY.—The Secretary of Health and Human Services shall implement, beginning on January 1, 2013, a claims-based data collection strategy that is designed to assist in reforming the Medicare payment system for outpatient therapy services subject to the limitations of section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)). Such strategy shall be designed to provide for the collection of data on patient function during the course of therapy services in order to better understand patient condition and outcomes.

(2) CONSULTATION.—In proposing and implementing such strategy, the Secretary shall consult with relevant stakeholders.

(h) GAO REPORT ON MANUAL MEDICAL REVIEW PROCESS IMPLEMENTATION.—Not later than May 1, 2013, the Comptroller General of the United States shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a report on the implementation of the manual medical review process referred to in section 1833(g)(5)(C) of the Social Security Act, as added by subsection (a). Such report shall include aggregate data on the number of individuals and claims subject to such process, the number of reviews conducted under such process, and the outcome of such reviews.

SEC. 3006. PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection

Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), and section 305 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''and the first two months of 2012'' and inserting ''and the first six months of 2012''.

SEC. 3007. AMBULANCE ADD-ON PAYMENTS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)), as amended by section 306(a) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in the matter preceding clause (i), by striking ''March 1, 2012'' and inserting ''January 1, 2013''; and

(2) in each of clauses (i) and (ii), by striking ''March 1, 2012'' and inserting ''January 1, 2013'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of the Patient Protection and Affordable Care Act (Public Law 111–148), section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309) and section 306(b) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''February 29, 2012'' and inserting ''December 31, 2012''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)), as amended by section 306(c) of Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended in the first sentence by striking ''March 1, 2012'' and inserting ''January 1, 2013''.

(d) GAO REPORT UPDATE.—Not later than October 1, 2012, the Comptroller General of the United States shall update the GAO report GAO–07–383 (relating to Ambulance Providers: Costs and Expected Medicare Margins Vary Greatly) to reflect current costs for ambulance providers.

(e) MEDPAC REPORT.—The Medicare Payment Advisory Commission shall conduct a study of—

(1) the appropriateness of the add-on payments for ambulance providers under paragraphs (12)(A) and (13)(A) of section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) and the treatment of air ambulance providers under section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

(2) the effect these add-on payments and such treatment have on the Medicare margins of ambulance providers; and

(3) whether there is a need to reform the Medicare ambulance fee schedule under such section and, if so, what should such reforms be, including whether the add-on payments should be included in the base rate.

Not later than June 15, 2013, the Commission shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on such study and shall include in the report such recommendations as the Commission deems appropriate.

Subtitle B—Other Health Provisions

SEC. 3101. QUALIFYING INDIVIDUAL PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)), as amended by section 310(a) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended by striking ''February'' and inserting ''December''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)), as amended by section 310(b) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), is amended—

(1) in paragraph (2)—

(A) in subparagraph (P), by striking ''and'' after the semicolon;

(B) in subparagraph (Q), by striking ''February 29, 2012, the total allocation amount is $150,000,000.'' and inserting ''September 30, 2012, the total allocation amount is $450,000,000; and''; and

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

''(R) for the period that begins on October 1, 2012, and ends on December 31, 2012, the total allocation amount is $280,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (P)'' and inserting ''(P), or (R)''.

SEC. 3102. TRANSITIONAL MEDICAL ASSISTANCE.

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)), as amended by section 311 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), are each amended by striking ''February 29'' and inserting ''December 31''.

Subtitle C—Health Offsets

SEC. 3201. REDUCTION OF BAD DEBT TREATED AS AN ALLOWABLE COST.

(a) HOSPITALS.—Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395x(v)(1)(T)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv)—

(A) by striking ''a subsequent fiscal year'' and inserting ''fiscal years 2001 through 2012''; and

(B) by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(v) for cost reporting periods beginning during fiscal year 2013 or a subsequent fiscal year, by 35 percent of such amount otherwise allowable.''.

(b) SKILLED NURSING FACILITIES.—Section 1861(v)(1)(V) of such Act (42 U.S.C. 1395x(v)(1)(V)) is amended—

(1) in the matter preceding clause (i), by striking ''with respect to cost reporting periods beginning on or after October 1, 2005'' and inserting ''and (beginning with respect to cost reporting periods beginning during fiscal year 2013) for covered skilled nursing services described in section 1888(e)(2)(A) furnished by hospital providers of extended care services (as described in section 1883)'';

(2) in clause (i), by striking ''reduced by'' and all that follows through ''allowable; and'' and inserting the following: ''reduced by—

''(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, 30 percent of such amount otherwise allowable; and

''(II) for cost reporting periods beginning during fiscal year 2013 or a subsequent fiscal year, by 35 percent of such amount otherwise allowable.''; and

(3) in clause (ii), by striking ''such section shall not be reduced.'' and inserting ''such section—

''(I) for cost reporting periods beginning on or after October 1, 2005, but before fiscal year 2013, shall not be reduced;

''(II) for cost reporting periods beginning during fiscal year 2013, shall be reduced by 12 percent of such amount otherwise allowable;

''(III) for cost reporting periods beginning during fiscal year 2014, shall be reduced by 24 percent of such amount otherwise allowable; and

''(IV) for cost reporting periods beginning during a subsequent fiscal year, shall be reduced by 35 percent of such amount otherwise allowable.''.

(c) CERTAIN OTHER PROVIDERS.—Section 1861(v)(1) of such Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

''(W)(i) In determining such reasonable costs for providers described in clause (ii), the amount of bad debts otherwise treated as allowable costs which are attributable to deductibles and coinsurance amounts under this title shall be reduced—

''(I) for cost reporting periods beginning during fiscal year 2013, by 12 percent of such amount otherwise allowable;

''(II) for cost reporting periods beginning during fiscal year 2014, by 24 percent of such amount otherwise allowable; and

''(III) for cost reporting periods beginning during a subsequent fiscal year, by 35 percent of such amount otherwise allowable.

''(ii) A provider described in this clause is a provider of services not described in subparagraph (T) or (V), a supplier, or any other type of entity that receives payment for bad debts under the authority under subparagraph (A).''.

(d) CONFORMING AMENDMENT FOR HOSPITAL SERVICES.—Section 4008(c) of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1395 note), as amended by section 8402 of the Technical and Miscellaneous Revenue Act of 1988 and section 6023 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following new sentence: ''Effective for cost reporting periods beginning on or after October 1, 2012, the provisions of the previous two sentences shall not apply.''.

SEC. 3202. REBASE MEDICARE CLINICAL LABORATORY PAYMENT RATES.

Section 1833(h)(2)(A) of the Social Security Act (42 U.S.C. 1395l(h)(2)(A)) is amended—

(1) in clause (i), by striking ''paragraph (4)'' and inserting ''clause (v), subparagraph (B), and paragraph (4)'';

(2) by moving clause (iv), subclauses (I) and (II) of such clause, and the flush matter at the end of such clause 6 ems to the left; and

(3) by adding at the end the following new clause:

''(v) The Secretary shall reduce by 2 percent the fee schedules otherwise determined under clause (i) for 2013, and such reduced fee schedules shall serve as the base for 2014 and subsequent years.''.

SEC. 3203. REBASING STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) in paragraph (3)(A) by striking ''paragraphs (6) and (7)'' and inserting ''paragraphs (6), (7), and (8)''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2021.—With respect to fiscal year 2021, for purposes of applying paragraph (3)(A) to determine the DSH allotment for a State, the amount of the DSH allotment for the State under paragraph (3) for fiscal year 2020 shall be equal to the DSH allotment as reduced under paragraph (7).''.

SEC. 3204. TECHNICAL CORRECTION TO THE DISASTER RECOVERY FMAP PROVISION.

(a) IN GENERAL.—Section 1905(aa) of the Social Security Act (42 U.S.C. 1396d(aa)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''the Federal medical assistance percentage determined for the fiscal year'' and all that follows through the period and inserting ''the State's

regular FMAP shall be increased by 50 percent of the number of percentage points by which the State's regular FMAP for such fiscal year is less than the Federal medical assistance percentage determined for the State for the preceding fiscal year after the application of only subsection (a) of section 5001 of Public Law 111–5 (if applicable to the preceding fiscal year) and without regard to this subsection, subsections (y) and (z), and subsections (b) and (c) of section 5001 of Public Law 111–5.''; and

(B) in subparagraph (B), by striking ''Federal medical assistance percentage determined for the preceding fiscal year'' and all that follows through the period and inserting ''State's regular FMAP for such fiscal year shall be increased by 25 percent of the number of percentage points by which the State's regular FMAP for such fiscal year is less than the Federal medical assistance percentage received by the State during the preceding fiscal year.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''Federal medical assistance percentage determined for the State for the fiscal year'' and all that follows through ''Act,'' and inserting ''State's regular FMAP for the fiscal year''; and

(ii) by striking ''subsection (y)'' and inserting ''subsections (y) and (z)''; and

(B) in subparagraph (B), by striking ''Federal medical assistance percentage determined for the State for the fiscal year'' and all that follows through ''Act,'' and inserting ''State's regular FMAP for the fiscal year'';

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) In this subsection, the term 'regular FMAP' means, for each fiscal year for which this subsection applies to a State, the Federal medical assistance percentage that would otherwise apply to the State for the fiscal year, as determined under subsection (b) and without regard to this subsection, subsections (y) and (z), and section 10202 of the Patient Protection and Affordable Care Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2013.

SEC. 3205. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended by striking paragraphs (2) through (6) and inserting the following:

''(2) for each of fiscal years 2012 through 2017, $1,000,000,000;

''(3) for each of fiscal years 2018 and 2019, $1,250,000,000;

''(4) for each of fiscal years 2020 and 2021, $1,500,000,000; and

''(5) for fiscal year 2022, and each fiscal year thereafter, $2,000,000,000.''.

TITLE IV—TANF EXTENSION

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Welfare Integrity and Data Improvement Act''.

SEC. 4002. EXTENSION OF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012'';

(2) in subparagraph (B)—

(A) by inserting ''(as in effect just before the enactment of the Welfare Integrity and Data Improvement Act)'' after ''this paragraph'' the 1st place it appears; and

(B) by inserting ''(as so in effect)'' after ''this paragraph'' the 2nd place it appears; and

(3) in subparagraph (C), by striking ''2003'' and inserting ''2012''.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking ''2011'' each place it appears and inserting ''2012''.

(c) MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''fiscal year'' and all that follows through ''2013'' and inserting ''a fiscal year''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''for fiscal years 1997 through 2012,''; and

(B) by striking ''407(a) for the fiscal year,'' and inserting ''407(a),''.

(d) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''each of fiscal years 1997'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(e) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking ''each of fiscal years 1997 through 2002'' and inserting ''fiscal year 2012''.

(f) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking ''each of fiscal years 1996'' and all that follows through ''2003'' and inserting ''fiscal year 2012''.

(g) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking ''appropriated'' and all that follows and inserting ''appropriated $2,917,000,000 for fiscal year 2012.''.

(h) GRANTS TO TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking ''fiscal years 1997 through 2003'' and inserting ''fiscal year 2012''.

(i) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112–35) and the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78) for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4003. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

''(d) DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.—

''(1) DATA EXCHANGE STANDARDS.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate a data exchange standard for any category of information required to be reported under this part.

''(B) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standard designated under subparagraph (A) shall, to the extent practicable, be nonproprietary and interoperable.

''(C) OTHER REQUIREMENTS.—In designating data exchange standards under this section, the Secretary shall, to the extent practicable, incorporate—

''(i) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(ii) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(iii) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

''(2) DATA EXCHANGE STANDARDS FOR REPORTING.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate data exchange standards to govern the data reporting required under this part.

''(B) REQUIREMENTS.—The data exchange standards required by subparagraph (A) shall, to the extent practicable—

''(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

''(ii) be consistent with and implement applicable accounting principles; and

''(iii) be capable of being continually upgraded as necessary.

''(C) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating reporting standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.''.

(b) EFFECTIVE DATES.—

(1) DATA EXCHANGE STANDARDS.—The Secretary of Health and Human Services shall issue a proposed rule under section 411(d)(1) of the Social Security Act within 12 months after the date of the enactment of this section, and shall issue a final rule under such section 411(d)(1), after public comment, within 24 months after such date of enactment.

(2) DATA REPORTING STANDARDS.—The reporting standards required under section 411(d)(2) of such Act shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act.

SEC. 4004. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) STATE REQUIREMENT TO PREVENT UNAUTHORIZED SPENDING OF BENEFITS.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in—

''(i) any liquor store;

''(ii) any casino, gambling casino, or gaming establishment; or

''(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

''(B) DEFINITIONS.—For purposes of subparagraph (A)—

''(i) LIQUOR STORE.—The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

''(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms 'casino', 'gambling casino', and 'gaming establishment' do not include—

''(I) a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities; or

''(II) any other establishment that offers casino, gambling, or gaming activities incidental to the principal purpose of the business.

''(iii) ELECTRONIC BENEFIT TRANSFER TRANSACTION.—The term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service.''.

(b) PENALTY.—Section 409(a) of such Act (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES.—

''(A) IN GENERAL.—If, within 2 years after the date of the enactment of this paragraph, any State has not reported to the Secretary on such State's implementation of the policies and practices required by section 408(a)(12), or the Secretary determines, based on the information provided in State reports, that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—

''(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and

''(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.

''(B) REDUCTION OF APPLICABLE PENALTY.—The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.

''(C) STATE NOT RESPONSIBLE FOR INDIVIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A).''.

(c) ADDITIONAL STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) of such Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Implement policies and procedures as necessary to prevent access to assistance provided under the State program funded under this part through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in section 408(a)(12), including a plan to ensure that recipients of the assistance have adequate access to their cash assistance.

''(viii) Ensure that recipients of assistance provided under the State program funded under this part have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.''.

(d) CONFORMING AMENDMENT.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by striking ''or (13)'' and inserting ''(13), or (16)''.

SEC. 4005. TECHNICAL CORRECTIONS.

(a) Section 404(d)(1)(A) of the Social Security Act (42 U.S.C. 604(d)(1)(A)) is amended by striking ''subtitle 1 of Title'' and inserting ''Subtitle A of title''.

(b) Sections 407(c)(2)(A)(i) and 409(a)(3)(C) of such Act (42 U.S.C. 607(c)(2)(A)(i) and 609(a)(3)(C)) are each amended by striking ''403(b)(6)'' and inserting ''403(b)(5)''.

(c) Section 409(a)(2)(A) of such Act (42 U.S.C. 609(a)(2)(A)) is amended by moving clauses (i) and (ii) 2 ems to the right.

(d) Section 409(c)(2) of such Act (42 U.S.C. 609(c)(2)) is amended by inserting a comma after ''appropriate''.

(e) Section 411(a)(1)(A)(ii)(III) of such Act (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

TITLE V—FEDERAL EMPLOYEES RETIREMENT

SEC. 5001. INCREASE IN CONTRIBUTIONS TO FEDERAL EMPLOYEES' RETIREMENT SYSTEM FOR NEW EMPLOYEES.

(a) DEFINITIONS.—Section 8401 of title 5, United States Code, is amended—

(1) in paragraph (35), by striking ''and'' at the end;

(2) in paragraph (36), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(37) the term 'revised annuity employee' means any individual who—

''(A) on December 31, 2012—

''(i) is not an employee or Member covered under this chapter;

''(ii) is not performing civilian service which is creditable service under section 8411; and

''(iii) has less than 5 years of creditable civilian service under section 8411; and

''(B) after December 31, 2012, becomes employed as an employee or becomes a Member covered under this chapter performing service which is creditable service under section 8411.''.

(b) INCREASE IN CONTRIBUTIONS.—Section 8422(a)(3) of title 5, United States Code, is amended—

(1) by striking ''The applicable percentage under this paragraph for civilian service'' and inserting ''(A) The applicable percentage under this paragraph for civilian service by employees or Members other than revised annuity employees''; and

(2) by adding at the end the following:

''(B) The applicable percentage under this paragraph for civilian service by revised annuity employees shall be as follows:

''Employee	*9.3*	*After December 31, 2012.*
Congressional employee	*9.3*	*After December 31, 2012.*
Member	*9.3*	*After December 31, 2012.*
Law enforcement officer, firefighter, member of the Capitol Police, member of the Supreme Court Police, or air traffic controller	*9.8*	*After December 31, 2012.*
Nuclear materials courier	*9.8*	*After December 31, 2012.*
Customs and border protection officer	*9.8*	*After December 31, 2012.''.*

(c) REDUCTION IN CONGRESSIONAL ANNUITIES.—

(1) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(A) by redesignating subsections (d) through (m) as subsections (e) through (n), respectively; and

(B) by inserting after subsection (c) the following:

''(d) Notwithstanding any other provision of law, the annuity of an individual described in subsection (b) or (c) who is a revised annuity employee shall be computed in the same manner as in the case of an individual described in subsection (a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(l)'' and inserting ''section 8415(m)''.

(B) Section 8452(d)(1) of title 5, United States Code, is amended by striking ''subsection (g)'' and inserting ''subsection (h)''.

(C) Section 8468(b)(1)(A) of title 5, United States Code, is amended by striking ''section 8415(a) through (h)'' and inserting ''section 8415(a) through (i)''.

(D) Section 805(a)(2)(B) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)(2)(B)) is amended by striking ''section 8415(d)'' and inserting ''section 8415(e)''.

(E) Section 806(a) of the Foreign Service Act of 1980 (22 U.S.C. 4046(a)) is amended by striking ''section 8415(d)'' each place it appears and inserting ''section 8415(e)''.

(F) Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(i) in paragraph (2)(A), by striking ''section 8415(d)(1)'' and inserting ''section 8415(e)(1)''; and

(ii) in paragraph (5), by striking ''section 8415(f)(1)'' and inserting ''section 8415(g)(1)''.

(G) Section 303(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2153(b)(1)) is amended by striking ''section 8415(d)'' and inserting ''section 8415(e)''.

SEC. 5002. FOREIGN SERVICE PENSION SYSTEM.

(a) DEFINITION.—Section 852 of the Foreign Service Act of 1980 (22 U.S.C. 4071a) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) the term 'revised annuity participant' means any individual who—

''(A) on December 31, 2012—

''(i) is not a participant;

''(ii) is not performing service which is creditable service under section 854; and

''(iii) has less than 5 years creditable service under section 854; and

''(B) after December 31, 2012, becomes a participant performing service which is creditable service under section 854;''.

(b) DEDUCTIONS AND WITHHOLDINGS FROM PAY.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended—

(1) by striking ''The applicable percentage under this subsection'' and inserting ''(A) The applicable percentage for a participant other than a revised annuity participant''; and

(2) by adding at the end the following:

''(B) The applicable percentage for a revised annuity participant shall be as follows:

''9.85 ..... After December 31, 2012''.

SEC. 5003. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.

Section 211(a) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by striking paragraphs (1) and (2) and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'revised annuity participant' means an individual who—

''(A) on December 31, 2012—

''(i) is not a participant;

''(ii) is not performing qualifying service; and

''(iii) has less than 5 years of qualifying service; and

''(B) after December 31, 2012, becomes a participant performing qualifying service.

''(2) CONTRIBUTIONS.—

''(A) IN GENERAL.—Except as provided in subsection (d), 7 percent of the basic pay received by a participant other than a revised annuity participant for any pay period shall be deducted and withheld from the pay of that participant and contributed to the fund.

''(B) REVISED ANNUITY PARTICIPANTS.—Except as provided in subsection (d), 9.3 percent of the basic pay received by a revised annuity participant for any pay period shall be deducted and withheld from the pay of that revised annuity participant and contributed to the fund.

''(3) AGENCY CONTRIBUTIONS.—

''(A) IN GENERAL.—An amount equal to 7 percent of the basic pay received by a participant other than a revised annuity participant shall be contributed to the fund for a pay period for the participant from the appropriation or fund which is used for payment of the participant's basic pay.

''(B) REVISED ANNUITY PARTICIPANTS.—An amount equal to 4.7 percent of the basic pay received by a revised annuity participant shall be contributed to the fund for a pay period for the revised annuity participant from

the appropriation or fund which is used for payment of the revised annuity participant's basic pay.''.

TITLE VI—PUBLIC SAFETY COMMUNICATIONS AND ELECTROMAGNETIC SPECTRUM AUCTIONS

SEC. 6001. DEFINITIONS.

In this title:

(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) BOARD.—The term ''Board'' means the Board of the First Responder Network Authority established under section 6204(b).

(6) BROADCAST TELEVISION LICENSEE.—The term ''broadcast television licensee'' means the licensee of—

(A) a full-power television station; or

(B) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.

(7) BROADCAST TELEVISION SPECTRUM.—The term ''broadcast television spectrum'' means the portions of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, from 174 megahertz to 216 megahertz, and from 470 megahertz to 698 megahertz.

(8) COMMERCIAL MOBILE DATA SERVICE.—The term ''commercial mobile data service'' means any mobile service (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that is—

(A) a data service;

(B) provided for profit; and

(C) available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission.

(9) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given such term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

(10) COMMERCIAL STANDARDS.—The term ''commercial standards'' means the technical standards followed by the commercial mobile service and commercial mobile data service industries for network, device, and Internet Protocol connectivity. Such term includes standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Task Force (IETF), and the International Telecommunication Union (ITU).

(11) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(12) CORE NETWORK.—The term ''core network'' means the core network described in section 6202(b)(1).

(13) EMERGENCY CALL.—The term ''emergency call'' means any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(14) 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.

(15) FIRST RESPONDER NETWORK AUTHORITY.—The term ''First Responder Network Authority'' means the First Responder Network Authority established under section 6204.

(16) FORWARD AUCTION.—The term ''forward auction'' means the portion of an incentive auction of broadcast television spectrum under section 6403(c).

(17) INCENTIVE AUCTION.—The term ''incentive auction'' means a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402.

(18) INTEROPERABILITY BOARD.—The term ''Interoperability Board'' means the Technical Advisory Board for First Responder Interoperability established under section 6203.

(19) MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.—The term ''multichannel video programming distributor'' has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(20) 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.

(21) NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—The term ''nationwide public safety broadband network'' means the nationwide, interoperable public safety broadband network described in section 6202.

(22) NEXT GENERATION 9–1–1 SERVICES.—The term ''Next Generation 9–1–1 services'' means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, text, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

(23) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(24) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration.

(25) PUBLIC SAFETY ANSWERING POINT.—The term ''public safety answering point'' has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(26) PUBLIC SAFETY ENTITY.—The term ''public safety entity'' means an entity that provides public safety services.

(27) 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).

(28) PUBLIC SAFETY TRUST FUND.—The term ''Public Safety Trust Fund'' means the trust fund established under section 6413(a)(1).

(29) RADIO ACCESS NETWORK.—The term ''radio access network'' means the radio access network described in section 6202(b)(2).

(30) REVERSE AUCTION.—The term ''reverse auction'' means the portion of an incentive auction of broadcast television spectrum under section 6403(a), in which a broadcast television licensee may submit bids stating the amount it would accept for voluntarily relinquishing some or all of its broadcast television spectrum usage rights.

(31) STATE.—The term ''State'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(32) ULTRA HIGH FREQUENCY.—The term ''ultra high frequency'' means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 470 megahertz to 698 megahertz.

(33) VERY HIGH FREQUENCY.—The term ''very high frequency'' means, with respect to a television channel, that the channel is located in the portion of the electromagnetic spectrum between the frequencies from 54 megahertz to 72 megahertz, from 76 megahertz to 88 megahertz, or from 174 megahertz to 216 megahertz.

SEC. 6002. RULE OF CONSTRUCTION.

Each range of frequencies described in this title shall be construed to be inclusive of the upper and lower frequencies in the range.

SEC. 6003. ENFORCEMENT.

(a) IN GENERAL.—The Commission shall implement and enforce this title as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.). A violation of this title, or a regulation promulgated under this title, shall be considered to be a violation of the Communications Act of 1934, or a regulation promulgated under such Act, respectively.

(b) EXCEPTIONS.—

(1) OTHER AGENCIES.—Subsection (a) does not apply in the case of a provision of this title that is expressly required to be carried out by an agency (as defined in section 551 of title 5, United States Code) other than the Commission.

(2) NTIA REGULATIONS.—The Assistant Secretary may promulgate such regulations as are necessary to implement and enforce any provision of this title that is expressly required to be carried out by the Assistant Secretary.

SEC. 6004. NATIONAL SECURITY RESTRICTIONS ON USE OF FUNDS AND AUCTION PARTICIPATION.

(a) USE OF FUNDS.—No funds made available by subtitle B or C may be used to make payments under a contract to a person described in subsection (c).

(b) AUCTION PARTICIPATION.—A person described in subsection (c) may not participate in a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j))—

(1) that is required to be conducted by this title; or

(2) in which any spectrum usage rights for which licenses are being assigned were made available under clause (i) of subparagraph

(G) of paragraph (8) of such section, as added by section 6402.

(c) PERSON DESCRIBED.—A person described in this subsection is a person who has been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

Subtitle A—Reallocation of Public Safety Spectrum

SEC. 6101. REALLOCATION OF D BLOCK TO 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. 6102. 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.

SEC. 6103. 470–512 MHZ PUBLIC SAFETY SPECTRUM.

(a) IN GENERAL.—Not later than 9 years after the date of enactment of this title, the Commission shall—

(1) reallocate the spectrum in the 470–512 MHz band (referred to in this section as the ''T-Band spectrum'') currently used by public safety eligibles as identified in section 90.303 of title 47, Code of Federal Regulations; and

(2) begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new initial licenses for the use of the spectrum described in paragraph (1).

(b) AUCTION PROCEEDS.—Proceeds (including deposits and upfront payments from successful bidders) from the competitive bidding system described in subsection (a)(2) shall be available to the Assistant Secretary to make grants in such sums as necessary to cover relocation costs for the relocation of public safety entities from the T-Band spectrum.

(c) RELOCATION.—Relocation shall be completed not later than 2 years after the date on which the system of competitive bidding described in subsection (a)(2) is completed.

Subtitle B—Governance of Public Safety Spectrum

SEC. 6201. SINGLE PUBLIC SAFETY WIRELESS NETWORK LICENSEE.

(a) REALLOCATION AND GRANT OF LICENSE.—Notwithstanding any other provision of law, and subject to the provisions of this Act, the Commission shall reallocate and grant a license to the First Responder Network Authority for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) TERM OF LICENSE.—

(1) INITIAL LICENSE.—The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) RENEWAL OF LICENSE.—Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the First Responder Network Authority shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the First Responder Network Authority has met the duties and obligations set forth under this Act. A renewal license granted under this paragraph shall be for a term of not to exceed 10 years.

(c) FACILITATION OF TRANSITION.—The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the First Responder Network Authority.

SEC. 6202. PUBLIC SAFETY BROADBAND NETWORK.

(a) ESTABLISHMENT.—The First Responder Network Authority shall ensure the establishment of a nationwide, interoperable public safety broadband network.

(b) NETWORK COMPONENTS.—The nationwide public safety broadband network shall be based on a single, national network architecture that evolves with technological advancements and initially consists of—

(1) a core network that—

(A) consists of national and regional data centers, and other elements and functions that may be distributed geographically, all of which shall be based on commercial standards; and

(B) provides the connectivity between—

(i) the radio access network; and

(ii) the public Internet or the public switched network, or both; and

(2) a radio access network that—

(A) consists of all cell site equipment, antennas, and backhaul equipment, based on commercial standards, that are required to enable wireless communications with devices using the public safety broadband spectrum; and

(B) shall be developed, constructed, managed, maintained, and operated taking into account the plans developed in the State, local, and tribal planning and implementation grant program under section 6302(a).

SEC. 6203. PUBLIC SAFETY INTEROPERABILITY BOARD.

(a) ESTABLISHMENT.—There is established within the Commission an advisory board to be known as the ''Technical Advisory Board for First Responder Interoperability''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—

(A) VOTING MEMBERS.—Not later than 30 days after the date of enactment of this title, the Chairman of the Commission shall appoint 14 voting members to the Interoperability Board, of which—

(i) 4 members shall be representatives of wireless providers, of which—

(I) 2 members shall be representatives of national wireless providers;

(II) 1 member shall be a representative of regional wireless providers; and

(III) 1 member shall be a representative of rural wireless providers;

(ii) 3 members shall be representatives of equipment manufacturers;

(iii) 4 members shall be representatives of public safety entities, of which—

(I) not less than 1 member shall be a representative of management level employees of public safety entities; and

(II) not less than 1 member shall be a representative of employees of public safety entities;

(iv) 3 members shall be representatives of State and local governments, chosen to reflect geographic and population density differences across the United States; and

(v) all members shall have specific expertise necessary to developing technical requirements under this section, such as technical expertise, public safety communications expertise, and commercial network experience.

(B) NON-VOTING MEMBER.—The Assistant Secretary shall appoint 1 non-voting member to the Interoperability Board.

(2) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), members of the Interoperability Board shall be appointed for the life of the Interoperability Board.

(B) REMOVAL FOR CAUSE.—A member of the Interoperability Board may be removed for cause upon the determination of the Chairman of the Commission.

(3) VACANCIES.—Any vacancy in the Interoperability Board shall not affect the powers of the Interoperability Board, and shall be filled in the same manner as the original appointment.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—The Interoperability Board shall select a Chairperson and Vice Chairperson from among the members of the Interoperability Board.

(5) QUORUM.—A majority of the members of the Interoperability Board shall constitute a quorum.

(c) DUTIES OF THE INTEROPERABILITY BOARD.—

(1) DEVELOPMENT OF TECHNICAL REQUIREMENTS.—Not later than 90 days after the date of enactment of this Act, the Interoperability Board, in consultation with the NTIA, NIST, and the Office of Emergency Communications of the Department of Homeland Security, shall—

(A) develop recommended minimum technical requirements to ensure a nationwide level of interoperability for the nationwide public safety broadband network; and

(B) submit to the Commission for review in accordance with paragraph (3) recommended minimum technical requirements described in subparagraph (A).

(2) CONSIDERATION.—In developing recommended minimum technical requirements under paragraph (1), the Interoperability Board shall base the recommended minimum technical requirements on the commercial standards for Long Term Evolution (LTE) service.

(3) APPROVAL OF RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Interoperability Board submits recommended minimum technical requirements under paragraph (1)(B), the Commission shall approve the recommendations, with any revisions it deems necessary, and transmit such recommendations to the First Responder Network Authority.

(B) REVIEW.—Any actions taken under subparagraph (A) shall not be reviewable as a final agency action.

(d) TRAVEL EXPENSES.—The members of the Interoperability Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Interoperability Board.

(e) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Interoperability Board.

(f) TERMINATION OF AUTHORITY.—The Interoperability Board shall terminate 15 days after the date on which the Commission transmits the recommendations to the First Responder Network Authority under subsection (c)(3)(A).

SEC. 6204. ESTABLISHMENT OF THE FIRST RESPONDER NETWORK AUTHORITY.

(a) ESTABLISHMENT.—There is established as an independent authority within the NTIA the ''First Responder Network Authority'' or ''FirstNet''.

(b) BOARD.—

(1) IN GENERAL.—The First Responder Network Authority shall be headed by a Board, which shall consist of—

(A) the Secretary of Homeland Security;

(B) the Attorney General of the United States;

(C) the Director of the Office of Management and Budget; and

(D) 12 individuals appointed by the Secretary of Commerce in accordance with paragraph (2).

(2) APPOINTMENTS.—

(A) IN GENERAL.—In making appointments under paragraph (1)(D), the Secretary of Commerce shall—

(i) appoint not fewer than 3 individuals to represent the collective interests of the States, localities, tribes, and territories;

(ii) seek to ensure geographic and regional representation of the United States in such appointments;

(iii) seek to ensure rural and urban representation in such appointments; and

(iv) appoint not fewer than 3 individuals who have served as public safety professionals.

(B) REQUIRED QUALIFICATIONS.—

(i) IN GENERAL.—Each member appointed under paragraph (1)(D) should meet not less than 1 of the following criteria:

(I) PUBLIC SAFETY EXPERIENCE.—Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) TECHNICAL EXPERTISE.—Technical expertise and fluency regarding broadband communications, including public safety communications.

(III) NETWORK EXPERTISE.—Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) FINANCIAL EXPERTISE.—Expertise in financing and funding telecommunications networks.

(ii) EXPERTISE TO BE REPRESENTED.—In making appointments under paragraph (1)(D), the Secretary of Commerce shall appoint—

(I) not fewer than 1 individual who satisfies the requirement under subclause (II) of clause (i);

(II) not fewer than 1 individual who satisfies the requirement under subclause (III) of clause (i); and

(III) not fewer than 1 individual who satisfies the requirement under subclause (IV) of clause (i).

(C) CITIZENSHIP.—No individual other than a citizen of the United States may serve as a member of the Board.

(c) TERMS OF APPOINTMENT.—

(1) INITIAL APPOINTMENT DEADLINE.—Members of the Board shall be appointed not later than 180 days after the date of the enactment of this title.

(2) TERMS.—

(A) LENGTH.—

(i) IN GENERAL.—Each member of the Board described in subparagraphs (A) through (C) of subsection (b)(1) shall serve as a member of the Board for the life of the First Responder Network Authority.

(ii) APPOINTED INDIVIDUALS.—The term of office of each individual appointed to be a member of the Board under subsection (b)(1)(D) shall be 3 years. No member described in this clause may serve more than 2 consecutive full 3-year terms.

(B) EXPIRATION OF TERM.—Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) APPOINTMENT TO FILL VACANCY.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) STAGGERED TERMS.—With respect to the initial members of the Board appointed under subsection (b)(1)(D)—

(i) 4 members shall serve for a term of 3 years;

(ii) 4 members shall serve for a term of 2 years; and

(iii) 4 members shall serve for a term of 1 year.

(3) VACANCIES.—A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(d) CHAIR.—

(1) SELECTION.—The Secretary of Commerce shall select, from among the members of the Board appointed under subsection (b)(1)(D), an individual to serve for a 2-year term as Chair of the Board.

(2) CONSECUTIVE TERMS.—An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(e) MEETINGS.—

(1) FREQUENCY.—The Board shall meet—

(A) at the call of the Chair ; and

(B) not less frequently than once each quarter.

(2) TRANSPARENCY.—Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the First Responder Network Authority, including pending or potential litigation.

(f) QUORUM.—Eight members of the Board shall constitute a quorum, including at least 6 of the members appointed under subsection (b)(1)(D).

(g) COMPENSATION.—

(1) IN GENERAL.—The members of the Board appointed under subsection (b)(1)(D) shall be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which such members are engaged in performing a function of the Board.

(2) PROHIBITION ON COMPENSATION.—A member of the Board appointed under subparagraphs (A) through (C) of subsection (b)(1) shall serve without additional pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the First Responder Network Authority, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the First Responder Network Authority.

SEC. 6205. ADVISORY COMMITTEES OF THE FIRST RESPONDER NETWORK AUTHORITY.

(a) ADVISORY COMMITTEES.—The First Responder Network Authority—

(1) shall establish a standing public safety advisory committee to assist the First Responder Network Authority in carrying out its duties and responsibilities under this subtitle; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the First Responder Network Authority determines are necessary.

(b) SELECTION OF AGENTS, CONSULTANTS, AND EXPERTS.—

(1) IN GENERAL.—The First Responder Network Authority shall select parties to serve as its agents, consultants, or experts in a fair, transparent, and objective manner, and such agents may include a program manager to carry out certain of the duties and responsibilities of deploying and operating the nationwide public safety broadband network described in subsections (b) and (c) of section 6206.

(2) BINDING AND FINAL.—If the selection of an agent, consultant, or expert satisfies the requirements under paragraph (1), the selection of that agent, consultant, or expert shall be final and binding.

SEC. 6206. POWERS, DUTIES, AND RESPONSIBILITIES OF THE FIRST RESPONDER NETWORK AUTHORITY.

(a) GENERAL POWERS.—The First Responder Network Authority shall have the authority to do the following:

(1) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this subtitle, and such incidental powers as shall be necessary.

(2) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the First Responder Network Authority considers necessary to carry out its responsibilities and duties.

(3) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies.

(4) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the First Responder Network Authority.

(5) To spend funds under paragraph (3) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this title.

(6) To take such other actions as the First Responder Network Authority (through the Board) may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this title.

(b) DUTY AND RESPONSIBILITY TO DEPLOY AND OPERATE A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—

(1) IN GENERAL.—The First Responder Network Authority shall hold the single public safety wireless license granted under section 6201 and take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network, in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 6205(a), including by, at a minimum—

(A) ensuring nationwide standards for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network that use, without materially changing, the minimum technical requirements developed under section 6203;

(C) encouraging that such requests leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and

(D) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network.

(2) REQUIREMENTS.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the First Responder Network Authority shall—

(A) ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyberattack;

(B) promote competition in the equipment market, including devices for public safety communications, by requiring that equipment for use on the network be—

(i) built to open, non-proprietary, commercially available standards;

(ii) capable of being used by any public safety entity and by multiple vendors across all public safety broadband networks operating in the 700 MHz band; and

(iii) backward-compatible with existing commercial networks to the extent that such capabilities are necessary and technically and economically reasonable;

(C) promote integration of the network with public safety answering points or their equivalent; and

(D) address special considerations for areas or regions with unique homeland security or national security needs.

(3) RURAL COVERAGE.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the nationwide, interoperable public safety broadband network, consistent with the license granted under section 6201, shall require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network. To the maximum extent economically desirable, such proposals shall include partnerships with existing commercial mobile providers to utilize cost-effective opportunities to speed deployment in rural areas.

(4) EXECUTION OF AUTHORITY.—In carrying out the duties and responsibilities of this subsection, the First Responder Network Authority may—

(A) obtain grants from and make contracts with individuals, private companies, and Federal, State, regional, and local agencies;

(B) hire or accept voluntary services of consultants, experts, advisory boards, and panels to aid the First Responder Network Authority in carrying out such duties and responsibilities;

(C) receive payment for use of—

(i) network capacity licensed to the First Responder Network Authority; and

(ii) network infrastructure constructed, owned, or operated by the First Responder Network Authority; and

(D) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(c) OTHER SPECIFIC DUTIES AND RESPONSIBILITIES.—

(1) ESTABLISHMENT OF NETWORK POLICIES.—In carrying out the requirements under subsection (b), the First Responder Network Authority shall develop—

(A) requests for proposals with appropriate—

(i) timetables for construction, including by taking into consideration the time needed to build out to rural areas and the advantages offered through partnerships with existing commercial providers under paragraph (3);

(ii) coverage areas, including coverage in rural and nonurban areas;

(iii) service levels;

(iv) performance criteria; and

(v) other similar matters for the construction and deployment of such network;

(B) the technical and operational requirements of the network;

(C) practices, procedures, and standards for the management and operation of such network;

(D) terms of service for the use of such network, including billing practices; and

(E) ongoing compliance review and monitoring of the—

(i) management and operation of such network;

(ii) practices and procedures of the entities operating on and the personnel using such network; and

(iii) necessary training needs of network operators and users.

(2) STATE AND LOCAL PLANNING.—

(A) REQUIRED CONSULTATION.—In developing requests for proposals and otherwise carrying out its responsibilities under this Act, the First Responder Network Authority shall consult with regional, State, tribal, and local jurisdictions regarding the distribution and expenditure of any amounts required to carry out the policies established under paragraph (1), including with regard to the—

(i) construction of a core network and any radio access network build out;

(ii) placement of towers;

(iii) coverage areas of the network, whether at the regional, State, tribal, or local level;

(iv) adequacy of hardening, security, reliability, and resiliency requirements;

(v) assignment of priority to local users;

(vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network established under subsection (b); and

(vii) training needs of local users.

(B) METHOD OF CONSULTATION.—The consultation required under subparagraph (A) shall occur between the First Responder Network Authority and the single officer or governmental body designated under section 6302(d).

(3) LEVERAGING EXISTING INFRASTRUCTURE.—In carrying out the requirement under subsection (b), the First Responder Network Authority shall enter into agreements to utilize, to the maximum extent economically desirable, existing—

(A) commercial or other communications infrastructure; and

(B) Federal, State, tribal, or local infrastructure.

(4) MAINTENANCE AND UPGRADES.—The First Responder Network Authority shall ensure the maintenance, operation, and improvement of the nationwide public safety broadband network, including by ensuring that the First Responder Network Authority updates and revises any policies established under paragraph (1) to take into account new and evolving technologies.

(5) ROAMING AGREEMENTS.—The First Responder Network Authority shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety broadband network to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency.

(6) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the First Responder Network Authority and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety broadband network.

(7) REPRESENTATION BEFORE STANDARD SETTING ENTITIES.—The First Responder Network Authority, in consultation with the Director of NIST, the Commission, and the public safety advisory committee established under section 6205(a), shall represent the interests of public safety users of the nationwide public safety broadband network before any proceeding, negotiation, or other matter in which a standards organization, standards body, standards development organization, or any other recognized standards-setting entity addresses the development of standards relating to interoperability.

(8) PROHIBITION ON NEGOTIATION WITH FOREIGN GOVERNMENTS.—The First Responder Network Authority shall not have the authority to negotiate or enter into any agreements with a foreign government on behalf of the United States.

(d) EXEMPTION FROM CERTAIN LAWS.—Any action taken or decisions made by the First Responder Network Authority shall be exempt from the requirements of—

(1) section 3506 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act);

(2) chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act); and

(3) chapter 6 of title 5, United States Code (commonly referred to as the Regulatory Flexibility Act).

(e) NETWORK CONSTRUCTION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Network Construction Fund''.

(2) USE OF FUND.—Amounts deposited into the Network Construction Fund shall be used by the—

(A) First Responder Network Authority to carry out this section, except for administrative expenses; and

(B) NTIA to make grants to States under section 6302(e)(3)(C)(iii)(I).

(f) TERMINATION OF AUTHORITY.—The authority of the First Responder Network Authority shall terminate on the date that is 15 years after the date of enactment of this title.

(g) GAO REPORT.—Not later than 10 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on what action Congress should take regarding the 15-year sunset of authority under subsection (f).

SEC. 6207. INITIAL FUNDING FOR THE FIRST RESPONDER NETWORK AUTHORITY.

(a) BORROWING AUTHORITY.—Prior to the deposit of proceeds into the Public Safety Trust Fund from the incentive auctions to be carried out under section 309(j)(8)(G) of the Communications Act of 1934 or the auction of spectrum pursuant to section 6401, the NTIA may borrow from the Treasury such sums as may be necessary, but not to exceed $2,000,000,000, to implement this subtitle. The NTIA shall reimburse the Treasury, without interest, from funds deposited into the Public Safety Trust Fund.

(b) PROHIBITION.—

(1) IN GENERAL.—Administrative expenses of the First Responder Network Authority may not exceed $100,000,000 during the 10-year period beginning on the date of enactment of this title.

(2) DEFINITION.—For purposes of this subsection, the term ''administrative expenses'' does not include the costs incurred by the First Responder Network Authority for oversight and audits to protect against waste, fraud, and abuse.

SEC. 6208. PERMANENT SELF-FUNDING; DUTY TO ASSESS AND COLLECT FEES FOR NETWORK USE.

(a) IN GENERAL.—Notwithstanding section 337 of the Communications Act of 1934 (47 U.S.C. 337), the First Responder Network Authority is authorized to assess and collect the following fees:

(1) NETWORK USER FEE.—A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the nationwide public safety broadband network.

(2) LEASE FEES RELATED TO NETWORK CAPACITY.—

(A) IN GENERAL.—A fee from any entity that seeks to enter into a covered leasing agreement.

(B) COVERED LEASING AGREEMENT.—For purposes of subparagraph (A), a ''covered leasing agreement'' means a written agreement resulting from a public-private arrangement to construct, manage, and operate the nationwide public safety broadband network between the First Responder Network Authority and secondary user to permit—

(i) access to network capacity on a secondary basis for non-public safety services; and

(ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.

(3) LEASE FEES RELATED TO NETWORK EQUIPMENT AND INFRASTRUCTURE.—A fee from any entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the First Responder Network Authority resulting from a public-private arrangement to construct, manage, and operate the nationwide public safety broadband network.

(b) ESTABLISHMENT OF FEE AMOUNTS; PERMANENT SELF-FUNDING.—The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the First Responder Network Authority in carrying out its duties and responsibilities described under this subtitle for the fiscal year involved.

(c) ANNUAL APPROVAL.—The NTIA shall review the fees assessed under this section on an annual basis, and such fees may only be assessed if approved by the NTIA.

(d) REQUIRED REINVESTMENT OF FUNDS.—The First Responder Network Authority shall reinvest amounts received from the assessment of fees under this section in the nationwide public safety interoperable broadband network by using such funds only for constructing, maintaining, operating, or improving the network.

SEC. 6209. AUDIT AND REPORT.

(a) AUDIT.—

(1) IN GENERAL.—The Secretary of Commerce shall enter into a contract with an independent auditor to conduct an audit, on an annual basis, of the First Responder Network Authority in accordance with general accounting principles and procedures applicable to commercial corporate transactions. Each audit conducted under this paragraph shall be made available to the appropriate committees of Congress.

(2) LOCATION.—Any audit conducted under paragraph (1) shall be conducted at the place or places where accounts of the First Responder Network Authority are normally kept.

(3) ACCESS TO FIRST RESPONDER NETWORK AUTHORITY BOOKS AND DOCUMENTS.—

(A) IN GENERAL.—For purposes of an audit conducted under paragraph (1), the representatives of the independent auditor shall—

(i) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the First Responder Network Authority that pertain to the financial transactions of the First Responder Network Authority and are necessary to facilitate the audit; and

(ii) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(B) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the First Responder Network Authority shall remain in the possession and custody of the First Responder Network Authority.

(b) REPORT.—

(1) IN GENERAL.—The independent auditor selected to conduct an audit under this section shall submit a report of each audit conducted under subsection (a) to—

(A) the appropriate committees of Congress;

(B) the President; and

(C) the First Responder Network Authority.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain—

(A) such comments and information as the independent auditor determines necessary to inform Congress of the financial operations and condition of the First Responder Network Authority;

(B) any recommendations of the independent auditor relating to the financial operations and condition of the First Responder Network Authority; and

(C) a description of any program, expenditure, or other financial transaction or undertaking of the First Responder Network Authority that was observed during the course of the audit, which, in the opinion of the independent auditor, has been carried on or made without the authority of law.

SEC. 6210. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the First Responder Network Authority shall submit an annual report covering the preceding fiscal year to the appropriate committees of Congress.

(b) REQUIRED CONTENT.—The report required under subsection (a) shall include—

(1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the First Responder Network Authority under this section; and

(2) such recommendations or proposals for legislative or administrative action as the First Responder Network Authority deems appropriate.

(c) AVAILABILITY TO TESTIFY.—The members of the Board and employees of the First Responder Network Authority shall be available to testify before the appropriate committees of the Congress with respect to—

(1) the report required under subsection (a);

(2) the report of any audit conducted under section 6210; or

(3) any other matter which such committees may determine appropriate.

SEC. 6211. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety networks to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

(1) the public safety entity equipment is technically compatible with the commercial network;

(2) the commercial network is reasonably compensated; and

(3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

SEC. 6212. PROHIBITION ON DIRECT OFFERING OF COMMERCIAL TELECOMMUNICATIONS SERVICE DIRECTLY TO CONSUMERS.

(a) IN GENERAL.—The First Responder Network Authority shall not offer, provide, or market commercial telecommunications or information services directly to consumers.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the First Responder Network Authority and a secondary user from entering into a covered leasing agreement pursuant to section 6208(a)(2)(B). Nothing in this section shall be construed to limit the First Responder Network Authority from collecting lease fees related to network equipment and infrastructure pursuant to section 6208(a)(3).

SEC. 6213. PROVISION OF TECHNICAL ASSISTANCE.

The Commission may provide technical assistance to the First Responder Network Authority and may take any action necessary to assist the First Responder Network Authority in effectuating its duties and responsibilities under this subtitle.

Subtitle C—Public Safety Commitments

SEC. 6301. STATE AND LOCAL IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the State and Local Implementation Fund.

(b) AMOUNTS AVAILABLE FOR STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—Any amounts borrowed under subsection (c)(1) and any amounts in the State and Local Implementation Fund that are not necessary to reimburse the general fund of the Treasury for such borrowed amounts shall be available to the Assistant Secretary to implement section 6302.

(c) BORROWING AUTHORITY.—

(1) IN GENERAL.—Prior to the end of fiscal year 2022, the Assistant Secretary may borrow from the general fund of the Treasury such sums as may be necessary, but not to exceed $135,000,000, to implement section 6302.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the State and Local Implementation Fund.

(d) TRANSFER OF UNUSED FUNDS.—If there is a balance remaining in the State and Local Implementation Fund on September 30, 2022, the Secretary of the Treasury shall transfer such balance to the general fund of the Treasury, where such balance shall be dedicated for the sole purpose of deficit reduction.

SEC. 6302. STATE AND LOCAL IMPLEMENTATION.

(a) ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—The Assistant Secretary, in consultation with the First Responder Network Authority, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the First Responder Network Authority.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the date of enactment of this Act, the Assistant Secretary, in consultation with the First Responder Network Authority, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.—In carrying

out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

(e) STATE NETWORK.—

(1) NOTICE.—Upon the completion of the request for proposal process conducted by the First Responder Network Authority for the construction, operation, maintenance, and improvement of the nationwide public safety broadband network, the First Responder Network Authority shall provide to the Governor of each State, or his designee—

(A) notice of the completion of the request for proposal process;

(B) details of the proposed plan for buildout of the nationwide, interoperable broadband network in such State; and

(C) the funding level for the State as determined by the NTIA.

(2) STATE DECISION.—Not later than 90 days after the date on which the Governor of a State receives notice under paragraph (1), the Governor shall choose whether to—

(A) participate in the deployment of the nationwide, interoperable broadband network as proposed by the First Responder Network Authority; or

(B) conduct its own deployment of a radio access network in such State.

(3) PROCESS.—

(A) IN GENERAL.—Upon making a decision to opt-out under paragraph (2)(B), the Governor shall notify the First Responder Network Authority, the NTIA, and the Commission of such decision.

(B) STATE REQUEST FOR PROPOSALS.—Not later than 180 days after the date on which a Governor provides notice under subparagraph (A), the Governor shall develop and complete requests for proposals for the construction, maintenance, and operation of the radio access network within the State.

(C) SUBMISSION AND APPROVAL OF ALTERNATIVE PLAN.—

(i) IN GENERAL.—The State shall submit an alternative plan for the construction, maintenance, operation, and improvements of the radio access network within the State to the Commission, and such plan shall demonstrate—

(I) that the State will be in compliance with the minimum technical interoperability requirements developed under section 6203; and

(II) interoperability with the nationwide public safety broadband network.

(ii) COMMISSION APPROVAL OR DISAPPROVAL.—Upon submission of a State plan under clause (i), the Commission shall either approve or disapprove the plan.

(iii) APPROVAL.—If the Commission approves a plan under this subparagraph, the State—

(I) may apply to the NTIA for a grant to construct the radio access network within the State that includes the showing described in subparagraph (D); and

(II) shall apply to the NTIA to lease spectrum capacity from the First Responder Network Authority.

(iv) DISAPPROVAL.—If the Commission disapproves a plan under this subparagraph, the construction, maintenance, operation, and improvements of the network within the State shall proceed in accordance with the plan proposed by the First Responder Network Authority.

(D) FUNDING REQUIREMENTS.—In order to obtain grant funds and spectrum capacity leasing rights under subparagraph (C)(iii), a State shall demonstrate—

(i) that the State has—

(I) the technical capabilities to operate, and the funding to support, the State radio access network;

(II) has the ability to maintain ongoing interoperability with the nationwide public safety broadband network; and

(III) the ability to complete the project within specified comparable timelines specific to the State;

(ii) the cost-effectiveness of the State plan submitted under subparagraph (C)(i); and

(iii) comparable security, coverage, and quality of service to that of the nationwide public safety broadband network.

(f) USER FEES.—If a State chooses to build its own radio access network, the State shall pay any user fees associated with State use of elements of the core network.

(g) PROHIBITION.—

(1) IN GENERAL.—A State that chooses to build its own radio access network shall not provide commercial service to consumers or offer wholesale leasing capacity of the network within the State except directly through public-private partnerships for construction, maintenance, operation, and improvement of the network within the State.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the State and a secondary user from entering into a covered leasing agreement. Any revenue gained by the State from such a leasing agreement shall be used only for constructing, maintaining, operating, or improving the radio access network of the State.

(h) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to review a decision of the Commission made under subsection (e)(3)(C)(iv).

(2) STANDARD OF REVIEW.—The court shall affirm the decision of the Commission unless—

(A) the decision was procured by corruption, fraud, or undue means;

(B) there was actual partiality or corruption in the Commission; or

(C) the Commission was guilty of misconduct in refusing to hear evidence pertinent and material to the decision or of any other misbehavior by which the rights of any party have been prejudiced.

SEC. 6303. PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) NIST DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—From amounts made available from the Public Safety Trust Fund, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) REQUIRED ACTIVITIES.—In carrying out the requirement under subsection (a), the Director of NIST, in consultation with the First Responder Network Authority and the public safety advisory committee established under section 6205(a), shall—

(1) document public safety wireless communications technical requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the nationwide public safety broadband network;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice, including device-to-device ''talkaround'' capability over broadband networks, public safety prioritization, authentication capabilities, and standard application programing interfaces for the nationwide public safety broadband network, if necessary and practical;

(5) accelerate the development of communications technology and equipment that can facilitate the eventual migration of public safety narrowband communications to the nationwide public safety broadband network; and

(6) convene working groups of relevant government and commercial parties to achieve the requirements in paragraphs (1) through (5).

Subtitle D—Spectrum Auction Authority

SEC. 6401. DEADLINES FOR AUCTION OF CERTAIN SPECTRUM.

(a) CLEARING CERTAIN FEDERAL SPECTRUM.—

(1) IN GENERAL.—The President shall—

(A) not later than 3 years after the date of the enactment of this Act, begin the process of withdrawing or modifying the assignment to a Federal Government station of the electromagnetic spectrum described in paragraph (2); and

(B) not later than 30 days after completing the withdrawal or modification, notify the Commission that the withdrawal or modification is complete.

(2) SPECTRUM DESCRIBED.—The electromagnetic spectrum described in this paragraph is the 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz identified under paragraph (3).

(3) IDENTIFICATION BY SECRETARY OF COMMERCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the President a report identifying 15 megahertz of spectrum between 1675 megahertz and 1710 megahertz for reallocation from Federal use to non-Federal use.

(b) REALLOCATION AND AUCTION.—

(1) IN GENERAL.—Notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), not later than 3 years after the date of the enactment of this Act, the Commission shall, except as provided in paragraph (4)—

(A) allocate the spectrum described in paragraph (2) for commercial use; and

(B) through a system of competitive bidding under such section, grant new initial licenses for the use of such spectrum, subject to flexible-use service rules.

(2) SPECTRUM DESCRIBED.—The spectrum described in this paragraph is the following:

(A) The frequencies between 1915 megahertz and 1920 megahertz.

(B) The frequencies between 1995 megahertz and 2000 megahertz.

(C) The frequencies described in subsection (a)(2).

(D) The frequencies between 2155 megahertz and 2180 megahertz.

(E) Fifteen megahertz of contiguous spectrum to be identified by the Commission.

(3) PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(4) DETERMINATION BY COMMISSION.—If the Commission determines that the band of frequencies described in paragraph (2)(A) or the band of frequencies described in paragraph (2)(B) cannot be used without causing harmful interference to commercial mobile service licensees in the frequencies between 1930 megahertz and 1995 megahertz, the Commission may not—

(A) allocate such band for commercial use under paragraph (1)(A); or

(B) grant licenses under paragraph (1)(B) for the use of such band.

(c) AUCTION PROCEEDS.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking ''(D), and (E),'' and inserting ''(D), (E), (F), and (G),'';

(2) in subparagraph (C)(i), by striking ''subparagraph (E)(ii)'' and inserting ''subparagraphs (D)(ii), (E)(ii), (F), and (G)'';

(3) in subparagraph (D)—

(A) by striking the heading and inserting ''PROCEEDS FROM REALLOCATED FEDERAL SPECTRUM.—'';

(B) by striking ''Cash'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), cash''; and

(C) by adding at the end the following:

''(ii) CERTAIN OTHER PROCEEDS.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), in the case of proceeds (including deposits and upfront payments from successful bidders) attributable to the auction of eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act that are required to be auctioned by section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012, such portion of such proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from such eligible frequencies shall be deposited in the Spectrum Relocation Fund. The remainder of such proceeds shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of the Middle Class Tax Relief and Job Creation Act of 2012.''; and

(4) by adding at the end the following:

''(F) CERTAIN PROCEEDS DESIGNATED FOR PUBLIC SAFETY TRUST FUND.—Notwithstanding subparagraph (A) and except as provided in subparagraphs (B) and (D)(ii), the proceeds (including deposits and upfront payments from successful bidders) from the use of a system of competitive bidding under this subsection pursuant to section 6401(b)(1)(B) of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the Public Safety Trust Fund established by section 6413(a)(1) of such Act.''.

SEC. 6402. GENERAL AUTHORITY FOR INCENTIVE AUCTIONS.

Section 309(j)(8) of the Communications Act of 1934, as amended by section 6401(c), is further amended by adding at the end the following:

''(G) INCENTIVE AUCTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the Commission may encourage a licensee to relinquish voluntarily some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses subject to flexible-use service rules by sharing with such licensee a portion, based on the value of the relinquished rights as determined in the reverse auction required by clause (ii)(I), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection.

''(ii) LIMITATIONS.—The Commission may not enter into an agreement for a licensee to relinquish spectrum usage rights in exchange for a share of auction proceeds under clause (i) unless—

''(I) the Commission conducts a reverse auction to determine the amount of compensation that licensees would accept in return for voluntarily relinquishing spectrum usage rights; and

''(II) at least two competing licensees participate in the reverse auction.

''(iii) TREATMENT OF REVENUES.—Notwithstanding subparagraph (A) and except as provided in subparagraph (B), the proceeds (including deposits and upfront payments from successful bidders) from any auction, prior to the end of fiscal year 2022, of spectrum usage rights made available under clause (i) that are not shared with licensees under such clause shall be deposited as follows:

''(I) $1,750,000,000 of the proceeds from the incentive auction of broadcast television spectrum required by section 6403 of the Middle Class Tax Relief and Job Creation Act of 2012 shall be deposited in the TV Broadcaster Relocation Fund established by subsection (d)(1) of such section.

''(II) All other proceeds shall be deposited—

''(aa) prior to the end of fiscal year 2022, in the Public Safety Trust Fund established by section 6413(a)(1) of such Act; and

''(bb) after the end of fiscal year 2022, in the general fund of the Treasury, where such proceeds shall be dedicated for the sole purpose of deficit reduction.

''(iv) CONGRESSIONAL NOTIFICATION.—At least 3 months before any incentive auction conducted under this subparagraph, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress of the methodology for calculating the amounts that will be shared with licensees under clause (i).

''(v) DEFINITION.—In this subparagraph, the term 'appropriate committees of Congress' means—

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

''(II) the Committee on Appropriations of the Senate;

''(III) the Committee on Energy and Commerce of the House of Representatives; and

''(IV) the Committee on Appropriations of the House of Representatives.''.

SEC. 6403. SPECIAL REQUIREMENTS FOR INCENTIVE AUCTION OF BROADCAST TV SPECTRUM.

(a) REVERSE AUCTION TO IDENTIFY INCENTIVE AMOUNT.—

(1) IN GENERAL.—The Commission shall conduct a reverse auction to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its broadcast television spectrum usage rights in order to make spectrum available for assignment through a system of competitive bidding under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402.

(2) ELIGIBLE RELINQUISHMENTS.—A relinquishment of usage rights for purposes of paragraph (1) shall include the following:

(A) Relinquishing all usage rights with respect to a particular television channel without receiving in return any usage rights with respect to another television channel.

(B) Relinquishing all usage rights with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel.

(C) Relinquishing usage rights in order to share a television channel with another licensee.

(3) CONFIDENTIALITY.—The Commission shall take all reasonable steps necessary to protect the confidentiality of Commission-held data of a licensee participating in the reverse auction under paragraph (1), including withholding the identity of such licensee until the reassignments and reallocations (if any) under subsection (b)(1)(B) become effective, as described in subsection (f)(2).

(4) PROTECTION OF CARRIAGE RIGHTS OF LICENSEES SHARING A CHANNEL.—A broadcast television station that voluntarily relinquishes spectrum usage rights under this subsection in order to share a television channel and that possessed carriage rights under section 338, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 338; 534; 535) on November 30, 2010, shall have, at its shared location, the carriage rights under such section that would apply to such station at such location if it were not sharing a channel.

(b) REORGANIZATION OF BROADCAST TV SPECTRUM.—

(1) IN GENERAL.—For purposes of making available spectrum to carry out the forward auction under subsection (c)(1), the Commission—

(A) shall evaluate the broadcast television spectrum (including spectrum made available through the reverse auction under subsection (a)(1)); and

(B) may, subject to international coordination along the border with Mexico and Canada—

(i) make such reassignments of television channels as the Commission considers appropriate; and

(ii) reallocate such portions of such spectrum as the Commission determines are available for reallocation.

(2) FACTORS FOR CONSIDERATION.—In making any reassignments or reallocations under paragraph (1)(B), the Commission shall make all reasonable efforts to preserve, as of the date of the enactment of this Act, the coverage area and population served of each broadcast television licensee, as determined using the methodology described in OET Bulletin 69 of the Office of Engineering and Technology of the Commission.

(3) NO INVOLUNTARY RELOCATION FROM UHF TO VHF.—In making any reassignments under paragraph (1)(B)(i), the Commission may not involuntarily reassign a broadcast television licensee—

(A) from an ultra high frequency television channel to a very high frequency television channel; or

(B) from a television channel between the frequencies from 174 megahertz to 216 megahertz to a television channel between the frequencies from 54 megahertz to 88 megahertz.

(4) PAYMENT OF RELOCATION COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from amounts made available under subsection (d)(2), the Commission shall reimburse costs reasonably incurred by—

(i) a broadcast television licensee that was reassigned under paragraph (1)(B)(i) from one ultra high frequency television channel to a different ultra high frequency television channel, from one very high frequency television channel to a different very high frequency television channel, or, in accordance with subsection (g)(1)(B), from a very high frequency television channel to an ultra high frequency television channel, in order for the licensee to relocate its television service from one channel to the other;

(ii) a multichannel video programming distributor in order to continue to carry the signal of a broadcast television licensee that—

(I) is described in clause (i);

(II) voluntarily relinquishes spectrum usage rights under subsection (a) with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel; or

(III) voluntarily relinquishes spectrum usage rights under subsection (a) to share a television channel with another licensee; or

(iii) a channel 37 incumbent user, in order to relocate to other suitable spectrum, provided that all such users can be relocated and that the total relocation costs of such users do not exceed $300,000,000. For the purpose of this section, the spectrum made available through relocation of channel 37 incumbent users shall be deemed as spectrum reclaimed through a reverse auction under section 6403(a).

(B) REGULATORY RELIEF.—In lieu of reimbursement for relocation costs under subparagraph (A), a broadcast television licensee may accept, and the Commission may grant as it considers appropriate, a waiver of the service rules of the Commission to permit the licensee, subject to interference protections, to make flexible use of the spectrum assigned to the licensee to provide services other than broadcast television services. Such waiver shall only remain in effect while the licensee provides at least 1 broadcast television program stream on such spectrum at no charge to the public.

(C) LIMITATION.—The Commission may not make reimbursements under subparagraph (A) for lost revenues.

(D) DEADLINE.—The Commission shall make all reimbursements required by subparagraph (A) not later than the date that is 3 years after the completion of the forward auction under subsection (c)(1).

(5) LOW-POWER TELEVISION USAGE RIGHTS.—Nothing in this subsection shall be construed to alter the spectrum usage rights of low-power television stations.

(c) FORWARD AUCTION.—

(1) AUCTION REQUIRED.—The Commission shall conduct a forward auction in which—

(A) the Commission assigns licenses for the use of the spectrum that the Commission reallocates under subsection (b)(1)(B)(ii); and

(B) the amount of the proceeds that the Commission shares under clause (i) of section 309(j)(8)(G) of the Communications Act of 1934 with each licensee whose bid the Commission accepts in the reverse auction under subsection (a)(1) is not less than the amount of such bid.

(2) MINIMUM PROCEEDS.—

(A) IN GENERAL.—If the amount of the proceeds from the forward auction under paragraph (1) is not greater than the sum described in subparagraph (B), no licenses shall be assigned through such forward auction, no reassignments or reallocations under subsection (b)(1)(B) shall become effective, and the Commission may not revoke any spectrum usage rights by reason of a bid that the Commission accepts in the reverse auction under subsection (a)(1).

(B) SUM DESCRIBED.—The sum described in this subparagraph is the sum of—

(i) the total amount of compensation that the Commission must pay successful bidders in the reverse auction under subsection (a)(1);

(ii) the costs of conducting such forward auction that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)); and

(iii) the estimated costs for which the Commission is required to make reimbursements under subsection (b)(4)(A).

(C) ADMINISTRATIVE COSTS.—The amount of the proceeds from the forward auction under paragraph (1) that the salaries and expenses account of the Commission is required to retain under section 309(j)(8)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(B)) shall be sufficient to cover the costs incurred by the Commission in conducting the reverse auction under subsection (a)(1), conducting the evaluation of the broadcast television spectrum under subparagraph (A) of subsection (b)(1), and making any reassignments or reallocations under subparagraph (B) of such subsection, in addition to the costs incurred by the Commission in conducting such forward auction.

(3) FACTOR FOR CONSIDERATION.—In conducting the forward auction under paragraph (1), the Commission shall consider assigning licenses that cover geographic areas of a variety of different sizes.

(d) TV BROADCASTER RELOCATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the TV Broadcaster Relocation Fund.

(2) PAYMENT OF RELOCATION COSTS.—Any amounts borrowed under paragraph (3)(A) and any amounts in the TV Broadcaster Relocation Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission to make the payments required by subsection (b)(4)(A).

(3) BORROWING AUTHORITY.—

(A) IN GENERAL.—Beginning on the date when any reassignments or reallocations under subsection (b)(1)(B) become effective, as provided in subsection (f)(2), and ending when $1,000,000,000 has been deposited in the TV Broadcaster Relocation Fund, the Commission may borrow from the Treasury of the United States an amount not to exceed $1,000,000,000 to use toward the payments required by subsection (b)(4)(A).

(B) REIMBURSEMENT.—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under subparagraph (A) as funds are deposited into the TV Broadcaster Relocation Fund.

(4) TRANSFER OF UNUSED FUNDS.—If any amounts remain in the TV Broadcaster Relocation Fund after the date that is 3 years after the completion of the forward auction under subsection (c)(1), the Secretary of the Treasury shall—

(A) prior to the end of fiscal year 2022, transfer such amounts to the Public Safety Trust Fund established by section 6413(a)(1); and

(B) after the end of fiscal year 2022, transfer such amounts to the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(e) NUMERICAL LIMITATION ON AUCTIONS AND REORGANIZATION.—The Commission may not complete more than one reverse auction under subsection (a)(1) or more than one reorganization of the broadcast television spectrum under subsection (b).

(f) TIMING.—

(1) CONTEMPORANEOUS AUCTIONS AND REORGANIZATION PERMITTED.—The Commission may conduct the reverse auction under subsection (a)(1), any reassignments or reallocations under subsection (b)(1)(B), and the forward auction under subsection (c)(1) on a contemporaneous basis.

(2) EFFECTIVENESS OF REASSIGNMENTS AND REALLOCATIONS.—Notwithstanding paragraph (1), no reassignments or reallocations under subsection (b)(1)(B) shall become effective until the completion of the reverse auction under subsection (a)(1) and the forward auction under subsection (c)(1), and, to the extent practicable, all such reassignments and reallocations shall become effective simultaneously.

(3) DEADLINE.—The Commission may not conduct the reverse auction under subsection (a)(1) or the forward auction under subsection (c)(1) after the end of fiscal year 2022.

(4) LIMIT ON DISCRETION REGARDING AUCTION TIMING.—Section 309(j)(15)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(A)) shall not apply in the case of an auction conducted under this section.

(g) LIMITATION ON REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—During the period described in paragraph (2), the Commission may not—

(A) involuntarily modify the spectrum usage rights of a broadcast television licensee or reassign such a licensee to another television channel except—

(i) in accordance with this section; or

(ii) in the case of a violation by such licensee of the terms of its license or a specific provision of a statute administered by the Commission, or a regulation of the Commission promulgated under any such provision; or

(B) reassign a broadcast television licensee from a very high frequency television channel to an ultra high frequency television channel, unless—

(i) such a reassignment will not decrease the total amount of ultra high frequency spectrum made available for reallocation under this section; or

(ii) a request from such licensee for the reassignment was pending at the Commission on May 31, 2011.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date of the enactment of this Act and ending on the earliest of—

(A) the first date when the reverse auction under subsection (a)(1), the reassignments and reallocations (if any) under subsection (b)(1)(B), and the forward auction under subsection (c)(1) have been completed;

(B) the date of a determination by the Commission that the amount of the proceeds from the forward auction under subsection (c)(1) is not greater than the sum described in subsection (c)(2)(B); or

(C) September 30, 2022.

(h) PROTEST RIGHT INAPPLICABLE.—The right of a licensee to protest a proposed order of modification of its license under section 316 of the Communications Act of 1934 (47 U.S.C. 316) shall not apply in the case of a modification made under this section.

(i) COMMISSION AUTHORITY.—Nothing in subsection (b) shall be construed to—

(1) expand or contract the authority of the Commission, except as otherwise expressly provided; or

(2) prevent the implementation of the Commission's ''White Spaces'' Second Report and Order and Memorandum Opinion and Order (FCC 08–260, adopted November 4, 2008) in the spectrum that remains allocated for broadcast television use after the reorganization required by such subsection.

SEC. 6404. CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.

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

''(17) CERTAIN CONDITIONS ON AUCTION PARTICIPATION PROHIBITED.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission may not prevent a person from participating in a system of competitive bidding under this subsection if such person—

''(i) complies with all the auction procedures and other requirements to protect the auction process established by the Commission; and

''(ii) either—

''(I) meets the technical, financial, character, and citizenship qualifications that the Commission may require under section 303(l)(1), 308(b), or 310 to hold a license; or

''(II) would meet such license qualifications by means approved by the Commission prior to the grant of the license.

''(B) CLARIFICATION OF AUTHORITY.—Nothing in subparagraph (A) affects any authority the Commission has to adopt and enforce rules of general applicability, including rules

concerning spectrum aggregation that promote competition.''.

SEC. 6405. EXTENSION OF AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking ''2012'' and inserting ''2022''.

SEC. 6406. UNLICENSED USE IN THE 5 GHZ BAND.

(a) MODIFICATION OF COMMISSION REGULATIONS TO ALLOW CERTAIN UNLICENSED USE.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 1 year after the date of the enactment of this Act, the Commission shall begin a proceeding to modify part 15 of title 47, Code of Federal Regulations, to allow unlicensed U–NII devices to operate in the 5350–5470 MHz band.

(2) REQUIRED DETERMINATIONS.—The Commission may make the modification described in paragraph (1) only if the Commission, in consultation with the Assistant Secretary, determines that—

(A) licensed users will be protected by technical solutions, including use of existing, modified, or new spectrum-sharing technologies and solutions, such as dynamic frequency selection; and

(B) the primary mission of Federal spectrum users in the 5350–5470 MHz band will not be compromised by the introduction of unlicensed devices.

(b) STUDY BY NTIA.—

(1) IN GENERAL.—The Assistant Secretary, in consultation with the Department of Defense and other impacted agencies, shall conduct a study evaluating known and proposed spectrum-sharing technologies and the risk to Federal users if unlicensed U–NII devices were allowed to operate in the 5350–5470 MHz band and in the 5850–5925 MHz band.

(2) SUBMISSION.—The Assistant Secretary shall submit to the Commission and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) not later than 8 months after the date of the enactment of this Act, a report on the portion of the study required by paragraph (1) with respect to the 5350–5470 MHz band; and

(B) not later than 18 months after the date of the enactment of this Act, a report on the portion of the study required by paragraph (1) with respect to the 5850–5925 MHz band.

(c) DEFINITIONS.—In this section:

(1) 5350–5470 MHZ BAND.—The term ''5350–5470 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5350 megahertz to 5470 megahertz.

(2) 5850–5925 MHZ BAND.—The term ''5850–5925 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 5850 megahertz to 5925 megahertz.

SEC. 6407. GUARD BANDS AND UNLICENSED USE.

(a) IN GENERAL.—Nothing in subparagraph (G) of section 309(j)(8) of the Communications Act of 1934, as added by section 6402, or in section 6403 shall be construed to prevent the Commission from using relinquished or other spectrum to implement band plans with guard bands.

(b) SIZE OF GUARD BANDS.—Such guard bands shall be no larger than is technically reasonable to prevent harmful interference between licensed services outside the guard bands.

(c) UNLICENSED USE IN GUARD BANDS.—The Commission may permit the use of such guard bands for unlicensed use.

(d) DATABASE.—Unlicensed use shall rely on a database or subsequent methodology as determined by the Commission.

(e) PROTECTIONS AGAINST HARMFUL INTERFERENCE.—The Commission may not permit any use of a guard band that the Commission determines would cause harmful interference to licensed services.

SEC. 6408. STUDY ON RECEIVER PERFORMANCE AND SPECTRUM EFFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to consider efforts to ensure that each transmission system is designed and operated so that reasonable use of adjacent spectrum does not excessively impair the functioning of such system.

(b) REQUIRED CONSIDERATIONS.—In conducting the study required by subsection (a), the Comptroller General shall consider—

(1) the value of—

(A) improving receiver performance as it relates to increasing spectral efficiency;

(B) improving the operation of services that are located in adjacent spectrum; and

(C) narrowing the guard bands between adjacent spectrum use;

(2) the role of manufacturers, commercial licensees, and government users with respect to their transmission systems and the use of adjacent spectrum;

(3) the feasibility of industry self-compliance with respect to the design and operational requirements of transmission systems and the reasonable use of adjacent spectrum; and

(4) the value of action by the Commission and the Assistant Secretary to establish, by rule, technical requirements or standards for non-Federal and Federal use, respectively, with respect to the reasonable use of portions of the radio spectrum that are adjacent to each other.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study required by subsection (a) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) TRANSMISSION SYSTEM DEFINED.—In this section, the term ''transmission system'' means any telecommunications, broadcast, satellite, commercial mobile service, or other communications system that employs radio spectrum.

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST.—For purposes of this subsection, the term ''eligible facilities request'' means any request for modification of an existing wireless tower or base station that involves—

(A) collocation of new transmission equipment;

(B) removal of transmission equipment; or

(C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

(b) FEDERAL EASEMENTS AND RIGHTS-OF-WAY.—

(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement or right-of-way to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, and maintain wireless service antenna structures and equipment and backhaul transmission equipment, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, an easement or right-of-way to perform such installation, construction, and maintenance.

(2) APPLICATION.—The Administrator of General Services shall develop a common form for applications for easements and rights-of-way under paragraph (1) for all executive agencies that shall be used by applicants with respect to the buildings or other property of each such agency.

(3) FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the grant of an easement or right-of-way pursuant to paragraph (1) that is based on direct cost recovery.

(B) EXCEPTIONS.—The Administrator of General Services may establish exceptions to the fee amount required under subparagraph (A)—

(i) in consideration of the public benefit provided by a grant of an easement or right-of-way; and

(ii) in the interest of expanding wireless and broadband coverage.

(4) USE OF FEES COLLECTED.—Any fee amounts collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement or right-of-way.

(c) MASTER CONTRACTS FOR WIRELESS FACILITY SITINGS.—

(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, and not later than 60 days after the date of the enactment of this Act, the Administrator of General Services shall—

(A) develop 1 or more master contracts that shall govern the placement of wireless service antenna structures on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of wireless service antenna structures on building rooftops or facades, the placement of wireless service antenna equipment on rooftops or inside buildings, the technology used in connection with wireless service antenna structures or equipment placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a wireless service antenna structure on a specific building or other property warrant nonstandard treatment of such building or other property.

(3) APPLICATION.—The Administrator of General Services shall develop a common form or set of forms for wireless service antenna structure siting applications under this subsection for all executive agencies that shall be used by applicants with respect to the buildings and other property of each such agency.

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 102 of title 40, United States Code.

SEC. 6410. FUNCTIONAL RESPONSIBILITY OF NTIA TO ENSURE EFFICIENT USE OF SPECTRUM.

Section 103(b)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 902(b)(2)) is amended by adding at the end the following:

''(U) The responsibility to promote the best possible and most efficient use of electromagnetic spectrum resources across the Federal Government, subject to and consistent with the needs and missions of Federal agencies.''.

SEC. 6411. SYSTEM CERTIFICATION.

Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall update and revise section 33.4 of OMB Circular A–11 to reflect the recommendations regarding such Circular made in the Commerce Spectrum Management Advisory Committee Incentive Subcommittee report, adopted January 11, 2011.

SEC. 6412. DEPLOYMENT OF 11 GHZ, 18 GHZ, AND 23 GHZ MICROWAVE BANDS.

(a) FCC REPORT ON REJECTION RATE.—Not later than 9 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the rejection rate for the spectrum described in subsection (c).

(b) GAO STUDY ON DEPLOYMENT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to assess whether the spectrum described in subsection (c) is being deployed in such a manner that, in areas with high demand for common carrier licenses for the use of such spectrum, market forces—

(A) provide adequate incentive for the efficient use of such spectrum; and

(B) ensure that the Federal Government receives maximum revenue for such spectrum through competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(2) FACTORS FOR CONSIDERATION.—In conducting the study required by paragraph (1), the Comptroller General shall take into consideration—

(A) spectrum that is adjacent to the spectrum described in subsection (c) and that was assigned through competitive bidding under section 309(j) of the Communications Act of 1934; and

(B) the rejection rate for the spectrum described in subsection (c), current as of the time of the assessment and as projected for the future, in markets in which there is a high demand for common carrier licenses for the use of such spectrum.

(3) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit a report on the study required by paragraph (1) to—

(A) the Commission; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) SPECTRUM DESCRIBED.—The spectrum described in this subsection is the portions of the electromagnetic spectrum between the frequencies from 10,700 megahertz to 11,700 megahertz, from 17,700 megahertz to 19,700 megahertz, and from 21,200 megahertz to 23,600 megahertz.

(d) REJECTION RATE DEFINED.—In this section, the term ''rejection rate'' means the number and percent of applications (whether made to the Commission or to a third-party coordinator) for common carrier use of spectrum that were not granted because of lack of availability of such spectrum or interference concerns of existing licensees.

(e) NO ADDITIONAL FUNDS AUTHORIZED.—Funds necessary to carry out this section shall be derived from funds otherwise authorized to be appropriated.

SEC. 6413. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

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

(2) AVAILABILITY.—Amounts deposited in the Public Safety Trust Fund shall remain available through fiscal year 2022. Any amounts remaining in the Fund after the end of such fiscal year shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—As amounts are deposited in the Public Safety Trust Fund, such amounts shall be used to make the following deposits or payments in the following order of priority:

(1) REPAYMENT OF AMOUNT BORROWED FOR FIRST RESPONDER NETWORK AUTHORITY.—An amount not to exceed $2,000,000,000 shall be available to the NTIA to reimburse the general fund of the Treasury for any amounts borrowed under section 6207.

(2) STATE AND LOCAL IMPLEMENTATION FUND.—$135,000,000 shall be deposited in the State and Local Implementation Fund established by section 6301.

(3) BUILDOUT BY FIRST RESPONDER NETWORK AUTHORITY.—$7,000,000,000, reduced by the amount borrowed under section 6207, shall be deposited in the Network Construction Fund established by section 6206.

(4) PUBLIC SAFETY RESEARCH.—$100,000,000 shall be available to the Director of NIST to carry out section 6303.

(5) DEFICIT REDUCTION.—$20,400,000,000 shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.

(6) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—$115,000,000 shall be available to the Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration to carry out the grant program under section 158 of the National Telecommunications and Information Administration Organization Act, as amended by section 6503 of this title.

(7) ADDITIONAL PUBLIC SAFETY RESEARCH.—$200,000,000 shall be available to the Director of NIST to carry out section 6303.

(8) ADDITIONAL DEFICIT REDUCTION.—Any remaining amounts deposited in the Public Safety Trust Fund shall be deposited in the general fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(c) INVESTMENT.—Amounts in the Public Safety Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to, and become a part of, the Fund.

SEC. 6414. STUDY ON EMERGENCY COMMUNICATIONS BY AMATEUR RADIO AND IMPEDIMENTS TO AMATEUR RADIO COMMUNICATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission, in consultation with the Office of Emergency Communications in the Department of Homeland Security, shall—

(1) complete a study on the uses and capabilities of amateur radio service communications in emergencies and disaster relief; and

(2) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such study.

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

(1)(A) a review of the importance of emergency amateur radio service communications relating to disasters, severe weather, and other threats to lives and property in the United States; and

(B) recommendations for—

(i) enhancements in the voluntary deployment of amateur radio operators in disaster and emergency communications and disaster relief efforts; and

(ii) improved integration of amateur radio operators in the planning and furtherance of initiatives of the Federal Government; and

(2)(A) an identification of impediments to enhanced amateur radio service communications, such as the effects of unreasonable or unnecessary private land use restrictions on residential antenna installations; and

(B) recommendations regarding the removal of such impediments.

(c) EXPERTISE.—In conducting the study required by subsection (a), the Commission shall use the expertise of stakeholder entities and organizations, including the amateur radio, emergency response, and disaster communications communities.

Subtitle E—Next Generation 9–1–1 Advancement Act of 2012

SEC. 6501. SHORT TITLE.

This subtitle may be cited as the ''Next Generation 9–1–1 Advancement Act of 2012''.

SEC. 6502. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) 9–1–1 SERVICES AND E9–1–1 SERVICES.—The terms ''9–1–1 services'' and ''E9–1–1 services'' shall have the meaning given those terms in section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this subtitle.

(2) MULTI-LINE TELEPHONE SYSTEM.—The term ''multi-line telephone system'' or ''MLTS'' means a system comprised of common control units, telephone sets, control hardware and software and adjunct systems, including network and premises based systems, such as Centrex and VoIP, as well as PBX, Hybrid, and Key Telephone Systems (as classified by the Commission under part 68 of title 47, Code of Federal Regulations), and includes systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.

(3) OFFICE.—The term ''Office'' means the 9–1–1 Implementation Coordination Office established under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942), as amended by this subtitle.

SEC. 6503. COORDINATION OF 9–1–1 IMPLEMENTATION.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended to read as follows:

''SEC. 158. COORDINATION OF 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

''(1) ESTABLISHMENT AND CONTINUATION.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

''(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9–1–1 services; and

''(B) establish a 9–1–1 Implementation Coordination Office to implement the provisions of this section.

''(2) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of such program; and

''(ii) funding profiles for each fiscal year of the duration of such program.

''(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

''(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

''(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services.

''(b) 9–1–1, E9–1–1, AND NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

''(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

''(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

''(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

''(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

''(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

''(A) in the case of an eligible entity that is a State government, the entity—

''(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;

''(iii) has established a plan for the coordination and implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; and

''(iv) has integrated telecommunications services involved in the implementation and delivery of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services; or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

''(4) CRITERIA.—Not later than 120 days after the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

''(c) DIVERSION OF 9–1–1 CHARGES.—

''(1) DESIGNATED 9–1–1 CHARGES.—For the purposes of this subsection, the term 'designated 9–1–1 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9–1–1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

''(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9–1–1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services, all of the funds from such grant shall be returned to the Office.

''(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under subsection (b);

''(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under subsection (b).

''(d) FUNDING AND TERMINATION.—

''(1) IN GENERAL.—From the amounts made available to the Assistant Secretary and the Administrator under section 6413(b)(6) of the Middle Class Tax Relief and Job Creation Act of 2012, the Assistant Secretary and the Administrator are authorized to provide grants under this section through the end of fiscal year 2022. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

''(2) TERMINATION.—Effective on October 1, 2022, the authority provided by this section terminates and this section shall have no effect.

''(e) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) 9–1–1 SERVICES.—The term '9–1–1 services' includes both E9–1–1 services and Next Generation 9–1–1 services.

''(2) E9–1–1 SERVICES.—The term 'E9–1–1 services' means both phase I and phase II enhanced 9–1–1 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the Next Generation 9–1–1 Advancement Act of 2012, or as subsequently revised by the Commission.

''(3) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

''(B) INSTRUMENTALITIES.—The term 'eligible entity' includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

''(C) EXCEPTION.—The term 'eligible entity' does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

''(4) EMERGENCY CALL.—The term 'emergency call' refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

''(A) through voice, text, or video and related data; and

''(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

''(5) NEXT GENERATION 9–1–1 SERVICES.—The term 'Next Generation 9–1–1 services' means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

''(A) provides standardized interfaces from emergency call and message services to support emergency communications;

''(B) processes all types of emergency calls, including voice, data, and multimedia information;

''(C) acquires and integrates additional emergency call data useful to call routing and handling;

''(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

''(E) supports data or video communications needs for coordinated incident response and management; and

''(F) provides broadband service to public safety answering points or other first responder entities.

''(6) OFFICE.—The term 'Office' means the 9–1–1 Implementation Coordination Office.

''(7) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' has the meaning given the term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

''(8) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.''.

SEC. 6504. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYSTEMS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services, in conjunction with the Office, shall issue a report to Congress identifying the 9–1–1 capabilities of the multi-line telephone system in use by all Federal agencies in all Federal buildings and properties.

(b) COMMISSION ACTION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall issue a public notice seeking comment on the feasibility of MLTS manufacturers including within all such systems manufactured or sold after a date certain, to be determined by the Commission, one or more mechanisms to provide a sufficiently precise indication of a 9–1–1 caller's location, while avoiding the imposition of undue burdens on MLTS manufacturers, providers, and operators.

(2) SPECIFIC REQUIREMENT.—The public notice under paragraph (1) shall seek comment on the National Emergency Number Association's ''Technical Requirements Document On Model Legislation E9–1–1 for Multi-Line Telephone Systems'' (NENA 06–750, Version 2).

SEC. 6505. GAO STUDY OF STATE AND LOCAL USE OF 9–1–1 SERVICE CHARGES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study of—

(1) the imposition of taxes, fees, or other charges imposed by States or political subdivisions of States that are designated or presented as dedicated to improve emergency communications services, including 9–1–1 services or enhanced 9–1–1 services, or related to emergency communications services operations or improvements; and

(2) the use of revenues derived from such taxes, fees, or charges.

(b) REPORT.—Not later than 18 months after initiating the study required by subsection (a), the Comptroller General shall prepare and submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives setting forth the findings, conclusions, and recommendations, if any, of the study, including—

(1) the identity of each State or political subdivision that imposes such taxes, fees, or other charges; and

(2) the amount of revenues obligated or expended by that State or political subdivision for any purpose other than the purposes for which such taxes, fees, or charges were designated or presented.

SEC. 6506. PARITY OF PROTECTION FOR PROVISION OR USE OF NEXT GENERATION 9–1–1 SERVICES.

(a) IMMUNITY.—A provider or user of Next Generation 9–1–1 services, a public safety answering point, and the officers, directors, employees, vendors, agents, and authorizing government entity (if any) of such provider, user, or public safety answering point, shall have immunity and protection from liability under Federal and State law to the extent provided in subsection (b) with respect to—

(1) the release of subscriber information related to emergency calls or emergency services;

(2) the use or provision of 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services; and

(3) other matters related to 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services.

(b) SCOPE OF IMMUNITY AND PROTECTION FROM LIABILITY.—The scope and extent of the immunity and protection from liability afforded under subsection (a) shall be the same as that provided under section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) to wireless carriers, public safety answering points, and users of wireless 9–1–1 service (as defined in paragraphs (4), (3), and (6), respectively, of section 6 of that Act (47 U.S.C. 615b)) with respect to such release, use, and other matters.

SEC. 6507. COMMISSION PROCEEDING ON AUTODIALING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commission shall initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points.

(b) FEATURES OF THE REGISTRY.—The Commission shall issue regulations, after providing the public with notice and an opportunity to comment, that—

(1) permit verified public safety answering point administrators or managers to register the telephone numbers of all 9–1–1 trunks and other lines used for the provision of emergency services to the public or for communications between public safety agencies;

(2) provide a process for verifying, no less frequently than once every 7 years, that registered numbers should continue to appear upon the registry;

(3) provide a process for granting and tracking access to the registry by the operators of automatic dialing equipment;

(4) protect the list of registered numbers from disclosure or dissemination by parties granted access to the registry; and

(5) prohibit the use of automatic dialing or ''robocall'' equipment to establish contact with registered numbers.

(c) ENFORCEMENT.—The Commission shall—

(1) establish monetary penalties for violations of the protective regulations established pursuant to subsection (b)(4) of not less than $100,000 per incident nor more than $1,000,000 per incident;

(2) establish monetary penalties for violations of the prohibition on automatically dialing registered numbers established pursuant to subsection (b)(5) of not less than $10,000 per call nor more than $100,000 per call; and

(3) provide for the imposition of fines under paragraphs (1) or (2) that vary depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offence.

SEC. 6508. REPORT ON COSTS FOR REQUIREMENTS AND SPECIFICATIONS OF NEXT GENERATION 9–1–1 SERVICES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Office, in consultation with the Administrator of the National Highway Traffic Safety Administration, the Commission, and the Secretary of Homeland Security, shall prepare and submit a report to Congress that analyzes and determines detailed costs for specific Next Generation 9–1–1 service requirements and specifications.

(b) PURPOSE OF REPORT.—The purpose of the report required under subsection (a) is to serve as a resource for Congress as it considers creating a coordinated, long-term funding mechanism for the deployment and operation, accessibility, application development, equipment procurement, and training of personnel for Next Generation 9–1–1 services.

(c) REQUIRED INCLUSIONS.—The report required under subsection (a) shall include the following:

(1) How costs would be broken out geographically and allocated among public safety answering points, broadband service providers, and third-party providers of Next Generation 9–1–1 services.

(2) An assessment of the current state of Next Generation 9–1–1 service readiness among public safety answering points.

(3) How differences in public safety answering points' access to broadband across the United States may affect costs.

(4) A technical analysis and cost study of different delivery platforms, such as wireline, wireless, and satellite.

(5) An assessment of the architectural characteristics, feasibility, and limitations of Next Generation 9–1–1 service delivery.

(6) An analysis of the needs for Next Generation 9–1–1 services of persons with disabilities.

(7) Standards and protocols for Next Generation 9–1–1 services and for incorporating Voice over Internet Protocol and ''Real-Time Text'' standards.

SEC. 6509. COMMISSION RECOMMENDATIONS FOR LEGAL AND STATUTORY FRAMEWORK FOR NEXT GENERATION 9–1–1 SERVICES.

Not later than 1 year after the date of the enactment of this Act, the Commission, in coordination with the Secretary of Homeland Security, the Administrator of the National Highway Traffic Safety Administration, and the Office, shall prepare and submit a report to Congress that contains recommendations for the legal and statutory framework for Next Generation 9–1–1 services, consistent with recommendations in the National Broadband Plan developed by the Commission pursuant to the American Recovery and Reinvestment Act of 2009, including the following:

(1) A legal and regulatory framework for the development of Next Generation 9–1–1 services and the transition from legacy 9–1–1 to Next Generation 9–1–1 networks.

(2) Legal mechanisms to ensure efficient and accurate transmission of 9–1–1 caller information to emergency response agencies.

(3) Recommendations for removing jurisdictional barriers and inconsistent legacy regulations including—

(A) proposals that would require States to remove regulatory roadblocks to Next Generation 9–1–1 services development, while recognizing existing State authority over 9–1–1 services;

(B) eliminating outdated 9–1–1 regulations at the Federal level; and

(C) preempting inconsistent State regulations.

Subtitle F—Telecommunications Development Fund

SEC. 6601. NO ADDITIONAL FEDERAL FUNDS.

Section 309(j)(8)(C)(iii) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(C)(iii)) is amended to read as follows:

''(iii) the interest accrued to the account shall be deposited in the general fund of the Treasury, where such amount shall be dedicated for the sole purpose of deficit reduction.''.

SEC. 6602. INDEPENDENCE OF THE FUND.

Section 714 of the Communications Act of 1934 (47 U.S.C. 614) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INDEPENDENT BOARD OF DIRECTORS.—The Fund shall have a Board of Directors consisting of 5 people with experience in areas including finance, investment banking, government banking, communications law and administrative practice, and public policy. The Board of Directors shall select annually a Chair from among the directors. A nominating committee, comprised of the Chair and 2 other directors selected by the Chair, shall appoint additional directors. The Fund's bylaws shall regulate the other aspects of the Board of Directors, including provisions relating to meetings, quorums, committees, and other matters, all as typically contained in the bylaws of a similar private investment fund.'';

(2) in subsection (d)—

(A) by striking ''(after consultation with the Commission and the Secretary of the Treasury)'';

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in subsection (g), by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

Subtitle G—Federal Spectrum Relocation

SEC. 6701. RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.

(a) IN GENERAL.—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923) is amended—

(1) in subsection (g)—

(A) by striking the heading and inserting ''RELOCATION OF AND SPECTRUM SHARING BY FEDERAL GOVERNMENT STATIONS.—'';

(B) by amending paragraph (1) to read as follows:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of eligible frequencies described in paragraph (2) and that incurs relocation or sharing costs because of planning for an auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use or to shared use shall receive payment for such relocation or sharing costs from the Spectrum Relocation Fund, in accordance with this section and section 118. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a) are eligible to receive payment under this paragraph.'';

(C) by amending paragraph (2)(B) to read as follows:

''(B) any other band of frequencies reallocated from Federal use to non-Federal use or to shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).'';

(D) by amending paragraph (3) to read as follows:

''(3) RELOCATION OR SHARING COSTS DEFINED.—

''(A) IN GENERAL.—For purposes of this section and section 118, the term 'relocation or sharing costs' means the costs incurred by a Federal entity in connection with the auction of spectrum frequencies previously assigned to such entity or the sharing of spectrum frequencies assigned to such entity (including the auction or a planned auction of the rights to use spectrum frequencies on a shared basis with such entity) in order to achieve comparable capability of systems as before the relocation or sharing arrangement. Such term includes, with respect to relocation or sharing, as the case may be—

''(i) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training, or compliance with regulations that are attributable to relocation or sharing;

''(ii) the costs of all engineering, equipment, software, site acquisition, and construction, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation or sharing activities of a Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs associated with the replacement of facilities;

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

''(I) calculating the estimated relocation or sharing costs that are provided to the Commission pursuant to paragraph (4)(A);

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

''(III) planning for or managing a relocation or sharing arrangement (including spectrum coordination with auction winners);

''(iv) the one-time costs of any modification of equipment reasonably necessary—

''(I) to accommodate non-Federal use of shared frequencies; or

''(II) in the case of eligible frequencies reallocated for exclusive non-Federal use and assigned through a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but with respect to which a Federal entity retains primary allocation or protected status for a period of time after the completion of the competitive bidding process, to accommodate shared Federal and non-Federal use of such frequencies for such period; and

''(v) the costs associated with the accelerated replacement of systems and equipment if the acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies.

''(B) COMPARABLE CAPABILITY OF SYSTEMS.—For purposes of subparagraph (A), comparable capability of systems—

''(i) may be achieved by relocating a Federal Government station to a new frequency assignment, by relocating a Federal Government station to a different geographic location, by modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography, or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology; and

''(ii) includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality.'';

(E) in paragraph (4)—

(i) in the heading, by striking ''RELOCATIONS COSTS'' and inserting ''RELOCATION OR SHARING COSTS'';

(ii) by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs''; and

(iii) in subparagraph (A), by inserting ''or sharing'' after ''such relocation'';

(F) in paragraph (5)—

(i) by striking ''relocation costs'' and inserting ''relocation or sharing costs''; and

(ii) by inserting ''or sharing'' after ''for relocation''; and

(G) by amending paragraph (6) to read as follows:

''(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies described in paragraph (2) to frequencies or facilities of comparable capability and to ensure the timely implementation of arrangements for the sharing of frequencies described in such paragraph. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems, the NTIA shall terminate or limit the entity's authorization and notify the Commission that the entity's relocation has been completed or sharing arrangement has been implemented. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation or sharing submitted by the Director of the Office of Management and Budget under section 118(d)(2)(C).'';

(2) by redesignating subsections (h) and (i) as subsections (k) and (l), respectively; and

(3) by inserting after subsection (g) the following:

''(h) DEVELOPMENT AND PUBLICATION OF RELOCATION OR SHARING TRANSITION PLANS.—

''(1) DEVELOPMENT OF TRANSITION PLAN BY FEDERAL ENTITY.—Not later than 240 days before the commencement of any auction of eligible frequencies described in subsection (g)(2), a Federal entity authorized to use any such frequency shall submit to the NTIA and to the Technical Panel established by paragraph (3) a transition plan for the implementation by such entity of the relocation or sharing arrangement. The NTIA shall specify, after public input, a common format for all Federal entities to follow in preparing transition plans under this paragraph.

''(2) CONTENTS OF TRANSITION PLAN.—The transition plan required by paragraph (1) shall include the following information:

''(A) The use by the Federal entity of the eligible frequencies to be auctioned, current as of the date of the submission of the plan.

''(B) The geographic location of the facilities or systems of the Federal entity that use such frequencies.

''(C) The frequency bands used by such facilities or systems, described by geographic location.

''(D) The steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.

''(E) The specific interactions between the eligible Federal entity and the NTIA needed to implement the transition plan.

''(F) The name of the officer or employee of the Federal entity who is responsible for the relocation or sharing efforts of the entity and who is authorized to meet and negotiate with non-Federal users regarding the transition.

''(G) The plans and timelines of the Federal entity for—

''(i) using funds received from the Spectrum Relocation Fund established by section 118;

''(ii) procuring new equipment and additional personnel needed for relocation or sharing;

''(iii) field-testing and deploying new equipment needed for relocation or sharing; and

''(iv) hiring and relying on contract personnel, if any, needed for relocation or sharing.

''(H) Factors that could hinder fulfillment of the transition plan by the Federal entity.

''(3) TECHNICAL PANEL.—

''(A) ESTABLISHMENT.—There is established within the NTIA a panel to be known as the Technical Panel.

''(B) MEMBERSHIP.—

''(i) NUMBER AND APPOINTMENT.—The Technical Panel shall be composed of 3 members, to be appointed as follows:

''(I) One member to be appointed by the Director of the Office of Management and Budget (in this subsection referred to as 'OMB').

''(II) One member to be appointed by the Assistant Secretary.

''(III) One member to be appointed by the Chairman of the Commission.

''(ii) QUALIFICATIONS.—Each member of the Technical Panel shall be a radio engineer or a technical expert.

''(iii) INITIAL APPOINTMENT.—The initial members of the Technical Panel shall be appointed not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

''(iv) TERMS.—The term of a member of the Technical Panel shall be 18 months, and no individual may serve more than 1 consecutive term.

''(v) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy shall be filled in the manner in which the original appointment was made.

''(vi) NO COMPENSATION.—The members of the Technical Panel shall not receive any compensation for service on the Technical Panel. If any such member is an employee of the agency of the official that appointed such member to the Technical Panel, compensation in the member's capacity as such an employee shall not be considered compensation under this clause.

''(C) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the Technical Panel with the administrative support services necessary to carry out its duties under this subsection and subsection (i).

''(D) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by the Director of OMB, adopt regulations to govern the workings of the Technical Panel.

''(E) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to the Technical Panel.

''(4) REVIEW OF PLAN BY TECHNICAL PANEL.—

''(A) IN GENERAL.—Not later than 30 days after the submission of the plan under paragraph (1), the Technical Panel shall submit to the NTIA and to the Federal entity a report on the sufficiency of the plan, including whether the plan includes the information required by paragraph (2) and an assessment of the reasonableness of the proposed timelines and estimated relocation or sharing costs, including the costs of any proposed expansion of the capabilities of a Federal system in connection with relocation or sharing.

''(B) INSUFFICIENCY OF PLAN.—If the Technical Panel finds the plan insufficient, the Federal entity shall, not later than 90 days after the submission of the report by the Technical panel under subparagraph (A), submit to the Technical Panel a revised plan. Such revised plan shall be treated as a plan submitted under paragraph (1).

''(5) PUBLICATION OF TRANSITION PLAN.—Not later than 120 days before the commencement of the auction described in paragraph (1), the NTIA shall make the transition plan publicly available on its website.

''(6) UPDATES OF TRANSITION PLAN.—As the Federal entity implements the transition plan, it shall periodically update the plan to reflect any changed circumstances, including changes in estimated relocation or sharing costs or the timeline for relocation or sharing. The NTIA shall make the updates available on its website.

''(7) CLASSIFIED AND OTHER SENSITIVE INFORMATION.—

''(A) CLASSIFIED INFORMATION.—If any of the information required to be included in the transition plan of a Federal entity is classified information (as defined in section 798(b) of title 18, United States Code), the entity shall—

''(i) include in the plan—

''(I) an explanation of the exclusion of any such information, which shall be as specific as possible; and

''(II) all relevant non-classified information that is available; and

''(ii) discuss as a factor under paragraph (2)(H) the extent of the classified information and the effect of such information on the implementation of the relocation or sharing arrangement.

''(B) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA, in consultation with the Director of OMB and the Secretary of Defense, shall adopt regulations to ensure that the information publicly released under paragraph (5) or (6) does not contain classified information or other sensitive information.

''(i) DISPUTE RESOLUTION PROCESS.—

''(1) IN GENERAL.—If a dispute arises between a Federal entity and a non-Federal user regarding the execution, timing, or cost of the transition plan submitted by the Federal entity under subsection (h)(1), the Federal entity or the non-Federal user may request that the NTIA establish a dispute resolution board to resolve the dispute.

''(2) ESTABLISHMENT OF BOARD.—

''(A) IN GENERAL.—If the NTIA receives a request under paragraph (1), it shall establish a dispute resolution board.

''(B) MEMBERSHIP AND APPOINTMENT.—The dispute resolution board shall be composed of 3 members, as follows:

''(i) A representative of the Office of Management and Budget (in this subsection referred to as 'OMB'), to be appointed by the Director of OMB.

''(ii) A representative of the NTIA, to be appointed by the Assistant Secretary.

''(iii) A representative of the Commission, to be appointed by the Chairman of the Commission.

''(C) CHAIR.—The representative of OMB shall be the Chair of the dispute resolution board.

''(D) VACANCIES.—Any vacancy in the dispute resolution board shall be filled in the manner in which the original appointment was made.

''(E) NO COMPENSATION.—The members of the dispute resolution board shall not receive any compensation for service on the board. If any such member is an employee of the agency of the official that appointed such member to the board, compensation in the member's capacity as such an employee shall not be considered compensation under this subparagraph.

''(F) TERMINATION OF BOARD.—The dispute resolution board shall be terminated after it rules on the dispute that it was established to resolve and the time for appeal of its decision under paragraph (7) has expired, unless an appeal has been taken under such paragraph. If such an appeal has been taken, the board shall continue to exist until the appeal process has been exhausted and the board has completed any action required by a court hearing the appeal.

''(3) PROCEDURES.—The dispute resolution board shall meet simultaneously with representatives of the Federal entity and the non-Federal user to discuss the dispute. The dispute resolution board may require the parties to make written submissions to it.

''(4) DEADLINE FOR DECISION.—The dispute resolution board shall rule on the dispute not later than 30 days after the request was made to the NTIA under paragraph (1).

''(5) ASSISTANCE FROM TECHNICAL PANEL.—The Technical Panel established under subsection (h)(3) shall provide the dispute resolution board with such technical assistance as the board requests.

''(6) ADMINISTRATIVE SUPPORT.—The NTIA shall provide the dispute resolution board with the administrative support services necessary to carry out its duties under this subsection.

''(7) APPEALS.—A decision of the dispute resolution board may be appealed to the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal with that court not later than 30 days after the date of such decision. Each party shall bear its own costs and expenses, including attorneys' fees, for any appeal under this paragraph.

''(8) REGULATIONS.—Not later than 180 days after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, the NTIA shall, after public notice and comment and subject to approval by OMB, adopt regulations to govern the working of any dispute resolution boards established under paragraph (2)(A) and the role of the Technical Panel in assisting any such board.

''(9) CERTAIN REQUIREMENTS INAPPLICABLE.—The Federal Advisory Committee Act (5 U.S.C. App.) and sections 552 and 552b of title 5, United States Code, shall not apply to a dispute resolution board established under paragraph (2)(A).

''(j) RELOCATION PRIORITIZED OVER SHARING.—

''(1) IN GENERAL.—In evaluating a band of frequencies for possible reallocation for exclusive non-Federal use or shared use, the NTIA shall give priority to options involving reallocation of the band for exclusive non-Federal use and shall choose options involving shared use only when it determines, in consultation with the Director of the Office of Management and Budget, that relocation of a Federal entity from the band is not feasible because of technical or cost constraints.

''(2) NOTIFICATION OF CONGRESS WHEN SHARING CHOSEN.—If the NTIA determines under paragraph (1) that relocation of a Federal entity from the band is not feasible, the NTIA shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives of the determination, including the specific technical or cost constraints on which the determination is based.''.

(b) CONFORMING AMENDMENT.—Section 309(j) of the Communications Act of 1934 is further amended by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs''.

SEC. 6702. SPECTRUM RELOCATION FUND.

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

(1) by striking ''relocation costs'' each place it appears and inserting ''relocation or sharing costs'';

(2) by amending subsection (c) to read as follows:

''(c) USE OF FUNDS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation or sharing costs of an eligible Federal entity incurring such costs with respect to relocation from or sharing of those frequencies.'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or sharing'' before the semicolon;

(ii) in subparagraph (B), by inserting ''or sharing'' before the period at the end;

(iii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(iv) by inserting before subparagraph (B), as so redesignated, the following:

''(A) unless the eligible Federal entity has submitted a transition plan to the NTIA as required by paragraph (1) of section 113(h), the Technical Panel has found such plan sufficient under paragraph (4) of such section, and the NTIA has made available such plan on its website as required by paragraph (5) of such section;'';

(B) by striking paragraph (3); and

(C) by adding at the end the following:

''(3) TRANSFERS FOR PRE-AUCTION COSTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Director of OMB may transfer to an eligible Federal entity, at any time (including prior to a scheduled auction), such sums as may be available in the Fund to pay relocation or sharing costs related to pre-auction estimates or research, as such costs are described in section 113(g)(3)(A)(iii).

''(B) NOTIFICATION.—No funds may be transferred pursuant to subparagraph (A) unless—

''(i) the notification provided under paragraph (2)(C) includes a certification from the Director of OMB that—

''(I) funds transferred before an auction will likely allow for timely implementation of relocation or sharing, thereby increasing net expected auction proceeds by an amount not less than the time value of the amount of funds transferred; and

''(II) the auction is intended to occur not later than 5 years after transfer of funds; and

''(ii) the transition plan submitted by the eligible Federal entity under section 113(h)(1) provides—

''(I) to the fullest extent possible, for sharing and coordination of eligible frequencies with non-Federal users, including reasonable accommodation by the eligible Federal entity for the use of eligible frequencies by non-Federal users during the period that the entity is relocating its spectrum uses (in this clause referred to as the 'transition period');

''(II) for non-Federal users to be able to use eligible frequencies during the transition period in geographic areas where the eligible Federal entity does not use such frequencies;

''(III) that the eligible Federal entity will, during the transition period, make itself available for negotiation and discussion with non-Federal users not later than 30 days after a written request therefor; and

''(IV) that the eligible Federal entity will, during the transition period, make available to a non-Federal user with appropriate security clearances any classified information (as defined in section 798(b) of title 18, United States Code) regarding the relocation process, on a need-to-know basis, to assist the non-Federal user in the relocation process with such eligible Federal entity or other eligible Federal entities.

''(C) APPLICABILITY TO CERTAIN COSTS.—

''(i) IN GENERAL.—The Director of OMB may transfer under subparagraph (A) not more than $10,000,000 for costs incurred after June 28, 2010, but before the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

''(ii) SUPPLEMENT NOT SUPPLANT.—Any amounts transferred by the Director of OMB pursuant to clause (i) shall be in addition to any amounts that the Director of OMB may transfer for costs incurred on or after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012.

''(4) REVERSION OF UNUSED FUNDS.—Any amounts in the Fund that are remaining after the payment of the relocation or sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury, for the sole purpose of deficit reduction, not later than 8 years after the date of the deposit of such proceeds to the Fund, unless within 60 days in advance of the reversion of such funds, the Director of OMB, in consultation with the NTIA, notifies the congressional committees described in paragraph (2)(C) that such funds are needed to complete or to implement current or future relocation or sharing arrangements.'';

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(2)(B)''; and

(ii) in clause (ii), by striking ''subsection (d)(2)(B)'' and inserting ''subsection (d)(2)(C)''; and

(B) in paragraph (2)—

(i) by striking ''entity's relocation'' and inserting ''relocation of the entity or implementation of the sharing arrangement by the entity'';

(ii) by inserting ''or the implementation of such arrangement'' after ''such relocation''; and

(iii) by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(2)(B)''; and

(5) by adding at the end the following:

''(f) ADDITIONAL PAYMENTS FROM FUND.—

''(1) AMOUNTS AVAILABLE.—Notwithstanding subsections (c) through (e), after the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012, there are appropriated from the Fund and available to the Director of OMB for use in accordance with paragraph (2) not more than 10 percent of the amounts deposited in the Fund from auctions occurring after such date of enactment of licenses for the use of spectrum vacated by eligible Federal entities.

''(2) USE OF AMOUNTS.—

''(A) IN GENERAL.—The Director of OMB, in consultation with the NTIA, may use amounts made available under paragraph (1) to make payments to eligible Federal entities that are implementing a transition plan submitted under section 113(h)(1) in order to encourage such entities to complete the implementation more quickly, thereby encouraging timely access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use.

''(B) CONDITIONS.—In the case of any payment by the Director of OMB under subparagraph (A)—

''(i) such payment shall be based on the market value of the eligible frequencies, the timeliness with which the eligible Federal entity clears its use of such frequencies, and the need for such frequencies in order for the entity to conduct its essential missions;

''(ii) the eligible Federal entity shall use such payment for the purposes specified in clauses (i) through (v) of section 113(g)(3)(A) to achieve comparable capability of systems affected by the reallocation of eligible frequencies from Federal use to exclusive non-Federal use or to shared use;

''(iii) such payment may not be made if the amount remaining in the Fund after such payment will be less than 10 percent of the winning bids in the auction of the spectrum with respect to which the Federal entity is incurring relocation or sharing costs; and

''(iv) such payment may not be made until 30 days after the Director of OMB has notified the congressional committees described in subsection (d)(2)(C).

''(g) RESTRICTION ON USE OF FUNDS.—No amounts in the Fund on the day before the date of the enactment of the Middle Class Tax Relief and Job Creation Act of 2012 may be used for any purpose except—

''(1) to pay the relocation or sharing costs incurred by eligible Federal entities in order to relocate from the frequencies the auction of which generated such amounts; or

''(2) to pay relocation or sharing costs related to pre-auction estimates or research, in accordance with subsection (d)(3).''.

SEC. 6703. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

Part B of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 et seq.) is amended by adding at the end the following:

''SEC. 119. NATIONAL SECURITY AND OTHER SENSITIVE INFORMATION.

''(a) DETERMINATION.—If the head of an Executive agency (as defined in section 105 of title 5, United States Code) determines that public disclosure of any information contained in a notification or report required by section 113 or 118 would reveal classified national security information, or other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation, the head of the Executive agency shall notify the Assistant Secretary of that determination prior to the release of such information.

''(b) INCLUSION IN ANNEX.—The head of the Executive agency shall place the information with respect to which a determination was made under subsection (a) in a separate annex to the notification or report required by section 113 or 118. The annex shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any means.''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 7001. REPEAL OF CERTAIN SHIFTS IN THE TIMING OF CORPORATE ESTIMATED TAX PAYMENTS.

The following provisions of law (and any modification of any such provision which is contained in any other provision of law) shall not apply with respect to any installment of corporate estimated tax:

(1) Section 201(b) of the Corporate Estimated Tax Shift Act of 2009.

(2) Section 561 of the Hiring Incentives to Restore Employment Act.

(3) Section 505 of the United States-Korea Free Trade Agreement Implementation Act.

(4) Section 603 of the United States-Colombia Trade Promotion Agreement Implementation Act.

(5) Section 502 of the United State-Panama Trade Promotion Agreement Implementation Act.

SEC. 7002. REPEAL OF REQUIREMENT RELATING TO TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) REPEAL.—The Trade Adjustment Assistance Extension Act of 2011 (title II of Public Law 112–40; 125 Stat. 402) is amended by striking section 263.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 263.

SEC. 7003. TREATMENT FOR PAYGO PURPOSES.

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

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

DAVE CAMP,
FRED UPTON,
KEVIN BRADY,
GREG WALDEN,
TOM PRICE,
TOM REED,
RENEE L. ELLMERS,
NAN A.S. HAYWORTH,
SANDER M. LEVIN,
XAVIER BECERRA,
CHRIS VAN HOLLEN,
ALLYSON Y. SCHWARTZ,
HENRY A. WAXMAN,
Managers on the Part of the House.

MAX BAUCUS,
JACK REED,
BENJAMIN L. CARDIN,
ROBERT P. CASEY, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630), to provide incentives for the creation of jobs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate to the text with an amendment that is a substitute for the House bill and the Senate amendment. The Senate recedes from its amendment to the title. The committee of the conference met on February 16, 2012 (the House chairing) and resolved their differences. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE

House bill

''Middle Class Tax Relief and Job Creation Act of 2011''

Senate bill

''Temporary Payroll Tax Cut Continuation Act of 2011''

Conference substitute

''Middle Class Tax Relief and Job Creation Act of 2012''

TITLE I—JOB CREATION INCENTIVES

SUBTITLE B—EPA REGULATORY RELIEF

H1102,1103,1104,1105/S—

Current law

Section 112 of the Clean Air Act (42 U.S.C. 7412) requires the Environmental Protection Agency (EPA) to promulgate Maximum Achievable Control Technology (MACT) standards for ''major'' sources of emissions of 187 hazardous air pollutants (HAPs) and Generally Available Control Technology (GACT) standards for smaller (''area'') sources of HAP emissions. Section 129 of the act (42 U.S.C. 7429) requires EPA to promulgate MACT standards for solid waste combustion units. Under the act, existing boilers would be required to comply with the applicable emission standards within 3 years of the effective date of promulgated regulations, with a possibility of a one-year extension for individual sources if necessary for the installation of controls. Existing solid waste incinerators would be required to meet the standards no later than 5 years after promulgation. On March 21, 2011, EPA finalized four related rules applicable to boilers and commercial and industrial solid waste incinerator (CISWI) units. Three rules established applicable MACT and GACT standards for boilers and MACT standards for CISWI units. The fourth rule (established under authority of the Resource Conservation and Recovery Act) clarified when materials used as fuel in a combustion unit would be defined as ''solid waste'' (a definition necessary to determine whether a combustion unit would be subject to the CISWI standards rather than the less stringent standards for boilers). EPA stayed the effective date of its major sources and CISWI emission standards pending reconsideration. EPA expects to complete the reconsideration by April 2012. On January 9, 2012, a district court vacated EPA's stay of the major sources and CISWI rules.

House bill

Sections 1102–1105 apply to EPA's four March 2011 rules. Each rule would be revoked and EPA required to promulgate new standards 15 months after the date of enactment (Section 1102). In establishing the relevant emission standards, the Administrator would be required to choose the ''least burdensome'' regulatory alternatives. Further, EPA would be required to establish standards that can be met under actual operating conditions consistently and concurrently with other standards (Section 1105). The compliance date for the air emission standards would be no earlier than 5 years after the date of the new regulation and could take feasibility, cost, and other factors into account in setting the compliance date (Section 1103). In promulgating new rules defining materials that are solid waste when used as a fuel, EPA would be required to adopt the definition of terms promulgated by the agency in a December 2000 CISWI rule (Section 1104).

Senate bill

No provision.

Conference substitute

No provision.

TITLE II—EXTENSION OF CERTAIN EXPIRING PROVISIONS AND RELATED MEASURES

SUBTITLE B—UNEMPLOYMENT COMPENSATION

PART 1—REFORMS OF UNEMPLOYMENT COMPENSATION TO PROMOTE WORK AND JOB CREATION

H2121,2122,2123,2124,2125,2126,2127/S—

Current law

Federal unemployment law does not contain explicit job search requirements for the receipt of regular state unemployment compensation (UC). Through interpretation of the framework of the Federal unemployment laws contained within the Social Security Act (SSA) and in the Federal Unemployment Tax Act (FUTA), it is generally understood that workers must have lost their jobs through no fault of their own and must be able, available, and willing to work. Variations exist in state law requirements concerning ability and availability to work. All states have work search requirements in state law or regulation in order for an individual to receive regular UC benefits. Most state laws require evidence of ability to work through the filing of claims and registration for work at a public employment office. Availability for work is often translated to mean being ready, willing, and able to work. Meeting the requirement of registration for work at a public employment office may be considered as evidence of availability in some states. There are often particular requirements and/or exceptions for those workers on temporary layoff and for workers that find employment through union hiring halls. Section 202(c)(A)(ii) of the Federal-State Extended Unemployment Compensation Act of 1970 (P.L. 97–373), as amended, does explicitly require active job search. However, the method of determining active job search is left to the determination of the States.

Federal law does not require minimum educational standards as a condition of benefit receipt. Section 303(a)(10) of the SSA requires any claimant who has been referred to reemployment services pursuant to the profiling system under Section 303(j)(1)(B) to participate in such services or in similar services unless the state agency charged with the administration of the state law determines (1) such claimant has completed such services; or (2) there is justifiable cause for such claimant's failure to participate in such services. Section 303(j) requires the state use a system of profiling all new claimants for regular compensation. The profiling system must: (1) identify which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment; and (2) refer the identified claimants to reemployment services (including job search assistance services) that are available under any state or Federal law. Section 3304(a)(8) of the Internal Revenue Code (IRC) requires, as a condition for employers in a state to receive normal credit against the Federal tax, that a state's unemployment benefits laws provide that compensation shall not be denied to an individual for any week because he is in training with the approval of the state agency (or because of the application, to any such week in training, of state law provisions relating to availability for work, active search for work, or refusal to accept work). A recent Training and Employment Guidance Letter (TEGL) No. 21–08, among other items, strongly encouraged states to broaden their definition of approved training for UC beneficiaries during economic downturns.

Section 3304(a)(4) of the IRC and Section 303(a)(5) of the SSA set the withdrawal standards for States to use funds within the State account in the Unemployment Trust Fund (UTF). All funds withdrawn from the unemployment fund of the state shall be used solely in the payment of unemployment compensation, exclusive of expenses of administration. Few exceptions exist; these include, for instance, withholding for tax purposes, for child support payments, to repay UI overpayments or covered unemployment compensation debt, and for benefits for the Self-Employment Assistance program and the Short-Time Compensation program. Section 303(a)(1) requires that the state UC program personnel be merit employees.

Section 3306(t) of the Federal Unemployment Tax Act (FUTA) defines the Self-Employment Assistance (SEA) program. Section 303(a)(5) of the Social Security Act permits the use of expenditures from the Unemployment Trust Fund (UTF) for SEA. The regular UC program generally requires unemployed workers to be actively seeking work and to be available for wage and salary jobs as a condition of eligibility for UC benefits. In states that have opted to create SEA programs under current law, SEA provides allowances in the same amount as regular UC

benefits to individuals who (1) would otherwise be eligible for regular UC and (2) have been identified as likely to exhaust regular UC benefits. Under SEA a participating individual is not subject to worker search requirements so long as the individual is participating in entrepreneurial training or other activities.

Section 303(g)(1) of the Social Security Act and Section 3304(a)(4)(D) of the Internal Revenue Code (IRC) allow states but do not require states to offset UC payments by nonfraud overpayments. States may opt in state law to waive deductions if it would be contrary to equity and good conscience.

There are no specific federal laws or regulations related to uniform data elements for improved data matching in the Federal-state unemployment compensation program. Section 303(a)(6) of the SSA requires states to make reports of information and data as required by the U.S. Labor Secretary. But current Federal law contains no precise requirements regarding codes or identifiers attached to UC, Emergency Unemployment Compensation (EUC08), or Extended Benefit (EB) program data or any other data standards.

Federal law does not specifically authorize drug testing of applicants as a condition of UC benefit eligibility. No state currently requires drug tests as a condition of eligibility for unemployment benefits. There are states that do, however, have state law provisions related to disqualification for previously failed drug tests/use of illegal drugs during prior employment.

House bill

Section 2121 would add new federal law requirements for state UC eligibility related to being ''able, available, and actively seeking work''—with the latter specifically defined under federal law, including at least (1) registering for employment services within 10 days after initial filing for UC benefits; (2) posting a resume, record, or other application for employment through a state agency database; and (3) applying for work under state requirements [effective for weeks beginning after end of first state legislative session after enactment]. No new funds would be provided for such activities. There would be no exceptions for those on temporary lay-off with expectation of recall, union members, or for those who are striking.

Section 2122 would add new federal law requirements for state UC eligibility: (1) UC claimants must meet minimum education requirements: either earn HS diploma, attain GED, or enroll/make satisfactory progress in classes leading to HS diploma or GED (states would be allowed to waive this educational requirement if state law deems it unduly burdensome); and (2) UC claimants referred to reemployment services must participate. Additionally, the proposal would add a new federal law provision to stipulate that UC may not be denied to an individual enrolled/making satisfactory progress in education or state-approved job training [effective for weeks beginning after end of first state legislative session after enactment].

Section 2123 would authorize under federal law up to 10 state UC demonstration projects a year (lasting up to 3 years). Demonstration projects would test and evaluate measures designed to expedite the reemployment of individuals who establish initial eligibility for regular UC or to improve the effectiveness of state reemployment efforts. States would provide a general description of the proposed demonstration project. The description would include: (1) a description of the proposed project, its authority under State law, and the period during which the project would be conducted; (2) the specifics of any waiver to Federal law and the reason for such waiver; (3) a description of the goals and expected outcomes of the project; (4) assurances and supporting analysis that the project would not result in a net increase cost to the state's Unemployment Trust Fund (UTF); (5) a description of the impact evaluation; and (6) assurances of reports required by the U.S. Labor Secretary. Section 2123 would allow the U.S. Labor Secretary to waive the withdrawal standard and/or merit employee requirements if requested by the state (state UTF funds would be allowed to be used for purposes other than paying unemployment benefits). Authority ends 5 years after date of enactment of the section. Administrative grants to the states for administration of the regular UC program may be used for an approved project.

Section 2124 would require the U.S. Department of Labor (U.S. DOL) to develop and maintain model language for states to use in enacting SEA programs for regular UC claimants (as authorized under current federal law); this model language would be developed through U.S. DOL consultation with employers, labor organizations, state UC agencies, and other relevant program experts; would require U.S. DOL to provide technical assistance and guidance to states in enacting, improving, and administering SEA programs; would require U.S. DOL to establish reporting requirements for state SEA programs, including reporting (1) on the number of jobs and businesses created by SEA programs and (2) the federal and state tax revenues collected from such businesses and their employees; and would require U.S. DOL to coordinate with the Small Business Administration to ensure adequate funding for the entrepreneurial training of SEA participants in states with SEA programs.

Section 2125 would require states to recover 100% of any erroneous overpayment by reducing up to 100% of the UC benefit in each week until the overpayment is fully recovered. The proposal would not allow states to waive such deduction if it would be contrary to equity and good conscience. Section 2125 also would create authority for states to recover Federal Additional Compensation (FAC) overpayments through deductions to regular unemployment compensation.

Section 2126 would require that the U.S. Labor Secretary designate standard data elements for any information required under title III or title IX of the SSA. This section would require the standard data elements incorporate interoperable standards that have been developed and used by an international standards body (as established by the Office of Management and Budget (OMB) and the U.S. Labor Secretary); intergovernmental partnerships; and Federal entities with contracting and financial assistance authority. In addition, Section 106(a) of this proposal would require the U.S. Labor Secretary, in consultation with an OMB interagency working group and States, to designate standard data elements that, to the extent practicable: (1) Make use of a widely-accepted, non-proprietary, digital, searchable format (2) Are consistent with and use relevant accounting principles (3) Are able to be upgraded on a continual basis (4) Incorporate non-proprietary standards (such as the eXtensible Business Reporting Language).

Section 2127 would clarify federal law to allow (but would not require) drug testing of UC applicants.

Senate bill

No provision.

Conference substitute

The conference agreement follows the House bill with regard to specifying new federal minimum standards for state unemployment compensation eligibility related to being ''able, available, and actively seek work.'' (See also part 3 of this section with regard to job search requirements related to Federal unemployment benefits.)

The conference agreement follows the House bill with regard to State flexibility (i.e. new waiver authority), but with the following modifications:

(1) Permits a total of no more than 10 States to receive waivers;

(2) Specifies that waivers may only be used to operate programs providing subsidies for employer-provided training or for direct disbursements (such as wage subsidies) to employers who hire individuals receiving UC benefits, not to exceed the weekly benefit amount, to cover part of the cost of their wages, and provided that the overall wage is greater than the unemployment benefit the individual had been receiving;

(3) Limits the operation of State waiver programs to no more than 3 years, and specifies that the waiver programs cannot be extended;

(4) Requires the state to evaluate their waiver programs; and

(5) Requires States to provide assurances that any employment meets the State's suitable work requirement and requirements of section 3304(a)(5) of the Internal Revenue Code and that the waiver programs end by December 31, 2015.

The conference agreement follows the House bill and incorporates S. 1826 with regard to the Self-Employment Assistance Program, while also authorizing States to operate SEA programs to assist individuals eligible for benefits under the Emergency Unemployment Compensation (EUC) and Extended Benefit (EB) programs, and providing funds to assist States with the administration of such programs.

The conference agreement includes a new provision based on S. 1333 authorizing work sharing programs and providing program and administrative funding for that purpose.

The conference agreement follows the House bill with regard to requiring States to offset current State benefits to recover prior overpayments of State, other States', or Federal unemployment benefits. With regard to efforts to recover overpayments owed to other States and the Federal government, the conference agreement requires each State to apply hardship exceptions and related terms that follow State practice used to recover overpayments of its own State benefit funds.

The conference agreement follows the House bill with regard to the data standardization provisions.

The conference agreement follows the House bill with regard to drug testing provisions, with the modification that drug screening and testing is permitted in any State, but only in cases in which the individual applying for unemployment benefits either (1) was terminated from their prior employment because of unlawful drug use (2) is applying for work for which passing a drug test is a standard eligibility requirement.

PART 2—PROVISIONS RELATING TO EXTENDED BENEFITS

H2142,2143,2144/S201,202

Current law

Under P.L. 110–252, as amended, the authorization of the EUC08 program expires the week ending on or before March 6, 2012. Individuals receiving benefits in any tier of EUC08 would be able to finish out that tier of benefits only (grandfathering for current tier only). No EUC08 benefits—regardless of tier—are payable for any week after August 15, 2012. The current structure of unemployment benefits available through the EUC08 program is: Tier I: up to 20 weeks of unemployment benefits (available in all states);

Tier II: up to 14 weeks (available in all states); Tier III: up to 13 weeks (available in states with a total unemployment rate (TUR) of at least 6% or an insured unemployment rate (IUR) of at least 4%); Tier IV: up to 6 weeks (available in states with a TUR of at least 8.5% or an IUR of at least 6%). Section 4001(e) of P.L. 110–252, as amended allows states the option to pay EUC08 before EB.

Under permanent law (P.L. 97–373), EB benefits are financed 50% by the federal government (through federal unemployment taxes; i.e., FUTA) and states fund the other half (50%) of EB benefit costs through their state unemployment taxes (SUTA). ARRA (P.L. 111–5, as amended) temporarily changed the federal-state funding arrangement for the EB program. Currently, the FUTA finances 100% of sharable EB benefits through March 7, 2012. P.L. 111–312 made some temporary technical changes to certain triggers in the EB program, which allow states to temporarily use lookback calculations based on three years of unemployment rate data (rather than the permanent law lookback of two years of data) as part of their EB triggers if states would otherwise trigger off or not be on a period of EB benefits. This temporary option to use three-year EB trigger lookback expires the week ending on or before February 29, 2012.

P.L. 111–5, as amended, temporarily increased the duration of extended unemployment benefits for railroad workers. Railroad workers who previously were not eligible for extended unemployment benefits because they did not have 10 years of service may be eligible for benefits of up to 65 days within an extended period consisting of seven consecutive two-week registration periods. Railroad workers who previously were eligible for extended unemployment benefits of up to 65 days (because they had 10 years of service) may now be eligible for benefits of up to 130 days within an extended period consisting of 13 consecutive two-week registration periods. P.L. 111–312 extended the ARRA provisions by one year to June 30, 2011. Under P.L. 111–312, the special extended unemployment benefit period could begin no later than December 31, 2011. P.L. 112–78 extended the temporary extended railroad unemployment benefit (authorized under ARRA (P.L. 111–5), as amended) for two months through February 29, 2012, to be financed with funds still available under P.L. 111–312.

House bill

Section 2142 would extend the authorization of Tiers I and III of EUC08 until the week ending on or before January 31, 2013. The duration and conditions for availability of Tier II would be altered. There would be no benefits payable after that date. (There would be no grandfathering of benefits.) Tier I would continue to offer up to 20 weeks in all states, Tier II would offer up to 13 weeks (rather than 14) and would be available in states with at least 6.0% TUR or an IUR of at least 4% (rather than in all states). Tiers III and IV would not be reauthorized. Note: Included in this subsection was an intent to require states to pay EUC08 before any EB entitlement. However, the version passed by the House would require states to pay EB before EUC08 and will need correction to reflect the intended ordering of benefits. (At the time of House passage, the authorization for all EUC08 tiers would have expired on the week ending on or before January 3, 2012 and no EUC08 benefit would have been payable for any week after June 9, 2012.)

Section 2143 would extend the 100% federal financing of EB through January 31, 2013, as well as the option for states to use three-year lookback in their EB triggers until the week ending on or before January 31, 2013. (At the time of House passage, the FUTA financed 100% of sharable EB benefits through January 4, 2012 and the three-year lookback would have expired on the week ending on or before December 31, 2011.)

Section 2144 would extend the temporary extended railroad unemployment benefit (authorized under ARRA (P.L. 111–5), as amended) for 13 months through January 31, 2013, to be financed with funds still available under P.L. 111–312. (At the time of House passage, the special extended unemployment benefit period could begin no later than December 31, 2011.)

Senate bill

Section 201 would extend the authorization for the EUC08 program (as structured under current law) until the week ending on or before March 6, 2012. No EUC08 benefits—regardless of tier—would be payable for any week after August 15, 2012. (At the time of Senate passage, the authorization for all EUC08 tiers would have expired on the week ending on or before January 3, 2012 and no EUC08 benefit would have been payable for any week after June 9, 2012.) This section would extend the 100% federal financing of EB through March 7, 2012. This section would also extend the option for states to use the three-year lookback in their EB triggers until the week ending on or before February 29, 2012. (At the time of Senate passage, the FUTA financed 100% of sharable EB benefits through January 4, 2012 and the three-year lookback would have expired on the week ending on or before December 31, 2011.)

Section 202 would extend the temporary extended railroad unemployment benefit (authorized under ARRA (P.L. 111–5), as amended) for two months through February 29, 2012, to be financed with funds still available under P.L. 111–312. (At the time of Senate passage, the special extended unemployment benefit period could begin no later than December 31, 2011.)

Conference substitute

The conference agreement follows the House bill in continuing the operation of the Federal Emergency Unemployment Compensation (EUC) program beyond its current expiration at the end of February 2012, with the following modifications:

(1) The authorization of the EUC program is extended through the end of December 2012;

(2) The EUC program will not continue to provide benefits after December 2012 (i.e. there will be no ''phase-out'' of benefits beyond December 2012);

(3) EUC benefits would continue to be payable in up to four tiers as under current law. However, as the table below reflects, in the case of tiers two through four, higher total unemployment rate (TUR) ''triggers'' will apply from June through December 2012, as follows:

EUC Tier	March through May 2012	June through August 2012	September through December 2012
1 ...	20 weeks in all states.	20 weeks in all states.	14 weeks in all states
2 ...	14 weeks in all states.	14 weeks in 6% or higher states.	14 weeks in 6% or higher states
3 ...	13 weeks in 6% or higher states.	13 weeks in 7% or higher states.	9 weeks in 7% or higher states
4 ...	6 weeks in 8.5% or higher states (16 weeks if not on EB).	6 weeks in 9% or higher states.	10 weeks in 9% or higher states

(4) Through May 2012 only, individuals who have not already received up to 20 weeks of EB program benefits due to the application of that program's ''3-year lookback'' would be eligible to receive up to an additional 10 weeks of benefits under Tier 4 of the EUC program (that is, in addition to the six weeks otherwise available), provided they are in a State with an unemployment rate above 8.5%, and with the condition that no such individual could receive a total of more than 99 weeks of benefits from all sources (counting State, EUC and EB programs).

(5) As the table above reflects, weeks of benefits payable in tiers 1, 3 and 4 in September through December 2012 would be adjusted, with tier 1 dropping from 20 to 14 weeks, tier 3 dropping from 13 to 9 weeks, and tier 4 rising from 6 to 10 weeks. In all, these changes will result in the maximum weeks of benefits payable under the EUC program falling from 53 weeks under current law (in the case of States with unemployment rates today at or above 8.5%) to a maximum of up to 47 weeks (in the case of States with an unemployment rate of 9% or higher) from September through December 2012. In each period, an individual's eligibility for a tier of benefits will be determined according to the State's unemployment rate in that period. For example, individuals exhausting tier 2 of benefits will be eligible to begin tier 3 of benefits in the spring only if their State has an unemployment rate of at least 6%, while those exhausting tier 2 in the summer and fall months can qualify for tier 3 benefits only if they are in a State with an unemployment rate of at least 7%.

The conference agreement specifies that States are required to pay EUC benefits before any benefits under the EB program.

The conference agreement follows the House bill in terms of extending the current temporary 100% Federal financing of EB as well as the three-year lookback used to determine State eligibility for EB, with the modification that in each case the extension would apply through December 2012.

The conference agreement follows the House bill and Senate amendment with regard to the temporary extended railroad unemployment benefit program, with the modification that the extension would apply through December 2012.

PART 3—IMPROVING REEMPLOYMENT STRATEGIES UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

H2161,2162,2163,2164,2165/S—

Current law

Federal unemployment law does not contain explicit job search requirements for the receipt of EUC08 benefits. Federal unemployment law does not require states to have work search requirements in the regular UC program. However, all states have work search requirements in state law or regulation in order for an individual to receive regular UC benefits. Section 202(a)(3)(A)(ii) of the Federal-State Extended Unemployment Compensation Act of 1970 (P.L. 97–373), as amended, explicitly requires active job search for receipt of Extended Benefits (EB). However, the method of determining active job search is left to the determination of the states.

Federal law does not require minimum educational standards or reemployment service participation as a condition of EUC08 benefit receipt.

P.L. 110–252, as amended, requires that all EUC08 benefits be paid directly to the unemployed who have exhausted entitlement to all regular UC benefits. There is no provision for demonstration projects.

Section 4005(c)(1) of P.L. 110–252, as amended allows states but does not require states to offset EUC08 payments by non-fraud overpayments. Any offset under current law may not be more than 50% of total EUC08 benefit.

Section 4001(g) of the Supplemental Appropriations Act of 2008 (P.L. 110–252), as amended, prevents states from decreasing the average weekly benefit amount of regular UC payments. That is, a state is not permitted to pay an average weekly UC benefit that is less than what would have been paid under

state law prior to what was in effect on June 2, 2010. This ''nonreduction rule'' is a condition of the EUC08 Federal-State agreement of P.L. 110–252, as amended.

House bill

Section 2161 would require active work search for EUC08 entitlement where active work search must require at least the following: individuals to register with reemployment services within 30 days, individuals post a resume, record, or other application for employment on a database required by the state, and individuals apply for work in such a manner as required by the state.

Section 2162 would require EUC08 beneficiaries (1) to participate in reemployment services if referred and (2) to actively search for work, effective on or after 30 days of enactment for those individuals who enter a tier of EUC08. This section would require individuals to meet the minimum educational requirements (high school degree, GED, or enrolled in program) created earlier in Section 2122 of the proposal (amending Section 303(a)(10)(B) of the SSA). The participation requirement for reemployment services would be waived if individuals have already completed this requirement or if there is ''justifiable cause'' as specified by guidance to be issued by the U.S. DOL Secretary within 30 days. This section would authorize up to $5 of an individual's EUC08 benefit each week to be diverted (at state option) to fund these reemployment services and activities.

Section 2163 would allow for up to 20% of all EUC08 recipients in each state to be diverted into demonstration projects. The demonstration projects would need to be designed to expedite reemployment. Allowable demonstration activities would include: subsidies for employer provided training; work sharing or Short-Time Compensation; enhanced employment strategies and services; SEA programs; services that enhance skills that would assist in obtaining reemployment; direct reimbursements to employers who hire individuals that were receiving EUC08; and other innovative activities not otherwise described. Authority for demonstration projects would end when EUC08 ceases to be payable. Demonstration projects would be required to provide appropriate reemployment services and assurances of no net increase in cost to the EUC08 program. This section would require states to provide information on demonstration projects for reporting and evaluation purposes.

Section 2164 would require states to offset an individual's EUC08 benefit if they received an unemployment benefit overpayment. States would be required to offset by at least 50% of the EUC08 benefit in any week.

Section 2165 would repeal the ''nonreduction rule'' in terms of the regular UC benefit amount. This would give states the option to decrease average weekly benefit amounts without invalidating their EUC08 Federal-state agreements.

Senate bill

No provision.

Conference substitute

The conference agreement follows the House bill with regard to explicit job search requirements, with several modifications designed to closely align the work search requirements between the EUC and EB programs. In order to be eligible for benefits in any week, the state agency shall find that the individual is able to work, available to work, and making reasonable efforts to secure suitable work.

For purposes of this provision, the term ''making reasonable efforts to secure suitable work'' means, with respect to an individual, that such individual: (1) Is registered for employment services in such manner and to such extent as prescribed by the state agency; (2) Has engaged in an active search for employment that is appropriate in light of the individual's skills, capabilities and work history, and includes a number of employer contacts that is consistent with reasonable standards communicated to the individual by the state; (3) Has maintained a record of such work search, including employers contacted, method of contact and date contacted; and (4) When requested, has provided such work search record to the state agency. The Secretary of Labor shall prescribe to each state a minimum number of claims for which work search records must be audited on a random basis in any given week.

The conference agreement follows the House bill with regard to the requirement that EUC recipients participate in reemployment services if referred and as well as actively search for work. The conference agreement follows the Senate amendment with regards to there being no minimum education requirements for individuals receiving EUC benefits.

The conference agreement follows the House bill with regard to the requirement that States provide reemployment services and reemployment and eligibility assessment activities to long-term unemployed individuals who begin receiving EUC benefits and throughout their time collecting EUC benefits. The conference agreement follows the Senate amendment with regard to no State authority to reduce EUC benefits to support the cost of such reemployment services and activities. In its place, the conference agreement provides new one-time funding to States to support the cost of such reemployment services and activities.

The conference agreement follows the Senate amendment with respect to no additional State flexibility to assist the long-term unemployed with improved reemployment services using EUC funds.

The conference agreement follows the House bill with regard to requiring States to offset current Federal benefits to recover prior overpayments of State, other States', or Federal unemployment benefits. With regard to efforts to recover such overpayments owed to other States and the Federal government, the conference agreement requires each State to apply hardship exceptions and related terms that follow State practice used to recover overpayments of its own State benefit funds.

The conference agreement modifies the House bill with regard to effect of the current ''nonreduction rule,'' which generally blocks the payment of Federal EUC funds to States that have reduced State unemployment benefits. Several States, in order to address solvency have passed laws to reduce future State benefit amounts, and others may be considering doing the same. Thus, the continued application of the ''nonreduction rule'' (if not adjusted) would bar such States from receiving EUC funds otherwise provided under this legislation. For this reason, the conference agreement changes the effective date of the non-reduction rule to March 1, 2012 in order to allow for changes states have made (i.e. both those that have already enacted laws changing benefit amounts, as well as those with legislation pending that would do so),'' This permits States to adjust benefits as they have planned, while remaining eligible for Federal EUC funds throughout CY 2012.

SUBTITLE D—TANF EXTENSION

H2302/S312

Current law

The Temporary Payroll Tax Cut Continuation Act of 2011 (P.L. 112–78) provided program authorization and funding for most Temporary Assistance for Needy Families (TANF) grants through February 29, 2012. It provided authority and funding for state family assistance grants (the basic block grant), healthy marriage and responsible fatherhood grants, mandatory child care grants, tribal work program grants, matching grants for the territories, and research funds. Grants are funded at the same level as in FY2011, and paid on a pro-rated quarterly basis. No funding was provided for TANF supplemental grants. The TANF contingency fund was provided an FY2012 appropriation in legislation enacted in 2010, P.L. 111–242.

House bill

Section 2302 provides FY2012 appropriations for TANF state family assistance grants, healthy marriage and responsible fatherhood grants, mandatory child care grants, tribal TANF work programs, matching grants for the territories, and research funds. FY2012 grants are provided at the same level as were provided in FY2011.

Senate bill

Section 312 extends program authorization and funding for TANF through February 29, 2012. Grants are funded at the same level as in FY2011, and paid on a pro-rated quarterly basis. (Provision is the same as current law. It is identical to that subsequently enacted in P.L. 112–78.)

Conference substitute

The conference agreement follows the House bill with technical corrections to ensure the provisions operate as intended. Section 2302(c)(1) is revised by changing the year to 2013 instead of 2012 to correct a drafting error. Section 2302(c)(2)(A) is revised by changing the year to 2012 instead of 2011 to correct a drafting error. Section 2302(i) is revised by striking ''or section 403(b) of the Social Security Act'' to reflect the intent that TANF contingency funds are not affected by this bill and that they continue as previously authorized and appropriated for FY 2012, and also to update the provision to add a reference the Temporary Payroll Tax Cut Continuation Act of 2011 which extended TANF through February 29, 2012.

H2303,2304,2305/S—

Current law

States are required to report case- and individual-level demographic, monthly financial and monthly work participation information to the Department of Health and Human Services (HHS) on a quarterly basis.

There are no relevant provisions in current law regarding Section 2304 of the House bill.

House bill

Section 2303 requires HHS to issue a rule designating standard data elements for any category of information required to be reported under TANF. The rule would be developed by HHS in consultation with an interagency workgroup established by the Office of Management and Budget (OMB) and with consideration of state and tribal perspectives. To the extent practicable, the standard data elements required by the rule would be non-proprietary and incorporate the interoperable standards developed and maintained by other recognized bodies. To the extent practicable, the data reporting standards required by the rule would incorporate a widely-accepted, nonproprietary, searchable, computer-readable format; be consistent with and implement applicable accounting principles; be capable of being continually upgraded as necessary; and incorporate existing nonproprietary standards, such as the ''eXtensible Business Reporting Language.'' The data standardization requirement would take effect on October 1, 2012.

Section 2304 requires states to maintain policies and practices to prohibit TANF assistance from being used in any transaction in liquor stores, casinos and gaming establishments, and strip clubs. States have up to 2 years after enactment to implement such policies and practices. States that fail to report actions they have taken are at risk of being penalized by up to a 5% reduction in their block grant.

Section 2305 makes technical corrections to the TANF statute.

Senate bill

No provision.

Conference substitute

The conference agreement follows the House bill with the following technical modifications to Section 2303: Section 2303(a) is modified to clarify that the goal of the provision is to standardize the data exchange processes, not standardize data elements. Section 2303(b) is modified to require that the Department of Health and Human Services issue proposed rules for this section within 12 months of the enactment of this section, and that the agency finalize these regulations within 24 months of the enactment of this section.

The conference agreement follows the House bill with the following technical modifications to Section 2304: Section 2304(a)(12)(A) is modified to clarify that States are required to block access to TANF funds provided on electronic benefit transfer cards at ATMs and point-of-sale devices in specified locations. Section 2304(a)(12)(B) is modified by adding a definition of electronic benefit transfer transactions. Section 2304(b)(16)(A) is modified to clarify that each State must provide a report to the Secretary of Health and Human Services regarding their implementation of this provision.

TITLE III—FLOOD INSURANCE REFORM

REFORM OF PREMIUM RATE STRUCTURE

H3005(a),3005(b),3005(c),3005(d),3005(e)/S—

Current law

The Federal Emergency Management Agency (FEMA) is authorized to increase chargeable risk premium rates for flood insurance for any properties within any single risk classification 10% annually. 42 U.S.C. 4015 (e)

Full actuarial rates begin on the effective date of a revised Flood Hazard Boundary Map or Flood Insurance Rate Map for a community. § 61.11

FEMA is authorized to establish risk premium rates for flood insurance coverage. The agency is also authorized to offer ''chargeable'' (subsidized) premium rates for pre-FIRM buildings. Post-FIRM structures (i.e., buildings constructed on or after December 31, 1974) and the effective date of the FIRM, whichever is later, must pay the full actuarial risk premium rates. § 61.8

Pre-FIRM structures continue to receive subsidized premium rates after the lapsed policy provided the policyholder pays the appropriate premium to reinstate the policy.

FEMA is authorized to determine whether a community has made adequate progress on the construction of a flood protection system involving federal funds. Adequate progress means the community has provided FEMA with necessary information to determine that 100% of the cost has been authorized, 60% has been appropriated or 50% has been expended. § 61.12

House bill

Section 3005(a) would increase the annual cap on premium increases from 10% to 20%.

Section 3005(b) would clarify that newly mapped properties are phased-in to full actuarial, flood insurance rates at a consistent rate of 20% per year over 5 years and requires that newly mapped property owners pay 100% of actuarial rates at the end of the 5 year phase-in period. For areas eligible for the lower-cost Preferred Risk Policy (PRP) rates, the phase-in begins after the expiration of their PRP rates. For all properties, the phase-in of rates only applies to residential properties occupied by their owner or a bona fide tenant as a primary residence.

Section 3005(c) would require that, beginning one year after enactment, the premium rate subsidies (pre-FIRM discounts) for certain properties in the following categories be phased-out, with annual rate increases limited by a 20 percent annual cap. This would apply to commercial properties, second and vacation homes (i.e., residential properties not occupied by an individual as a primary residence), homes sold to new owners, homes damaged or improved (substantial flood damage exceeding 50 percent or substantial improvement exceeding 30 percent of the fair market value of the property), and properties with multiple flood claims (i.e., statutorily defined severe repetitive loss properties.)

Section 3005(d) would remove the eligibility of property owners who allow their policies to lapse by choice to receive discounted rates on those properties.

Section 3005(e) would update the standards by which FEMA evaluates a community's eligibility for special flood insurance rates by considering state and local funding, in addition to federal funding, of flood control projects.

Senate bill

No provision.

Conference substitute

No provision.

MANDATORY PURCHASE REQUIREMENTS

H3003(b)(3),3003(c),3004(a),3007(e),3014,3017,3018/S—

Current law

There are no relevant provisions in current law regarding Section 3003(b)(3) of the House bill.

FEMA is authorized to enter into arrangements with individual private sector property insurance companies or other insurers, such as public entity risk sharing organizations. Under this Write-Your-Own company arrangement, such companies may offer flood insurance coverage under the program to eligible applicants. § 62.23

The NFIP requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of federal or federally-related financial assistance for acquisition or construction purposes with respect to insurable buildings and mobile homes within an identified special flood, mudslide, or flood-related erosion hazard area that is located within any community participating in the NFIP. § 59.2 The mandatory purchase of insurance is required in areas identified as being within designated Zones A, A1–30, AE, A99, AO, AH, AR, AR/A1–30, AR/AE, AR/AO, AR/AH, AR/A, V1–30, VE, V, VO, M, and E. § 64.3

When FEMA has provided a notice of final flood elevations for one or more special flood hazard areas (SFHA) on the community's FIRM, the community shall require that all new construction and substantial improvements of residential structures within Zones A1–30, AE and AH zones on the community's FIRM have the lowest flood (including basement) elevation to or above the base flood level, unless the community is granted an exception by FEMA for the allowance of basements. § 60.3(a) Structures in SFHAs that receive any form of federal or federally-related financial assistance are required to purchase flood insurance. § 59.2(a)

FEMA is required to provide notice of final base flood elevations within Zones A1–30 and/or AE on the community's FIRM that is available for public viewing by homeowners in SFHAs. §60.3(e) Structures located in these zones are classified as SFHA and are, therefore, required to purchase flood insurance. § 59.2(a)

The NFIP was established to provide flood insurance protection to property owners in flood-prone areas. However, flood insurance is only available in communities that participate in the NFIP. §59.2 To qualify for flood insurance availability a community must apply for the entire area within its jurisdiction and shall submit copies of legislative and executive actions indicating a local need for flood insurance and an explicit desire to participate in the NFIP. §59.22

There are no relevant provisions in current law regarding Section 3018 of the House bill.

House bill

Section 3003(b)(3) would require lenders or servicing companies to terminate policies purchased on behalf of the homeowner to satisfy the mandatory purchase requirement within 30 days of being notified that the homeowner has purchased another policy. Lenders would be required to refund any premium payments and fees made by the homeowner for the time when both policies were in effect. Moreover, the declaration page in the insurance policy would be considered sufficient to demonstrate having met the mandatory insurance purchase requirements.

Section 3003(c) would require lenders to accept flood insurance from a private company if the policy fulfills all federal requirements for flood insurance.

Section 3004(a) would authorize the Administrator of FEMA to delay mandatory purchase requirement for owners of properties in newly designated special flood hazard areas. The delay would not be longer in duration than 12 months with the possibility of two 12 month extensions at the discretion of FEMA. Eligible areas defined as an area that meets the following three requirements: (1) area with no history of special flood hazards; (2) area with a flood protection system under improvement; or (3) area has filed an appeal of the designation of the area as having special flood hazards. Upon a request submitted from a local government authority, FEMA could suspend the mandatory purchase for a possible fourth and fifth year for certain communities that are making more than adequate progress in their construction of their flood protection systems.

Section 3007(e) would clarify that mandatory purchase requirement would not apply to a property located in an area designated as having a special flood hazard if the owner of such property submits to FEMA an elevation certificate showing that the lowest level of the primary residence is at an elevation that is at least three feet higher than the elevation of the 100-year flood plain. FEMA would be required to accept as conclusive each elevation certificate unless the Administrator conducts a subsequent elevation survey and determines that the lowest level of the primary residence in question is not at an elevation that is at least three feet higher than the elevation of the 100-year flood plain. This section would require FEMA to expedite any requests made by an owner of a property showing that the property is not located within the area having special flood hazards. FEMA would be prohibited from charging a fee for reviewing the flood hazard data with respect to the expedited request and requiring the owner to provide any additional elevation data.

Section 3014 would require the Administrator of FEMA, in consultation with affected communities, to notify annually residents in areas having special flood hazards

that they reside in such an area, the geographic boundaries of such areas, the requirements to purchase flood insurance coverage and the estimated cost of flood insurance coverage.

Section 3017 would amend the Real Estate Settlement Procedures Act of 1974 (RESPA) to require mortgage lenders to include specific information about the availability of flood insurance in each good-faith estimate.

Section 3018 would amend RESPA to explicitly state that the escrowing of flood insurance payments is required for many types of loans.

Senate bill

No provision.

Conference substitute

No provision.

REFORM OF COVERAGE TERMS

H3004(a),3004(b),3004(d),3004(e),3015,3016,3021/S—

Current law

There are no relevant provisions in current law regarding Section 3004(a) of the House bill.

The maximum amount of coverage for a single family residential structure is $250,000 and $100,000 for personal contents. The limit for nonresidential building structures is $500,000 and $500,000 for contents. § 61.6

Insurance coverage under the NFIP is available only for property structures and personal contents. § 61.3

Payment of full policyholder premium must be made at the time of application or renewal. § 61.5

There are no relevant provisions in current law regarding Section 3015 of the House bill.

FEMA is authorized to enter into arrangements with individual private insurers to offer flood coverage to policyholders. § 62.23

The Standard Flood Insurance Policy issued under the NFIP excludes coverage for hot tubs and spas that are not bathroom fixtures, and swimming pools, and their equipment, such as, but not limited to, heaters, filters, pumps, and pipes, wherever located. Appendix A(1) to Part 62.

House bill

Section 3004(a) would set the minimum deductible levels at $1,000 for properties with full-risk rates and $2,000 for properties with discounted rates. The section would also establish that maximum coverage limits be indexed for inflation, starting in 2012.

Section 3004(b) would authorize insurance coverage under policies issued by the NFIP to be adjusted for inflation since September 30, 1994. This section would clarify that insured or applicants for residential insurance coverage under the NFIP would receive up to an ''aggregate liability'' of $250,000 per claim rather than a ''total amount'' of $250,000. Nonresidential property owners would be insured for a total of $500,000 aggregate liability for structure and $500,000 aggregate liability for content. These amounts would be adjusted or indexed for inflation using the percentage change over the period beginning on September 30, 1994 through the date of enactment of the law.

Section 3004(d) would authorize the Administrator of FEMA to offer optional coverage for additional living expenses, up to a maximum of $5,000, as well as to offer optional coverage for the interruption of business operations up to a maximum of $20,000, provided that FEMA: (1) charges full-risk rates for such coverage; (2) makes a finding that a competitive private market for such coverage does not exist; and (3) certifies that the NFIP has the capacity to offer such coverage without the need to borrow additional funds from the U.S. Treasury.

Section 3004(e) would authorize the Administrator of FEMA to offer policyholders the option of paying their premiums for one-year policies in installments, and authorizes FEMA to impose higher rates or surcharges, or to deny future access to NFIP coverage, if property owners attempt to limit their coverage to coincide only with the annual storm season by neglecting to pay their premiums on schedule.

Section 3015 would require the Administrator of FEMA to notify tenants of a property located in areas having special flood hazard, that flood insurance coverage is available under the NFIP for contents of the unit or structure leased by the tenant, the maximum amount of such coverage for contents, and how to obtain information regarding how to obtain such coverage.

Section 3016 would require the Administrator of FEMA to notify the holders of direct policies managed by FEMA that they could purchase flood insurance directly from an insurance company licensed by FEMA to administer NFIP policies. The coverage provided or the premiums charged to holders of flood insurance policies that are administered by an insurance company are no different from those directly managed by FEMA.

Section 3021 would require under the NFIP that the presence of an enclosed swimming pool located at ground level or in the space below the lowest flood of a building after November 30, and before June 1 of any year, would have no effect on the terms of coverage or the ability to receive coverage for such building if the pool is enclosed with non-supporting breakaway walls.

Senate bill

No provision.

Conference substitute

No provision.

FINANCIAL AND BORROWING AUTHORITY

H3011,3025,3033/S—

Current law

FEMA is authorized to carry out a program to provide financial assistance to states and communities, using amounts made available from the National Flood Mitigation Fund for planning and carrying out activities designed to reduce the risk of flood damage to structures. Such assistance shall be made available to states and communities in the form of grants to carry out mitigation activities. 44 U.S.C. 4104c(a)

FEMA is authorized to issue notes or other obligations to the Secretary of the Treasury, without the approval of the President, to finance the flood insurance program. All funds borrowed under this authority shall be deposited in the National Flood Insurance Fund. 42 U.S.C. § 4016(a)

FEMA is authorized to borrow from the U.S. Treasury. Borrowed funds must be repaid with interest. 42 U.S.C. § 4017 (a)(3)

House bill

Section 3011 would streamline and reauthorize the Flood Mitigation Assistance Program, the Repetitive Flood Claims Program and the Severe Repetitive Loss Program in order to improve their effectiveness and efficiency. Financial assistance would be made available to states and communities in the form of grants for carrying out mitigation activities, especially with respect to severe repetitive loss structures, repetitive loss structures, and to property owners in the form of direct grants. This section would expand eligibility for mitigation assistance grants from mitigating flood risk to mitigating multiple hazards. Amounts provided could be used only for mitigation activities that are consistent with mitigation plans approved by FEMA. FEMA Administrator could approve only mitigation activities that are determined to be technically feasible, cost-effective, and result in savings to the NFIF. This section would expand eligibility to include mitigation activities for the elevation, relocation, and flood-proofing of utilities (including equipment that serve structures). The FEMA Administrator is required to consider demolition and rebuilding of properties as eligible activities under the mitigation grant programs. This section establishes a matching requirement for severe repetitive loss structures of up to 100% of all eligible costs and up to 90% for repetitive loss structures. Other mitigation activities would be in an amount up to 75% of all eligible costs. Failure to award a grant within 5 years of receiving a grant application would be considered to be a denial of the application and any funding amounts allocated for such grant applications would remain in the National Flood Mitigation fund. This section authorizes $40 million in grants to States and communities for mitigation activities, $40 million in grants to States and communities for mitigation activities for severe repetitive loss structures, and $10 million in grants to property owners for mitigation activities for repetitive loss structures. This section would eliminate the Grants Program for Repetitive Insurance Claims Properties. (Sec. 3011(b))

Section 3025 would establish a reserve fund requirement to meet the expected future obligations of the National Flood Insurance Program. This section contains phase-in requirements similar to H.R. 3121. For example, this section requires the Fund to maintain a balance equal to 1% of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year, or a higher percentage as the Administrator determines to be appropriate. FEMA has the discretion to set the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary to maintain the reserve ratio, subject to any provisions relating to chargeable premium rates and annual increases of such rates.

Section 3033 would require FEMA to submit a report to Congress not later than 6 months after enactment of this Act setting forth a plan for repayment within 10 years on the amounts borrowed from the U.S. Treasury under the NFIP.

Senate bill

No provision.

Conference substitute

No provision.

POLICY CLAIMS AND WRITE-YOUR-OWN INSURERS

H3004,3022,3023,3028,3032/S—

Current law

The ''Exclusions'' section ''V'' of the Standard Flood Insurance Policy stipulates that ''We do not insure a loss directly or indirectly caused by a flood that is already in progress at the time and date: (1) the policy term begins; or (2) coverage is added at your request. Appendix A(1) to Part 61. Coverage for a new contract for flood insurance coverage shall become effective upon the expiration of the 30–day period beginning on the date that all obligations for such coverage are satisfactorily completed. § 61.11; 42 U.S.C. 4013(c)

There are no relevant provisions in current law regarding Section 3022 of the House bill.

There are no relevant provisions in current law regarding Section 3023 of the House bill.

There are no relevant provisions in current law regarding Section 3028 of the House bill.

House bill

Sections 3004 and 3032 would clarify the effective date of insurance policies covering properties affected by floods in progress. Property experiencing a flood during the 30-

day waiting period following the purchase of insurance would be covered for damage to the property that occurs after the 30-day period has expired, but only if the property has not suffered damage or loss as a result of such flood before the expiration of such 30-day period. These sections would require FEMA to review the processes and procedures for determining that a flood event has commenced or is in progress for purposes of flood insurance coverage and report to Congress within 6 months.

Section 3022 would require FEMA to grant policy holders the right to request engineering reports and other documents relied on by the Administrator and/or participating WYO companies in determining whether the damage was caused by flood or any other peril (e.g., wind). FEMA would also be required to provide the information to the insured within 30 days of the request for information.

Section 3023 would authorize FEMA to refuse to accept future transfers of policies to the NFIP Direct program.

Section 3028 would require FEMA to submit a report to Congress describing procedures and policies for limiting the number of flood insurance policies that are directly managed by the Agency to not more than 10% of the total number of flood insurance policies in force. After submitting the report to Congress, the Administrator would have 12 months to reduce the number of policies directly managed by the Agency, or by the Agency's direct servicing contractor that is not an insurer, to not more than 10% of the total number of flood insurance policies in force.

Senate bill

No provision.

Conference substitute

No provision.

FLOOD RISK ASSESSMENT AND MAPPING

H3006,3007,3008,3013,3014,3018,3020,3024,3026, 3030/S—

Current law

There are no relevant provisions in current law regarding Section 3006 of the House bill.

FEMA is authorized to identify and publish information with respect to all areas within the United States having special flood, mudslide, and flood-related erosion hazards. § 65.1

FEMA will only recognize in its flood hazard and risk mapping effort those levee systems that meet, and continue to meet, minimum design, operation, and maintenance standards that are consistent with the level of protection sought through the comprehensive floodplain management regulations. §65.10

There are no relevant provisions in current law regarding Section 3013 of the House bill.

FEMA publishes in the Federal Registry a notice of the proposed flood elevation determination sent to the Chief Executive Officer of the community. The agency also publishes a copy of the community's appeal or a copy of its decision not to appeal the proposed flood elevation determination. §67.3

A Standard Flood Insurance policyholder whose property has become the subject of a Letter of Map Amendment may cancel the policy within the current policy year and receive a premium refund. §70.8 The policy could be canceled provided (1) the policyholder was required to purchase flood insurance; and (2) the property was located in a SFHA as represented on an effective FIRM when the financial assistance was provided. If no claim under the policy has been paid or is pending, the full premium shall be refunded for the current policy year, and for an additional policy year where the insured had been required to renew the policy. §62.5

FEMA publishes a notice of the community's proposed flood elevation determination in a prominent local newspaper at least twice during the ten day period immediately following the notification of the CEO. §67.4

FEMA publishes a notice of the community's proposed flood elevation determination in a prominent local newspaper at least twice during the ten day period immediately following the notification of the CEO. §67.4 Any owner or lessee of real property, within a community where a proposed flood elevation determination has been made who believes his property rights to be adversely affected by the proposed base flood determination may file a written appeal of such determination with the CEO within 90 days of the second newspaper publication of the FEMA proposed determination. §67.5

There are no relevant provisions in current law regarding Section 3026 of the House bill.

The NFIP participating community must provide written assurance that they have complied with the appropriate minimum floodplain management regulation. §60.3

House bill

Section 3006 would establish the Technical Mapping Advisory Council (Council) to develop and recommend new mapping standards for FIRMs. The Council would include representatives from FEMA, the U.S. Geological Survey (USGS), the U.S. Army Corps of Engineers (USACE), other federal agencies, state and local governments, as well as experts from private stakeholder groups. This section would require that there is adequate number of representatives from the states with coastlines or the Gulf of Mexico and other states containing areas at high-risk for floods or special flood hazard areas. The Council would submit the new mapping standards for 100-year flood insurance rate maps to FEMA and the Congress within 12 months of enactment and would continue to review those standards for four additional years, at which time the Council would be terminated. This section would place a moratorium on the issuance of any updated flood insurance rate maps from the date of enactment until the Council submits to FEMA and Congress the proposed new mapping standards. This section would allow for the revision, update and change of rate maps only pursuant to a letter of map change.

Section 3007 would direct FEMA to establish new standards for FIRMs beginning six months after the Technical Mapping Advisory Council issues its initial set of recommendations. The new standards would delineate all areas located within the 100-year flood plain and areas subject to gradual and other risk levels, as well as ensure the standards reflect the level of protection levees confer. The standard must also differentiate between a property that is located in a flood zone and a structure located on such property that is not at the same risk level for flooding as such property due to the elevation of the structure and provide that such rate maps are developed on a watershed basis. This section would require FEMA to submit a report to Congress specifying which Council recommendations were not implemented and explaining the reasons such recommendations were not adopted. FEMA would have 10 years to update all FIRMs in accordance with the new standards subject to the availability of appropriated funds. This section would eliminate requirements to more broadly map areas considered to be residual risk.

Section 3008 would prohibit the Administrator of FEMA from issuing flood insurance maps, or make effective updated flood insurance maps, that omit or disregard the actual protection afforded by an existing levee, floodwall, pump or other flood protection feature, regardless of the accreditation status of such feature.

Section 3013 would require the Administrator of FEMA, upon any revision or update of any floodplain area or flood-risk zone and the issuance of a preliminary flood map, to notify in writing the Senators of each state affected and each Member of Congress for each congressional district affected by the flood map revision or update.

Section 3014 would require the Administrator of FEMA to establish projected flood elevations and to notify the chief executive officer of each community affected by the proposed elevation a notice of the elevations, including a copy of the maps for the elevations and a statement explaining the process to appeal for changes in such elevations.

Section 3018 would require the Administrator of FEMA to reimburse owners of any property, or a community in which such property is located, for the reasonable costs involved in obtaining a Letter of Map Amendment (LOMA) and Letter of Map Revision (LOMR) if the change was due to a bona fide error on the part of FEMA. The Administrator would be authorized to determine a reasonable amount of costs to be reimbursed except that such costs would not include legal or attorney fees. The reasonable cost would consider the actual costs to the owner of utilizing the services of an engineer, surveyor or similar services. This section would require FEMA to issue regulation pertaining to the reimbursements.

Section 3020 would require FEMA to provide to a property owner newly included in a revised or updated proposed flood map a copy of the proposed FIRM and information regarding the appeals process at the time the proposed map is issued.

Section 3024 would require FEMA to notify a prominent local television and radio station of projected and proposed changes to flood maps for communities. This section would authorize FEMA to grant an additional 90 days for property owners or a community to appeal proposed flood maps, beyond the original 90 day appeal period, so long as community leaders certify they believe there are property owners unaware of the proposed flood maps and appeal period, and community leaders would use the additional 90 day appeal period to educate property owners on the proposed flood maps and appeal process.

Section 3026 would authorize the use of Community Development Block Grants to supplement state and local funding for local building code enforcement departments and flood program outreach.

Under Section 3030, the Administrator of FEMA would be required to conduct a study regarding the impact, effectiveness, and feasibility of including widely used and nationally recognized building codes as part of FEMA's floodplain management criteria and submit a report to the House Committee on Financial Services and Senate Banking, Housing, and Urban Affairs Committee. The study would assess the regulatory, financial, and economic impacts of such building code requirement on homeowners, states and local communities, local land use policies, and FEMA.

Senate bill

No provision.

Conference substitute

No provision.

STUDIES AND REPORTS FOR CONGRESS

H3009(a),3009(b),3009(c),3009(d),3010,3025,3029, 3031/S—

Current law

There are no relevant provisions in current law regarding Section 3009(a) of the House bill.

FEMA is authorized to encourage insurance companies and other insurers to form,

associate, or otherwise join together in a pool to provide the flood insurance coverage authorized under the NFIP. 44 U.S.C. §4051 (a) FEMA is authorized to take such action as may be necessary in order to make available reinsurance for losses which are in excess of losses assumed by private industry flood insurance pools. 42 U.S.C. §4055(a)

There are no relevant provisions in current law regarding Section 3009(d) of the House bill.

There are no relevant provisions in current law regarding Section 3010 of the House bill.

There are no relevant provisions in current law regarding Section 3025 of the House bill.

There are no relevant provisions in current law regarding Section 3029 of the House bill.

There are no relevant provisions in current law regarding Section 3031 of the House bill.

House bill

Section 3009(a) would require the Administrator of FEMA and the Comptroller General of the United States to conduct separate studies to assess a broad range of options, methods, and strategies for privatizing the NFIP. FEMA and GAO would submit reports (within 18 months of the date of the enactment of this Act) to the House Committee on Financial Services and the Senate Banking, Housing, and Urban Affairs Committee that make recommendations for the best manner to accomplish privatization of the NFIP.

Section 3009(b) would authorize the Administrator of FEMA to carry out private risk-management initiatives to determine the capacity of private insurers, reinsurers, and financial markets to assist communities, on a voluntary basis only, in managing the full range of financial risk associated with flooding. The Administrator would assess the capacity of the private reinsurance, capital, and financial markets by seeking proposals to assume a portion of the program's insurance risk and submit to Congress a report describing the response to such request for proposals and the results of such assessment. The Administrator would be required to develop a protocol to provide for the release of data sufficient to conduct the assessment of the insurance capacity of the private sector.

Under Section 3009(c), the Administrator of FEMA would be authorized to secure reinsurance coverage from private market insurance, reinsurance, and capital market sources in an amount sufficient to maintain the ability of the program to pay claims and that minimizes the likelihood of having to borrow from the U.S. Treasury.

Under Section 3009(d), the Administrator would be required to conduct an assessment of the claims-paying ability of the NFIP, including the program's utilization of private sector reinsurance and reinsurance equivalents, with and without reliance on borrowing authority.

Section 3010 would require the Administrator of FEMA to submit an annual report to the Congress on the financial status of the NFIP, including current and projected levels of claims, premium receipts, expenses, and borrowing under the program.

Under Section 3025, the Administrator of FEMA would be required to conduct a study regarding the impact, effectiveness, and feasibility of including widely used and nationally recognized building codes as part of FEMA's floodplain management criteria and submit a report to the House Committee on Financial Services and Senate Banking, Housing, and Urban Affairs Committee. The study would assess the regulatory, financial, and economic impacts of such building code requirements on homeowners, states and local communities, local land use policies, and FEMA.

Section 3029 would require the Administrator of FEMA and the Comptroller General of the United States to conduct separate studies to assess options, methods, and strategies for offering voluntary community-based flood insurance under the NFIP. The studies would consider and analyze how the policy options would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classification, and flood management approaches. The report and recommendations would be submitted within 18 months after the enactment of this Act to the House Committee on Financial Services and the Senate Banking, Housing, and Urban Affairs Committee.

Section 3031 would require the National Academy of Sciences (NAS) to conduct a study of methods for understanding graduated risk behind levees and the associated land development, insurance, and risk communication dimensions. The NAS would submit a report with recommendations within 12 months of the date of enactment of this Act to the House Committee on Financial Services and Senate Banking, Housing, and Urban Affairs Committee.

Senate bill

No provision.

Conference substitute

No provision.

MISCELLANEOUS PROVISIONS

H3035/S—

Current law

There are no relevant provisions in current law regarding Section 3035 of the House bill.

House bill

Section 3035 would allow state and local governments to use the Army Corps of Engineers to evaluate locally operated levee systems which were either built or designed by the Corps, and which are being reaccredited as part of a NFIP remapping. All costs associated with evaluations would continue to be covered by the state or local government requesting the evaluation.

Senate bill

No provision.

Conference substitute

No provision.

TITLE IV—JUMPSTARTING OPPORTUNITY WITH BROADBAND SPECTRUM ACT OF 2011

SUBTITLE A—SPECTRUM AUCTION AUTHORITY

H4005,4101,4102,4103,4104,4105,4106,4107/S—

Current law

There are no relevant provisions in current law regarding Section 4005 of the House bill.

Current law provides for auction of electromagnetic spectrum assigned for federal use but does not establish deadlines for specified frequencies. Current law provides for a Spectrum Relocation Fund. It requires that spectrum license proceeds be paid to the General Fund except in the case of auctions of federal spectrum being reallocated for commercial use in which case unexpended proceeds are held for 8 years before being deposited in the Treasury.

Current law requires that 24 MHz of spectrum licenses in 700 MHz band be assigned for use by public safety agencies. FCC regulations have designated 12 MHz for use by narrowband radios carrying primarily voice communications and 2 MHz as guard bands to mitigate radio interference. Licenses are administered by state and local authorities. Current law requires that auction proceeds be deposited in the General Fund.

The FCC has broad regulatory powers that might permit it to reallocate TV broadcasting spectrum. Current law requires that auction proceeds be deposited in the General Fund.

There are no relevant provisions in current law regarding Section 4104 of the House bill.

The law requires the FCC to set rules regarding participation in spectrum licenses auctions and for spectrum use (service rules).

Authority of FCC to use competitive bidding systems to assign licenses for the use of designated portions of electro-magnetic spectrum expires September 30, 2012.

There are no relevant provisions in current law regarding Section 4107 of the House bill.

House bill

Under Section 4005, payments of funds to and access to spectrum license auctions would be prohibited for any person who is barred by a federal agency for reasons of national security.

Section 4101 would set requirements for commercial auctions of electro-magnetic spectrum currently assigned for federal use as described by the bill. With exceptions, process of preparing auctions would begin within three years of enactment. Spectrum license auction proceeds would be distributed to the Spectrum Relocation Fund, which would receive an amount equal to 110% of projected federal agency relocation costs, with the balance deposited with the Public Safety Trust Fund.

Section 4102 would require that these spectrum licenses be released for commercial auction within five years of a decision by a federally appointed Administrator. The decision would be triggered by a declaration by the Administrator that technology was available that would allow the migration of voice communications from the 700 MHz narrowband networks to the 700 MHz broadband network, thereby freeing up the narrowband spectrum for auction to the commercial sector. Would allocate $1 billion of auction proceeds to a new grant program for states to acquire radio equipment.

Section 4103 would provide the FCC with the authority to establish incentive auctions for television broadcasters, within specified limits. It would create a TV Broadcaster Relocation Fund as a means for broadcasters to receive up to $3 billion of auction revenue to cover relocation costs and for other purposes. Proceeds above that amount would go to the Public Safety Trust Fund through FY2021, after which funds are to be deposited in the General Fund.

Section 4104 would establish procedures for the FCC to follow in reallocating television broadcasting spectrum licenses for commercial auction.

Section 4105 would set limitations on FCC auction and service rules for future auctions. Would prohibit auction rules that placed new conditions on prospective bidders (spectrum caps). Would prohibit service rules that restrict licensee's ability to manage network traffic (net neutrality) or that would require providing network access on a wholesale basis.

Section 4106 would extend the FCC's auction authority through FY 2021.

Section 4107 would lay the groundwork to expand commercial use of unlicensed spectrum within the federally managed 5GHz band of wireless spectrum by requiring the FCC to commence a proceeding as described in the bill.

Senate bill

No provision.

SUBTITLE B—ADVANCED PUBLIC SAFETY COMMUNICATIONS

PART 1—NATIONAL IMPLEMENTATION

H4201,4202,4203,4204,4205/S—

Current law

The FCC is empowered to manage public safety use and assign access to spectrum. FCC has assigned a single, nationwide license for 10 MHz of public safety broadband

spectrum, which it regulates. The law requires that the D Block be auctioned for commercial purposes, with proceeds deposited in the General Fund.

The Office of Emergency Communications (OEC) within the Department of Homeland Security, as required by law, has prepared a National Emergency Communications Plan. The law also requires the OEC to work with other federal agencies in developing appropriate standards for interoperability, among other requirements. The FCC has used its regulatory authority to create requirements for the use of public safety spectrum at 700 MHz, including interoperability and standard-setting.

Law has required that each state, in order to receive federal funding for certain grants for public safety, must establish a State Communications Interoperability Plan (SCIP) and designate plan administrators at the state or local level. OEC is charged with assisting and overseeing these plans. Each state has submitted a SCIP to the OEC. Law also required the creation of Regional Emergency Communications Centers to facilitate regional planning for interoperability at the regional level.

There are no relevant provisions in current law regarding Section 4204 of the House bill.

House bill

Section 4201 would assign a total of 20 MHz of 700 MHz spectrum designated for public safety use to an Administrator, competitively chosen by the NTIA. The Administrator would manage the distribution of spectrum capacity to individual states and enforce requirements established in the bill. Specifically, provisions would reallocate 10 MHz (the D Block) from commercial use to public safety use.

Section 4202 would establish requirements for the FCC to create a Public Safety Communications Planning Board. The Board would prepare, and submit to the FCC for approval, a National Public Safety Communications Plan. The Plan would include requirements for interoperability and standards, among other provisions.

Section 4203 would require the NTIA to request proposals for the administration of the Plan. Would establish the duties of the Administrator in working with State Public Safety Broadband Offices to build interoperable networks within each state.

Section 4204 would provide borrowing authority of up to $40 million for the creation and initial operation of the Administrator's office, to be repaid from auction revenue received by the Public Safety Trust Fund.

Section 4205 would require the OEC to submit to Congress a study that would: review the importance of amateur radio in responding to disasters; make recommendations for how to enhance the use of amateur radio federally; and to identify impediments to amateur radio such as private land use restrictions on antennas.

Senate bill

No provision.

PART 2—STATE IMPLEMENTATION

H4221,4222,4223,4224,4225/S—

Current law

FCC has promulgated regulations and requirements for public safety broadband access.

There are no relevant provisions in current law regarding Section 4222 of the House bill.

There are no relevant provisions in current law regarding Section 4223 of the House bill.

There are no relevant provisions in current law regarding Section 4224 of the House bill.

State and local governments have right to apply zoning law procedures for requests to modify existing cell towers.

House bill

Section 4221 would require each state seeking to establish a public safety broadband network, using 700 MHz public safety broadband spectrum, to create a Public Safety Broadband Office. Each office would prepare proposals for building networks based on the requirements established through the National Public Safety Communications Plan, including for requests for proposal. The Administrator would work with each state office in preparing and carrying out the plans. In general, states would be required to sign a contract with a commercial mobile provider to build the network to specifications as provided in the bill and in accordance with requirements established by the Public Safety Communications Planning Board and by the Administrator.

Section 4222 would establish a matching grant program to assist state Public Safety Broadband Offices.

Section 4223 would create a State Implementation Fund for the State Implementation Grant Program. The fund would receive up to $100 million in auction revenue as specified in the bill. Funds remaining at the end of 2021 would be deposited in the General Fund.

Section 4224 would provide grants to states for payments under contracts entered into with the approval of the Administrator.

Section 4225 would require approval of requests for modification of cell towers. This section would provide for federal agencies to grant easements for the placement of antennas on federal property. This section would require the General Services Administration (GSA) to provide a common request form for easements and rights-of-way and to establish fees for this service, based on direct cost recovery. This section would require the GSA to develop one or more contracts for antenna placement and other specifications.

Senate bill

No provision.

PART 3—PUBLIC SAFETY TRUST FUND

H4241/S—

Current law

There are no relevant provisions in current law regarding Section 4241 of the House bill.

House bill

Section 4241 would create a fund to receive, hold and disburse all auction proceeds as provided in the bill except for $3 billion to be directed to the TV Broadcaster Relocation Fund. Designated uses are: State and Local Implementation, $100 million; Public Safety Administrator, $40 million; Public Safety Broadband Network Deployment, $4.96 billion plus 10% of any remaining amounts deposited in the fund up to $1.5 billion; Deficit Reduction, $20.4 billion from fund and balances upon expiration in FY 2021, plus at least 90% of any additional auction revenue.

Senate bill

No provision.

PART 4—NEXT GENERATION 9–1–1 ADVANCEMENT ACT

H4265,4266,4267,4268,4269,4270,4271/S—

Current law

Similar provisions were in effect through statutes that expired at the end of FY2009. Provisions included requirements for a grant program and for planning for the eventual transition to Next Generation 9–1–1.

There are no relevant provisions in current law regarding Section 4266 of the House bill.

Law Requires FCC to study 9–1–1 fee collection and use and issue a report annually.

Law extends similar protection for existing 9–1–1 services.

There are no relevant provisions in current law regarding Section 4269 of the House bill.

There are no relevant provisions in current law regarding Section 4270 of the House bill.

House bill

Section 4265 would establish a federal 9–1–1 Coordination Office to advance planning for next-generation 9–1–1 systems and to fund a grant program with an authorization of $250 million. This section would direct the Assistant Secretary (NTIA) and the Administrator of the National Highway Traffic Safety Administration (NHTSA) to establish a 9–1–1 Implementation Coordination Office to reestablish and extend matching grants, through October 1, 2021, to eligible state or local governments or tribal organizations for the implementation, operation, and migration of various 9–1–1, E9–1–1 (wireless telephone location), Next Generation 9–1–1 (voice, text, video), and IP-enabled emergency services and public safety personnel training. This section would provide immunity and liability protection, to the extent consistent with specified provisions of the Wireless Communications and Public Safety Act of 1999, to various users and providers of Next Generation 9–1–1 and related services, including for the release of subscriber information.

Section 4266 would require GAO to prepare a report on 9–1–1 capabilities of multi-line telephone systems in federal facilities, and would require the FCC to seek comment on the feasibility of improving 9–1–1 identification for calls placed through multi-line telephone systems.

Section 4267 requires GAO to study how states assess fees on 9–1–1 services and how those fees are used.

Section 4268 would provide immunity and liability protection, to the extent consistent with specified provisions of the Wireless Communications and Public Safety Act of 1999, to various users and providers of Next Generation 9–1–1 and related services, including for the release of subscriber information.

Section 4269 would direct the FCC to: (1) initiate a proceeding to create a specialized Do-Not-Call registry for public safety answering points, and (2) establish penalties and fines for autodialing (robocalls) and related violations.

Section 4270 requires an analysis of costs and assessments and analyses of technical uses.

Section 4271 would require the FCC to assess the legal and regulatory environment for development of NG9–1–1 and barriers to that development, including state regulatory roadblocks.

Senate bill

No provision.

SUBTITLE C—FEDERAL SPECTRUM RELOCATIONS

H4301,4302,4303/S—

Current law

Law provides conditions of use and relinquishment of spectrum, and related actions, by federal agencies. Federal agencies that are relocating to new spectrum allocations in order to accommodate commercial users for other uses may be reimbursed for certain costs of relocation from the Spectrum Relocation Fund, established for that purpose.

Spectrum Relocation Fund created by the Commercial Spectrum Enhancement Act of 2004 (P.L. 108–494, Title II).

There are no relevant provisions in current law regarding Section 4303 of the House bill.

House bill

Section 4301 would include shared use as an eligible action and expenditures for planning would be newly included among those costs eligible for reimbursement from the Spectrum Relocation Fund. This section would establish a Technical Panel to review a transition plan that the NTIA would be required to prepare in accordance with provisions in the bill. This section would require that the NTIA give priority to options that would reallocate spectrum for exclusive, nonfederal uses assigned through auction.

Section 4302 would address uses of the Fund, as described in Sec. 4301, and would establish requirements regarding transfers of funds in advance of auctions and reversion of unused funds.

Section 4303 would establish provisions under which non-disclosure of information regarding federal spectrum use would be determined.

Senate bill

No provision.

SUBTITLE D—TELECOMMUNICATIONS DEVELOPMENT FUND

H4401,4402/S—

Current law

The Telecommunications Development Fund (TDF) was created to provide funding for new ventures in telecommunications. One source of funds comes from the requirement that interest from certain escrow accounts overseen by the FCC be transferred to the TDF.

The law that created TDF requires board members to consult with the FCC and the Treasury before finalizing decisions.

House bill

Section 4401 would require that interest accrued in specified accounts be deposited in the General Fund.

Section 4402 eliminates the role of federal agencies in oversight of board activities.

Senate bill

No provision.

Conference substitute

Title VI—Public Safety Communications and Electromagnetic Spectrum Auctions. The public safety and spectrum provisions of this legislation advance wireless broadband service by clearing spectrum for commercial auction, promoting billions of dollars in private investment, and creating tens of thousands of jobs. These provisions also deliver on one of the last outstanding recommendations of the 9/11 Commission by creating a nationwide interoperable broadband communications network for first responders and generating billions of dollars of Federal revenue.

TITLE V—OFFSETS

SUBTITLE A—GUARANTEE FEES

H5001/S401,402

Current law

Similar provisions were enacted in Title IV of P.L. 112–78.

House bill

Section 5001 increases guarantee fees to reflect risk of loss and cost of capital as if enterprises were fully private regulated institutions. This section requires a minimum increase of 10 basis points (0.10%) greater than average 2011 guarantee fees. To the extent that amounts are received from fee increases imposed under this section that are necessary to comply with the minimum increase required by this subsection, such amounts shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. Such fees shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise. This section provides for a two-year phase-in at discretion of Director of FHFA. This section requires all lenders to be charged a uniform guarantee fee. This section requires an annual FHFA Report to Congress to include information on up-front and annual guarantee fee increases, and changes in riskiness of new mortgages. This section applies to mortgages closed after the date of enactment. This section expires October 1, 2021.

Senate bill

Sections 401 and 402 increase guarantee fees to reflect risk of loss and cost of capital as if enterprises were fully private regulated institutions. This section requires a minimum increase of 10 basis points (0.10%) greater than average 2011 guarantee fees. Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise. This section provides for a two-year phase-in at discretion of Director of FHFA. This section requires all lenders to be charged a uniform guarantee fee. This section requires an annual FHFA Report to Congress to include information on up-front and annual guarantee fee increases, and changes in riskiness of new mortgages. This section applies to mortgages closed after the date of enactment. This section expires October 1, 2021. This section increases guarantee fees on FHA-insured mortgages by 10 basis points (0.10%) with phase-in over two years.

Conference substitute

No provision.

TITLE VI—MISCELLANEOUS PROVISIONS

H6002,6003(a),6003(b),6004/S511,512

Current law

Section 263 of the Trade Adjustment Assistance Extension Act of 2011 (P.L. 112–40) requires any fees for processing merchandise entered between October 1 and November 12, 2012, to be paid no later than September 25, 2012, in an amount equivalent to the amount of such fees paid with respect to merchandise entered between October 1 and November 12, 2011. The section requires the Secretary of the Treasury to refund with interest any overpayment of such fees. The section prohibits any assessment of interest for any underpayments based on the amount of fees paid for merchandise entered between October 1 and November 12, 2012.

Section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) specifies the calendar year in which the payroll tax holiday period applies. There is no Senate point of order against the consideration of legislation that would amend this section of the law.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended by the Budget Control Act of 2011 (BCA), establishes enforceable statutory limits on discretionary spending for each fiscal year covering FY2012–FY2021. Section 251(b)(2)(A)(i) of the BBECCA provides for these limits to be adjusted to accommodate discretionary spending designated as emergency requirements in statute (i.e., effectively exempting such spending from the limits). Section 314 of the Congressional Budget Act of 1974, as amended by the BCA, allows the chairs of the budget committees in each chamber to make similar adjustments for purposes of congressional enforcement of these and other spending limits during the consideration of spending legislation. The existing Senate point of order against an emergency designation (Section 403 of S. Con. Res. 13, 111th Congress, the FY2010 budget resolution) does not apply to an emergency designation pursuant to the BBEDCA; therefore, there is no current Senate point of order against such a designation.

Under the Statutory Pay-As-You-Go Act of 2010 (Title I of P.L. 111–139), the five-year and 10-year budgetary effects of direct spending and revenue legislation enacted during a session are placed on respective scorecards. At the end of a session of Congress, if either scorecard shows an increase in the deficit, a sequestration of non-exempt budgetary resources is required to eliminate such deficit. Under the law, off-budget effects and discretionary spending effects are not counted.

House bill

Section 6002 repeals a requirement that importers pre-pay certain fees authorized under the Consolidated Omnibus Budget Reconciliation Act of 1985.

Section 6003(a) creates a Senate point of order against the consideration of any measure that ''extends the dates referenced in section 601(c) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.'' Provides that a two-thirds affirmative vote would be required to waive the point of order.

Section 6003(b) amends the Budget Act to create a point of order against an emergency designation pursuant to the BBEDCA included in any measure. The new point of order is similar to the existing Senate emergency designation point of order: (1) if point of order is made, emergency designation is stricken from the measure; and (2) a three-fifths affirmative vote is required to waive the point of order and to sustain an appeal of the ruling of the chair.

Section 6004 provides that the budgetary effects of H.R. 3630 are not placed on either PAYGO scorecard, as long as the legislation does not increase the deficit over the FY2013–FY2021 period. Also provides that off-budget effects, changes to the statutory discretionary spending limits, and changes in net income to the National Flood Insurance Program are to be counted in determining the budgetary effects of the legislation.

Senate bill

The Senate bill does not contain a provision regarding the repeal of a requirement relating to time for remitting certain merchandise processing fees.

Section 511 amends the Budget Act to create a point of order against an emergency designation pursuant to the BBEDCA included in any measure. The new point of order is similar to the existing Senate emergency designation point of order: (1) if point of order is made, emergency designation is stricken from the measure; and (2) a three-fifths affirmative vote is required to waive the point of order and to sustain an appeal of the ruling of the chair.

Section 512 provides that the budgetary effects of H.R. 3630 are not placed on either PAYGO scorecard. Senate provision makes no modifications to the conventional budget scoring of the legislation.

Conference substitute

Section 7002. Repeal of Requirement Relating to Time for Remitting Certain Merchandise Processing Fees: Repeals a requirement that importers pre-pay certain fees authorized under the Consolidated Omnibus Budget Reconciliation Act of 1985. The provision is identical to that contained in Section 6002 of the House bill.

Section 7003. Points of Order in the Senate: Includes two Senate points of order related to (1) protecting the Social Security Trust Fund and (2) emergency spending. The provision is identical to that contained in Section 6003 of the House bill.

Section 7004. PAYGO Scorecard Estimates: Provides that the budgetary effects of the bill shall not be entered on the statutory PAYGO scorecards provided that the bill is deficit neutral over 10 years. The provision is identical to that contained in Section 6004 of the House bill.

FEDERAL CIVILIAN EMPLOYEES PROVISIONS

Current law

Pay Freeze: The Continuing Resolution of December of 2010 included a two-year freeze

on all across-the-board, annual pay adjustments for federal civilian employees, January 1, 2011 through December 31, 2012.

Federal Employee Pensions: Most federal civilian employees are participants in the Federal Employees Retirement System (FERS), under which they make a contribution toward a defined benefit pension equal to 0.8 percent of basic pay. Their employing agency covers the remainder of the pension cost. At normal retirement age, an employee is entitled to a pension equal to 1 percent (or 1.1 percent for those retiring at age 62 with 20 years of service) of the average of the employee's highest three years' compensation times the employee's years of service. Certain FERS participants retiring prior to age 62 are entitled to the FERS annuity supplement. This benefit is paid in addition to their defined benefit annuity, and equals the Social Security benefit they would receive for their FERS civilian service from the Social Security Administration if eligible to receive Social Security on their date of retirement. Most employees who first entered federal government service before 1987 are covered by the Civil Service Retirement System (CSRS), under which they contribute 7 percent of their pay toward their defined benefit pension. CSRS employees are not covered by Social Security, so, unlike FERS employees, they are not subject to the 6.2 percent Social Security contribution. Under both FERS and CSRS, employee contributions and benefits for special occupational groups and Members of Congress are higher. Separate but comparable retirement systems exist for Foreign Service and CIA employees.

House bill

Pay Freeze: The House bill would extend the current freeze on across-the-board statutory pay adjustments for federal civilian employees and Members of Congress through December 31, 2013.

Federal Employee Pensions: The House bill would increase the employee contribution for both CSRS and FERS employees by 0.5 percentage points each year for three years, beginning in 2013. Corresponding changes would be made to the Foreign Service, CIA, and TVA retirement systems. The House bill would establish new retirement rules for federal employees hired after December 31, 2012, with less than 5 years of service. Their contribution to FERS would increase by 3.2 percentage points. The FERS pension formula salary base for new employees would change to the highest-five years' average salary instead of highest three years. The FERS pension formula multiplier for most new employees would be reduced to 0.7 percent per year of service, instead of 1 percent (or 1.1 percent for those retiring at age 62 with 20 or more years of service). Employees in special occupational groups are subject to a proportional adjustment to the multiplier (0.3 percentage points lower than current law). Finally, the House bill would eliminate the FERS Annuity Supplement for individuals not subject to mandatory retirement, beginning January 1, 2013. Individuals subject to mandatory retirement include certain categories of employees such as law enforcement, fire fighters, air traffic controllers, and nuclear materials couriers.

Senate bill

No Provision.

Conference substitute

Pay Freeze: No provision.

Federal Employee Pension: The Conference Agreement would increase by 2.3 percent the employee pension contribution for federal employees entering service after December 31, 2012, who have less than 5 years of creditable civilian service. Corresponding increases in employee contributions would be made for individuals entering the CIA and Foreign Service pension systems. Members of Congress and congressional employees entering service after December 31, 2012 who have less than 5 years of creditable civilian service would be subject to the same contribution rate and annuity calculation as other federal employees.

MEDICARE AND OTHER HEALTH PROVISIONS

Extension of MMA Section 508 Reclassifications

Current law

Under Medicare's Inpatient Prospective Payment System (PPS), payments are adjusted by a wage index that is intended to reflect the cost of labor in the area where the services are furnished compared to a national average. Hospitals in areas with higher wage costs have higher wage indices and therefore receive higher PPS payments; hospitals in lower wage areas have lower wage indices and receive lower payments.

Recognizing that the indices are not always accurate, Congress in 1989 established a process whereby hospitals could apply to ''reclassify'' to a nearby area, and receive the higher wage index of that area. While a significant number of hospitals (nearly 40%) have a reclassified wage index, other hospitals have not been able to meet the established criteria.

Section 508 of the Medicare Modernization Act of 2003 (MMA) directed the Centers for Medicare and Medicaid Services (CMS) to develop new criteria that would allow additional hospitals to qualify for a one-time, three-year reclassification.

According to CMS, there were 89 hospitals receiving Section 508 reclassification payments in FY 2011.

House bill

No provision.

Senate bill

Section 302 extended the Section 508 reclassification payments for two months (October and November 2011).

Conference substitute

Section 3001 extends Section 508 reclassification payments through March 31, 2012.

Extension of Outpatient Hold Harmless Payments

Current law

In 2000, Medicare implemented a PPS for hospital outpatient services; prior to this time hospitals received cost-based payments. For certain hospitals, primarily those located in rural areas, the outpatient PPS payments were lower than the payments they had received under the prior cost-based system. The Balanced Budget Refinement Act of 1999 (BBRA) mandated that rural hospitals with fewer than 100 beds receive 100% of the difference between OPPS payments and what these hospitals would have received under the cost-based system (thus the name ''hold harmless'' payments). Over time, Congress has lowered the payment percentage (it currently is 85%) and has expanded the policy to sole community hospitals (SCHs), hospitals that are further than 35 miles from another hospital.

House bill

No provision.

Senate bill

Section 308 extended the hold harmless payment to all eligible hospitals for two months (January and February 2012).

Conference substitute

Section 3002 extends the outpatient hold harmless payments through December 31, 2012, except for SCHs with more than 100 beds. The provision requires a study by the Department of Health and Human Services (HHS) by July 1, 2012, on which types of hospitals should continue to receive hold harmless payments in order to maintain adequate beneficiary access to outpatient services.

Physician Payment Update

Current law

The Sustainable Growth Rate (SGR) formula system was established by the Balanced Budget Act of 1997 (BBA) as the mechanism to determine the update to Medicare physician payments beginning in 1999. The formula allows spending to grow at the rate of the economy, adjusted for other factors such as the number of beneficiaries in Medicare fee-for-service. The tally of actual and target expenditures is cumulative in that it is maintained on an on-going basis since the formula's inception. The update adjustment that results from the SGR system is made through the conversion factor. If spending exceeds the target, the adjustment to the conversion factor is negative (physicians payments get reduced). If spending is below the target, the adjustment is positive (physician payments are increased). Physician spending has routinely exceeded the target such that the SGR formula has specified negative updates since 2002. Congress has intervened 13 times to avert the cuts since 2003. The SGR currently calls for a 27.4 percent across-the-board rate cut for physicians to take effect on March 1, 2012.

House bill

Section 2201 replaced the 27.4 percent cut with a 1 percent rate increase in 2012 and another 1 percent increase in 2013. This section also required reports from the: Medicare Payment Advisory Commission (MedPAC) on aligning private sector initiatives to reward quality, efficiency, and practice improvements with Medicare performance-based initiatives; Government Accountability Office (GAO) on examining private sector initiatives that base or adjust physician payments for quality, efficiency, or care delivery improvement; and Secretary of HHS on options for bundling payments for common physician services. It also required the committees of jurisdiction to provide information to Congress to assist in the development of a long-term replacement to the current Medicare physician payment system.

Senate bill

Section 301 froze physician payment rates at their 2011 level for two months (January and February 2012).

Conference substitute

Section 3003 freezes physician payment rates at their current levels until December 31, 2012, averting a 27.4 percent reduction. The provision also requires reports from the Secretary of HHS, due January 1, 2013, that examines bundled or episode-based payments to cover physicians' services for one or more prevalent chronic conditions or major procedures. It also requires a GAO report, due January 1, 2013, that examines private sector initiatives that base or adjust physician payment rates for quality, efficiency, and care delivery improvement, such as adherence to evidence-based guidelines.

Work Geographic Adjustment

Current law

Medicare payment for each physician service is made up of three components: 1) physician work (the time, skill and intensity for a physician to provide a service), 2) practice expense (associated overhead costs), and 3) physician liability insurance. Each of these components is adjusted based on the relative costs associated with the geographic area in which the physician practices. Medicare makes these adjustments, known as Geographic Practice Cost Indices (GPCIs), in each of its designated 89 geographic areas.

The national average work adjustment is set at a value of 1.0. Thus, geographic areas with an adjustment value greater than 1.0 receive higher work payments than the areas with an adjustment below that threshold. Current law maintains a work adjustment floor—set at the national average value of 1.0—that increases work payments to physicians in the areas that have a value below the national average. This floor increases payments in 54 of 89 geographic areas. The MMA established this policy starting in 2004 and Congress subsequently extended it five times.

House bill

Section 2204 extended the work GPCI floor through December 31, 2012 and required that MedPAC submit a report by June 1, 2012 that assesses whether any work geographic adjustment is needed, if so, at what level it should be applied, and the impact of the floor on beneficiary access to care.

Senate bill

Section 303 extended the 1.0 GPCI floor for two months (January and February 2012).

Conference substitute

Section 3004 extends the 1.0 work GPCI floor through December 31, 2012. It also requires MedPAC to report by June 15, 2013, assessing whether any work geographic adjustment is needed and, if so, at what level it should be applied, and the impact of the floor on beneficiary access to care.

Payment for Outpatient Therapy Services

Current law

The BBA imposed two annual per beneficiary payment limits for all outpatient therapy services delivered by non-hospital providers. For 2012, the annual limit on the allowed amount for outpatient physical therapy (PT) and speech-language pathology (SLP) combined is $1,880. There is a separate $1,880 limit for occupational therapy (OT). Enforcement of the caps has been blocked by legislation every year since 2000, with the exception of three months in 2003. The Deficit Reduction Act of 2006 (DRA) required the HHS Secretary to implement an exceptions process in 2006 for cases in which the provision of additional therapy services above the cap was determined to be medically necessary. Congress has extended this exceptions process several times.

House bill

Section 2203 extended the exceptions process through December 31, 2013, and made specific refinements to the exceptions process to ensure that medical necessity is documented and appropriately reviewed. Specifically, the HHS Secretary was required to ensure, through claims processing edits, that appropriate modifiers are on the claims indicating that the responsible providers have documented medical necessity for services paid above the therapy cap threshold. In addition, all Medicare claims for therapy services were required to include the national provider identifier (NPI) for the physician or practitioner (not the therapist rendering services) who periodically reviews the therapy plan of care. The spending cap was permanently expanded to include spending for therapy services provided in hospital outpatient departments. Starting on July 1, 2012, when a beneficiary's annual spending for therapy services furnished in calendar year 2012 reaches $3,700 in PT and SLP, or $3,700 in OT, any additional services would be subject to a manual medical review process.

By January 1, 2013, the Secretary was required to collect detailed data on therapy patient conditions and outcomes that could assist in reforming the current therapy payment system. In addition, MedPAC was required to submit a report to the committees of jurisdiction, making recommendations on how to reform the payment system so that the benefit is better designed to reflect individual acuity, condition, and therapy needs of the patient. GAO was required to submit a study to the committees of jurisdiction, examining CMS implementation of the manual review process.

Senate bill

Section 304 extended the exceptions process for Medicare outpatient therapy caps for two months (January and February 2012).

Conference substitute

Section 3005 extends the therapy caps exceptions process through December 31, 2012. Starting with services provided on or after October 1, 2012, the Secretary is required to ensure that appropriate modifiers and NPIs are on the Medicare claims and implement a manual medical review process for beneficiaries whose annual spending for therapy services furnished in calendar year 2012 reaches $3,700 in PT and SLP, or $3,700 in OT. The spending caps are temporarily expanded (through December 31, 2012) to include spending for therapy services provided in hospital outpatient departments. The conference agreement also requires the Secretary to collect detailed data to assist in refining the therapy payment system and also requires reports from GAO and MedPAC.

Payment for Technical Component of Certain Physician Pathology Services

Current law

Medicare pays for the preparation of pathology lab samples (the ''technical component'') as well as the physician interpretation and diagnosis associated with those samples (''professional component''). Prior to 1999, independent labs that performed the technical component (TC) of pathology lab services for hospitals could bill Medicare directly for the TC payment. In 1999, CMS implemented a new rule that prohibited independent laboratories from billing for these services, with the rationale that Medicare payment was already included in the bundled payment to the hospital. Hospitals that had in-house labs were unaffected. Hospitals that had been utilizing independent labs as of July 22, 1999, however, were ''grandfathered'' in the Benefits Improvement and Protection Act (BIPA) of 2000, allowing them to continue billing Medicare directly.

House bill

No provision.

Senate bill

Section 305 extended the TC grandfather policy for two months (January and February 2012).

Conference substitute

Section 3006 extends the TC grandfather policy until June 30, 2012.

Ambulance Add-On Payments

Current law

In 2002, a fee schedule was established for ground and air ambulance services; it was fully implemented in 2006. Currently, all ground ambulance services receive some type of add-on: 2 percent for urban ground ambulance trips, 3 percent for rural ground ambulance trips, and 22.6 percent for ground ambulance trips that originate in ''super rural'' areas (those in the lowest quartile in terms of population density).

Under the air ambulance fee schedule, rural providers receive a 50% add-on. In 2006, the Office of Management and Budget (OMB) changed the designation of a number of areas from rural to urban, based on updated Census data, which would have ended the rural add-on for air ambulances originating in the affected areas. The Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) allowed these affected areas to continue to be considered rural so that air ambulances could continue to receive the rural add-on.

House bill

Section 2202 extended the payment add-ons for ground ambulance services until December 31, 2012.

Additionally, the House bill required GAO to update their 2007 report detailing current ambulance costs. The House bill also required MedPAC to submit a report on the appropriateness of the ambulance fee schedule and whether there is a need to reform the ambulance fee schedule.

Senate bill

Section 306 extended the add-ons for ground ambulance services and continued the rural designation for certain air ambulance services for two months (January and February 2012).

Conference substitute

Section 3007 extends payment add-ons for ground ambulance services and continued the rural designation for certain air ambulance services until December 31, 2012. This provision requires GAO to update its 2007 report by October 1, 2012, to reflect current costs for ambulance providers and requires MedPAC to submit a report by June 15, 2013, on the appropriateness of the ambulance add-on payments and whether there is a need to reform the ambulance fee schedule.

Qualifying Individual Program

Current law

The Qualifying Individual (QI) program is a Medicare savings program for certain low-income Medicare beneficiaries, who are fully eligible for Medicare and receive Medicaid assistance with their Medicare Part B premiums. Unlike full benefit dually-eligible beneficiaries who are fully eligible for both Medicare and Medicaid (known as qualified Medicare beneficiaries (QMBs), or those with incomes below 100 percent of poverty) and specified low-income Medicare beneficiaries (SLMBs, or those with incomes between 100 and 120 percent of poverty), QI is a block grant to states that must be reauthorized each year. Enrollment in QI is limited by federal appropriations, and applications are approved on a first-come, first-served basis. QI beneficiaries must have incomes between 120 and 135 percent of poverty ($13,404 to $15,079 for an individual in 2012).

House bill

Section 2211 extended the QI program through December 31, 2012.

Senate bill

Section 310 extended the QI program for two months (January and February 2012).

Conference substitute

Section 3101 extended the QI program through December 31, 2012.

Transitional Medical Assistance

Current law

Congress expanded the Transitional Medical Assistance (TMA) program in 1988 as part of welfare-to-work programs, requiring states to provide TMA to families who lose Medicaid eligibility for work-related reasons for at least six, and up to twelve, months. During the first six months of TMA, states must provide the same benefits the family was receiving or pay for costs of similar employer-based coverage. The second six months of TMA is available for families who continue to have a dependent child at home, meet reporting requirements, and have average gross monthly earnings below 185% of poverty.

Congress created an additional work-related TMA option in the American Recovery and Reinvestment Act of 2009 (ARRA). Under

the ARRA option, states may choose to provide work-related TMA for a full twelve-month period rather than two six-month periods. These changes were informed by GAO work that found the reporting requirements to be a substantial paperwork barrier that caused significant numbers of eligible families to lose coverage to which they were entitled. Thirteen states have taken up the ARRA option: Alaska, Colorado, Connecticut, Florida, Idaho, Maryland, Montana, New Mexico, New York, Ohio, Oregon, South Dakota, and Wisconsin.

House bill

Section 2212 extended TMA, through December 31, 2012. In addition, this provision contained new income reporting requirements for any month of TMA coverage and limited TMA to only those individuals with incomes below 185 percent of poverty.

Senate bill

Section 311 extended TMA for two months (January and February 2012).

Conference substitute

Section 3102 provides for an extension of TMA through December 31, 2012.

Modification to Requirements for Qualifying for Exception to Medicare Prohibition on Certain Physician Referrals for Hospitals

Current law

Physicians are generally prohibited from referring Medicare patients to a health care facility in which they, or an immediate family member, have a financial stake. However, physician-owned hospitals have operated under an exception to anti-trust laws, known as the ''whole hospital exception.''

The Affordable Care Act (ACA) amended the ''whole hospital exception'' by requiring that all hospitals with physician-ownership have a Medicare provider number by December 31, 2010. Any hospital without a Medicare provider number is not permitted to bill Medicare for services provided to beneficiaries under the ''whole hospital exception.'' Grandfathered physician-owned hospitals, those with Medicare provider numbers by December 31, 2010, may continue to operate. However, they may not alter the proportion of physician-ownership in the hospital. Under current law, a grandfathered hospital may apply to expand the number of operating rooms, procedure rooms and/or beds if it meets five criteria.

House bill

Section 2213 allowed physician-owned hospitals that were under construction but without a Medicare provider number on December 31, 2010, to open and operate under the ''whole hospital exception.'' The provision would also allow a grandfathered hospital the ability to utilize the existing expansion process if it certifies that it does not discriminate against beneficiaries in federal health care programs.

Senate bill

No provision.

Conference substitute

No provision.

Extending Minimum Payment for Bone Mass Measurement

Current law

Dual energy X-ray absorptiometry (DXA) machines are used to measure bone mass to identify individuals who may have or be at risk of having osteoporosis. For those individuals who are eligible, Medicare will pay for a bone density study once every two years, or more frequently if the procedure is determined to be medically necessary. The DRA capped reimbursement of the technical component for x-ray and imaging services as the lesser rate of the hospital outpatient rate or the physician fee schedule. Additionally, CMS implemented a new methodology for determining resource-based practice expense payments for all services contributed to the reduction in the technical component reimbursement. The ACA set DXA payments at 70 percent of the 2006 reimbursement rates for these services in 2010 and 2011.

House bill

No provision.

Senate bill

Section 309 extended the 70 percent of the 2006 payment rate for two months (January and February 2012).

Conference substitute

No provision.

Extension of Physician Fee Schedule Mental Health Add-on Payment

Current law

Medicare pays for mental health services under the physician fee schedule. MIPPA increased the fee schedule amount for certain mental health service by 5 percent beginning on July 1, 2008. Subsequent legislation extended this add-on.

House bill

No provision.

Senate bill

Section 307 extended the 5 percent payment add-on for two months (January and February 2012).

Conference substitute

No provision.

Reduction of Bad Debt Treated as an Allowable Cost

Current law

Medicare reimburses providers for beneficiaries' unpaid coinsurance and deductible amounts after reasonable collection efforts. Medicare currently reimburses 70 percent of beneficiary bad debts in acute care hospitals. Medicare reimburses skilled nursing facilities 100 percent of the allowable bad debt costs for Medicare beneficiaries who are eligible for Medicaid (dual eligibles) and 70 percent of the allowable costs for all other beneficiaries. Medicare reimburses 100 percent of allowable bad debt in critical access hospitals, rural health clinics, federally qualified health clinics, community mental health clinics, health maintenance organizations reimbursed on a cost basis, competitive medical plans, and health care prepayment plans. Medicare also reimburses end stage renal disease facilities 100 percent of allowable bad debt claims, with such payments capped at the facilities' unrecovered costs.

House bill

Section 2224 gradually reduced the bad debt reimbursement, beginning in 2013 and over a period of three years, for all providers to 55 percent.

Senate bill

No provision.

Conference substitute

Section 3201 will reduce bad debt reimbursement for all providers to 65 percent. Providers paid at 100 percent would have a three-year transition of 88 percent in 2013, 76 percent in 2014, and 65 percent in 2015. Providers paid at 70 percent would be reduced to 65 percent in 2013.

Rebase Medicare Clinical Laboratory Payment Rates

Current law

Medicare pays for clinical laboratory services under carrier-specific fee schedules subject to national payment limits. Most lab services receive payment at the national limit amount.

House bill

No provision.

Senate bill

No provision.

Conference substitute

Section 3202 resets clinical lab base payment rates by 2 percent in 2013.

Rebasing State DSH Allotments for Fiscal Year 2021

Current law

Medicaid Disproportionate Share Hospital (DSH) payments provide additional funding to hospitals that serve a disproportionate number of low-income patients. States receive an annual DSH allotment to cover the costs of DSH hospitals that provide care to low-income, uninsured patients. This annual allotment is calculated by law and includes requirements to ensure that the DSH payments to individual hospitals are not higher than actual uncompensated care costs. Each state's federal allotment is capped based on either the prior year's allotment plus inflation or twelve percent of the state's total Medicaid benefits payments for the year. Once a state receives its federal allotment, the state has discretion to distribute the funding to hospitals, as long as the state's methodology is based on the Medicaid inpatient utilization rate (exceeding one standard deviation above the mean for all hospitals in the state) or a low-income utilization rate exceeding 25 percent.

The ACA reduced DSH payments between 2014 and 2020, based on a formula that the Secretary of HHS will develop through future regulation.

House bill

Section 2225 would rebase the DSH allotments for FY2021 and determine future allotments from the rebased level using current law methodology.

Senate bill

No provision.

Conference substitute

Section 3203 extends the ACA Medicaid DSH payment reductions in 2021.

Technical Correction to the Disaster Recovery FMAP Provision

Current law

The ACA included a provision known as the 'disaster-recovery FMAP' designed to help states adjust to drastic changes in FMAP following a statewide disaster. Once triggered, the policy would provide assistance for as many as seven years following the disaster, as long as the state continued to experience an FMAP drop of more than three percentage points.

During the first year, a state would receive an FMAP increase equal to 50 percent of the difference between the regular FMAP and the artificially lower FMAP. In the second and succeeding years, the FMAP increase would be 25 percent of the difference between the regular FMAP and the adjusted FMAP from the previous year. However, there is an error in the statute for the second and succeeding years. Instead of creating a glide path downward, so that the affected state could adjust to its new, lower FMAP, the 25 percent bump is added to the higher, adjusted FMAP of the previous year rather than the lower, base FMAP. This results in increasing FMAPs for each year of the disaster-recovery period, compounding over time. It also makes it easier for the state to continue to qualify each year because it is easier for there to be a three percentage point difference between the artificially high FMAP and the base FMAP.

House bill

No provision.

Senate bill

No provision.

Conference substitute

Section 3204 would address the error by instituting a lower FMAP in the second and subsequent years.

Prevention and Public Health Fund

Current law

The ACA established a Prevention and Public Health Trust Fund to help shift the focus of the health care system to prevention rather than treatment. The fund provides increasing mandatory direct spending from $500 million in 2010 to $2 billion in 2015 and each year thereafter.

House bill

Section 2222 reduced trust fund dollars beginning in FY2013, saving $8 billion.

Senate bill

No provision.

Conference substitute

Section 3205 reduces trust fund dollars beginning in FY2013, saving $5 billion.

Parity in Medicare Payments for Hospital Outpatient Department Evaluation and Management Services

Current law

When a physician treats a beneficiary in a hospital outpatient department, the physician's services are reimbursed under Medicare's physician fee schedule and the hospital receives a facility payment from Medicare under the outpatient prospective payment system (OPPS). Because of the facility payment, the total payment generally exceeds payments for the same services provided in a physician office.

House bill

Section 2223 would reduce hospital facility fee payments for evaluation and management services provided in a hospital outpatient department so that payment for the service in aggregate would not exceed the amount under the Medicare physician fee schedule beginning in 2012. These lower payments would not be considered in the review of different components of Medicare's OPPS to ensure that annual adjustments are budget neutral.

Senate bill

No provision.

Conference substitute

No provision.

Increase in Medicare Part B and Part D Premiums for High-Income Beneficiaries

Current law

The MMA of 2003 established that high-income beneficiaries enrolled in Part B would pay a higher premium. The ACA expanded this provision to the Part D program. Currently, high-income beneficiaries are required to pay a greater share of the Medicare Part B and Part D premiums (35 percent, 50 percent, 65 percent, or 80 percent) depending on their income. For 2012, the income thresholds for those premium shares are $85,000, $107,000, $160,000, and $214,000, respectively for single filers. For married couples, the corresponding income thresholds are twice those values. Because of a provision in the ACA, the income thresholds for both Medicare Part B and Part D are frozen through 2019.

House bill

Sections 5601 and 5602 would increase the applicable premium percentage higher income beneficiaries would pay by 15 percent such that the levels would become 40.25 percent, 57.5 percent, 74.75 percent, and 90 percent in 2017. This provision would also reduce the income thresholds in 2017, to $80,000, $100,000, $150,000 and $200,000 for single filers (and twice those values for married couples) and extend the freeze of the income thresholds beyond 2019, until 25 percent of all beneficiaries are paying higher income premiums.

Senate bill

No provision.

Conference substitute

No provision.

TAX PROVISIONS

A. Extension of Payroll Tax Reduction (sec. 2001 of the House bill, sec. 101 of the Senate amendment, and sec. 1001 of the conference agreement)

PRESENT LAW

Federal Insurance Contributions Act (''FICA'') tax

The FICA tax applies to employers based on the amount of covered wages paid to an employee during the year.[1] Generally, covered wages means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash.[2] Certain exceptions from covered wages are also provided. The tax imposed is composed of two parts: (1) the old age, survivors, and disability insurance (''OASDI'') tax equal to 6.2 percent of covered wages up to the taxable wage base ($106,800 for 2011 and $110,100 for 2012); and (2) the Medicare hospital insurance (''HI'') tax amount equal to 1.45 percent of covered wages.

In addition to the tax on employers, each employee is generally subject to FICA taxes equal to the amount of tax imposed on the employer (the ''employee portion'').[3] The employee portion of FICA taxes generally must be withheld and remitted to the Federal government by the employer.

Self-Employment Contributions Act (''SECA'') Tax

As a parallel to FICA taxes, the SECA tax applies to the self-employment income of self-employed individuals.[4] The rate of the OASDI portion of SECA taxes is generally 12.4 percent, which is equal to the combined employee and employer OASDI FICA tax rates, and applies to self-employment income up to the FICA taxable wage base. Similarly, the rate of the HI portion of SECA tax is 2.9 percent, the same as the combined employer and employee HI rates under the FICA tax, and there is no cap on the amount of self-employment income to which the rate applies.[5]

An individual may deduct, in determining net earnings from self-employment under the SECA tax, the amount of the net earnings from self-employment (determined without regard to this deduction) for the taxable year multiplied by one half of the combined OASDI and HI rates.[6]

Additionally, a deduction, for purposes of computing the income tax of an individual, is allowed for one-half of the amount of the SECA tax imposed on the individual's self-employment income for the taxable year.[7]

Railroad retirement tax

Instead of FICA taxes, railroad employers and employees are subject, under the Railroad Retirement Tax Act (''RRTA''), to taxes equivalent to the OASDI and HI taxes under FICA.[8] The employee portion of RRTA taxes generally must be withheld and remitted to the Federal government by the employer.

Temporary reduced OASDI rates

Under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010,[9] for 2011, the OASDI rate for the employee portion of the FICA tax, and the equivalent employee portion of the RRTA tax, is reduced by two percentage points to 4.2 percent. Similarly, for taxable years beginning in 2011, the OASDI rate for a self-employed individual is reduced by two percentage points to 10.4 percent.

Special rules coordinate the SECA tax rate reduction with a self-employed individual's deduction in determining net earnings from self-employment under the SECA tax and the income tax deduction for one-half of the SECA tax. The rate reduction is not taken into account in determining the SECA tax deduction allowed for determining the amount of the net earnings from self-employment for the taxable year. The income tax deduction allowed for the SECA tax for taxable years beginning in 2011 is 59.6 percent of the OASDI portion of the SECA tax imposed for the taxable year plus one-half of the HI portion of the SECA tax imposed for the taxable year.[10]

The Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974[11] receive transfers from the General Fund of the United States Treasury equal to any reduction in payroll taxes attributable to the rate reduction for 2011. The amounts are transferred from the General Fund at such times and in such a manner as to replicate to the extent possible the transfers which would have occurred to the Trust Funds or Benefit Account had the provision not been enacted.

For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the employee rate of OASDI tax is determined without regard to the reduced rate for 2011.

Under the Temporary Payroll Tax Cut Continuation Act of 2011,[12] the reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent employee portion of the RRTA tax, is extended to apply to covered wages paid in the first two months of 2012. A recapture applies for any benefit a taxpayer may have received from the reduction in the OASDI tax rate, and the equivalent employee portion of the RRTA tax, for remuneration received during the first two months of 2012 in excess of $18,350.[13] The recapture is accomplished by a tax equal to two percent of the amount of wages (and railroad compensation) received during the first two months of 2012 that exceed $18,350. The Secretary of the Treasury (or the Secretary's delegate) is to prescribe regulations or other guidance that is necessary and appropriate to carry out this provision.

In addition, for taxable years beginning in 2012, the OASDI rate for a self-employed individual is reduced to 10.4 percent, for self-employment income of up to $18,350 (reduced by wages subject to the lower OASDI rate for 2012). Related rules for 2011 concerning coordination of a self-employed individual's deductions in determining net earnings from

[1] Sec. 3111.

[2] Sec. 3121(a).

[3] Sec. 3101. For taxable years beginning after 2012, an additional HI tax applies to certain employees.

[4] Sec. 1401.

[5] For taxable years beginning after 2012, an additional HI tax applies to certain self-employed individuals.

[6] Sec. 1402(a)(12).

[7] Sec. 164(f).

[8] Pub. L. No. 111–312.

[9] This percentage replaces the rate of one half (50 percent) otherwise allowed for this portion of the deduction. The percentage is necessary to allow the self-employed individual to deduct the full amount of the employer portion of SECA taxes. The employer OASDI tax rate remains at 6.2 percent, while the employee portion falls to 4.2 percent. Thus, the employer share of total OASDI taxes is 6.2 divided by 10.4, or 59.6 percent of the OASDI portion of SECA taxes.

[10] 45 U.S.C. 231n–1(a).

[11] Pub. L. No. 112–78, enacted after passage of H.R. 3630 by the House of Representatives and the Senate.

[12] $18,350 is 1/6 of the 2012 taxable wage base of $110,100.

self-employment and income tax also apply for 2012, except that the income tax deduction allowed for the OASDI portion of SECA tax imposed for taxable years beginning in 2012 is computed at the rate of 59.6 percent[14] of the OASDI portion of the SECA tax imposed on self-employment income of up to $18,350. For self-employment income in excess of this amount, the deduction is equal to half of the OASDI portion of the SECA tax.

Rules related to the OASDI rate reduction for 2011 concerning (1) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (2) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

HOUSE BILL[15]

Under the House bill, the reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent portion of the RRTA tax, is extended to apply for 2012. Similarly, a reduced OASDI tax rate of 10.4 percent under the SECA tax, is extended to apply for taxable years beginning in 2012.

Related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

Effective date.—The provision applies to remuneration received, and taxable years beginning, after December 31, 2011.

SENATE AMENDMENT[16]

Under the Senate amendment, the reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent employee portion of the RRTA tax, applies to covered wages paid up to $18,350 in the first two months of 2012.[17]

In addition, for taxable years beginning in 2012, the Senate amendment provides that the OASDI rate for a self-employed individual is reduced to 10.4 percent, for self-employment income of up to $18,350 (reduced by wages subject to the lower OASDI rate for 2012). Related rules for 2011 concerning coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax also apply for 2012, except that the income tax deduction allowed for the OASDI portion of SECA tax imposed for taxable years beginning in 2012 is computed at the rate of 59.6 percent[18] of the OASDI portion of the SECA tax imposed on self-employment income of up to $18,350. For self-employment income in excess of this amount, the deduction is equal to half of the OASDI portion of the SECA tax.

The Senate amendment also contains rules related to the OASDI rate reduction for 2011 concerning (1) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (2) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

Effective date.—The provision applies to remuneration received, and taxable years beginning, after December 31, 2011.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, providing for a reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent potion of the RRTA tax, through 2012. Similarly, a reduced OASDI tax rate of 10.4 percent under the SECA tax applies for taxable years beginning in 2012.

As in the House bill and Senate amendment, related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

The conference agreement repeals the present-law recapture provision applicable to a taxpayer who receives the reduced OASDI rate with respect to more than $18,350 of wages (or railroad compensation) received during the first two months of 2012, and removes the $18,350 limitation on self-employment income subject to the lower rate for taxable years beginning in 2012.

Effective date.—The provision applies to remuneration received, and taxable years beginning, after December 31, 2011.

B. Repeal of Certain Shifts in the Timing of Corporate Estimated Tax Payments (sec. 6001 of the House bill and sec. 7001 of the conference agreement)

PRESENT LAW

In general, corporations are required to make quarterly estimated tax payments of their income tax liability.[19] For a corporate whose taxable year is a calendar year, these estimated payments must be made by April 15, June 15, September 15, and December 15. In the case of a corporation with assets of at least $1 billion (determined as of the end of the preceding taxable year):

(i) payments due in July, August or September, 2012, are increased to 100.5 percent of the payment otherwise due;[20]

(ii) payments due in July, August, or September, 2014, are increased to 174.25 percent of the payment otherwise due;[21]

(iii) payments due in July, August or September, 2015, are increased to 163.75 percent of the payment otherwise due;[22]

(iv) payments due in July, August, or September 2016 are increased to 103.5 percent of the payment otherwise due; and[23]

(v) payments due in July, August or September, 2019, are increased to 106.50 percent of the payment otherwise due.[24]

HOUSE BILL

The House bill reduces the applicable percentage for 2012 (100.5 percent), 2014 (174.25 percent), 2015 (163.75 percent), 2016 (103.5 percent), and 2019 (106.5 percent) to 100 percent. Thus corporations will make estimated tax payments in 2012, 2014, 2015, 2016, and 2019 as if the prior legislation had never been enacted or amended.

Effective date.—The provision is effective on the date of enactment.

SENATE PROVISION

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, providing reductions in the applicable percentages for 2012 (100.5 percent), 2014 (174.25 percent), 2015 (163.75 percent), 2016 (103.5 percent), and 2019 (106.5 percent) to 100 percent. Thus corporations will be required to make estimated tax payments in 2012, 2014, 2015, 2016, and 2019 as if the prior legislation had never been enacted or amended.

C. Extension of 100 Percent Bonus Depreciation (sec. 1201(a) of the House bill and secs. 168(k)(5) and 460(c)(6) of the Code)

PRESENT LAW

An additional first-year depreciation deduction is allowed equal to 50 percent of the adjusted basis of qualified property placed in service between January 1, 2008 and September 8, 2010 or between January 1, 2012 and January 1, 2013 (January 1, 2014 for certain longer-lived and transportation property).[25] An additional first-year depreciation deduction is allowed equal to 100 percent of the adjusted basis of qualified property if it meets the requirements for the additional first-year depreciation and also meets the following requirements. First, the taxpayer must acquire the property after September 8, 2010 and before January 1, 2012. Second, the taxpayer must place the property in service after September 8, 2010 and before January 1, 2012 (before January 1, 2013 in the case of certain longer-lived and transportation property). Third, the original use of the property must commence with the taxpayer after September 8, 2010.[26]

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[14] This percentage used with respect to the first $18,350 of self-employment income is necessary to continue to allow the self-employed taxpayer to deduct the full amount of the employer portion of SECA taxes. The employer OASDI tax rate remains at 6.2 percent, while the employee portion falls to a 4.2 percent rate for the first $18,350 of self-employment income. Thus, the employer share of total OASDI taxes is 6.2 divided by 10.4, or 59.6 percent of the OASDI portion of SECA taxes, for the first $18,350 of self-employment income.

[15] The House bill passed prior to the enactment of the ''Temporary Payroll Tax Cut Continuation Act of 2011'', Pub. L. No. 112–78, described above.

[16] The Senate amendment passed prior to the enactment of the ''Temporary Payroll Tax Cut Continuation Act of 2011'', Pub. L. No. 112–78, described above.

[17] $18,350 is ⅙ of the 2012 taxable wage base of $110,100.

[18] See footnote 14.

[19] Sec. 6655.

[20] United States-Korea Free Trade Agreement Implementation Act, Pub. L. No. 112–41, sec 505, and United States-Panama Trade Promotion Agreement Implementation Act of 2011, Pub. L. No. 112–43, sec 502.

[21] Haiti Economic Lift Program of 2010, Pub. L. No. 111–171, sec. 12(a); Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111–152, sec. 1410; Hiring Incentives to Restore Employment Act, Pub. L. No. 111–147, sec. 561 (1); Act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes, Pub. L. No. 111–124, sec. 4; Worker, Homeownership, and Business Assistance Act of 2009, Pub. L. No. 111–92, sec. 18; Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes, Pub. L. No. 111–42, sec. 202(b)(1).

[22] Omnibus Trade Act of 2010, Pub. L. No. 111–344, sec. 10002; Small Business Jobs Act of 2010, Pub. L. No. 111–240, sec. 2131; Firearms Excise Tax Improvements Act of 2010, Pub. L. No. 111–237, sec. 4(a); United States Manufacturing Enhancement Act of 2010, Pub. L. No. 111–227, sec. 4002; Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes, No. 111–210, sec. 3; Haiti Economic Lift Program of 2010, Pub. L. No. 111–171, sec. 12(b); Hiring Incentives to Restore Employment Act, Pub. L. No. 111–147, sec. 561(2).

[23] United States-Korea Free Trade Agreement Implementation Act, Pub. L. No. 112–41, sec 505; United States-Columbia Trade Promotion Agreement Implementation Act, Pub. L. No. 112–42, sec 603; and United States-Panama Trade Promotion Agreement Implementation Act, Pub. L. No. 112–43, sec 502.

[24] Hiring Incentives to Restore Employment Act, Pub. L. No. 111–147, sec. 561(3).

[25] Sec. 168(k). The additional first-year depreciation deduction is subject to the general rules regarding whether an item must be capitalized under section 263 or section 263A.

[26] See Rev. Proc. 2011–26, 2011–16 I.R.B. 664 (Apr. 18, 2011) for guidance regarding additional first-year depreciation.

The additional first-year depreciation deduction is allowed for both regular tax and alternative minimum tax purposes, but is not allowed for purposes of computing earnings and profits. The basis of the property and the depreciation allowances in the year of purchase and later years are appropriately adjusted to reflect the additional first-year depreciation deduction. In addition, there are no adjustments to the allowable amount of depreciation for purposes of computing a taxpayer's alternative minimum taxable income with respect to property to which the provision applies. The amount of the additional first-year depreciation deduction is not affected by a short taxable year. The taxpayer may elect out of additional first-year depreciation for any class of property for any taxable year.

The interaction of the additional first-year depreciation allowance with the otherwise applicable depreciation allowance may be illustrated as follows. Assume that in 2009, a taxpayer purchased new depreciable property and placed it in service.[27] The property's cost is $1,000, and it is five-year property subject to the half-year convention. The amount of additional first-year depreciation allowed is $500. The remaining $500 of the cost of the property is depreciable under the rules applicable to five-year property. Thus, 20 percent, or $100, is also allowed as a depreciation deduction in 2009. The total depreciation deduction with respect to the property for 2009 is $600. The remaining $400 adjusted basis of the property generally is recovered through otherwise applicable depreciation rules.

Property qualifying for the additional first-year depreciation deduction must meet all of the following requirements. First, the property must be (1) property to which MACRS applies with an applicable recovery period of 20 years or less; (2) water utility property (as defined in section 168(e)(5)); (3) computer software other than computer software covered by section 197; or (4) qualified leasehold improvement property (as defined in section 168(k)(3)).[28] Second, the original use[29] of the property must commence with the taxpayer after December 31, 2007.[30] Third, the taxpayer must acquire the property within the applicable time period (as described below). Finally, the property must be placed in service before January 1, 2013. An extension of the placed-in-service date of one year (i.e., January 1, 2014) is provided for certain property with a recovery period of 10 years or longer and certain transportation property.[31] Transportation property generally is defined as tangible personal property used in the trade or business of transporting persons or property.[32]

To qualify, property must be acquired (1) after December 31, 2007, and before January 1, 2013, but only if no binding written contract for the acquisition is in effect before January 1, 2008, or (2) pursuant to a binding written contract which was entered into after December 31, 2007, and before January 1, 2013.[33] With respect to property that is manufactured, constructed, or produced by the taxpayer for use by the taxpayer, the taxpayer must begin the manufacture, construction, or production of the property after December 31, 2007, and before January 1, 2013. Property that is manufactured, constructed, or produced for the taxpayer by another person under a contract that is entered into prior to the manufacture, construction, or production of the property is considered to be manufactured, constructed, or produced by the taxpayer. For property eligible for the extended placed-in-service date, a special rule limits the amount of costs eligible for the additional first-year depreciation. With respect to such property, only the portion of the basis that is properly attributable to the costs incurred before January 1, 2013 (''progress expenditures'') is eligible for the additional first-year depreciation deduction.[34]

Property does not qualify for the additional first-year depreciation deduction when the user of such property (or a related party) would not have been eligible for the additional first-year depreciation deduction if the user (or a related party) were treated as the owner. For example, if a taxpayer sells to a related party property that was under construction prior to January 1, 2008, the property does not qualify for the additional first-year depreciation deduction. Similarly, if a taxpayer sells to a related party property that was subject to a binding written contract prior to January 1, 2008, the property does not qualify for the additional first-year depreciation deduction. As a further example, if a taxpayer (the lessee) sells property in a sale-leaseback arrangement, and the property otherwise would not have qualified for the additional first-year depreciation deduction if it were owned by the taxpayer-lessee, then the lessor is not entitled to the additional first-year depreciation deduction.

The limitation under section 280F on the amount of depreciation deductions allowed with respect to certain passenger automobiles is increased in the first year by $8,000 for automobiles that qualify (and for which the taxpayer does not elect out of the additional first-year deduction). The $8,000 increase is not indexed for inflation.

Percentage-of-completion method

In general, in the case of a long-term contract, the taxable income from the contract is determined under the percentage-of-completion method. Solely for purposes of determining the percentage of completion under section 460(b)(1)(A), the cost of qualified property with a MACRS recovery period of seven years or less is taken into account as a cost allocated to the contract as if bonus depreciation had not been enacted for property placed in service after December 31, 2009 and before January 1, 2011 (January 1, 2012, for certain longer-lived and transportation property). Bonus depreciation is taken into account in determining taxable income under the percentage-of-completion method for property placed in service after December 31, 2010.

HOUSE BILL

The House bill increases the additional first-year depreciation deduction from 50 percent to 100 percent of the adjusted basis of qualified property placed in service after December 31, 2011, and before January 1, 2013 (January 1, 2014, for certain longer-lived and transportation property).

The provision provides that solely for purposes of determining the percentage of completion under section 460(b)(1)(A), the cost of qualified property with a MACRS recovery period of seven years or less which is placed in service after December 31, 2011, and before January 1, 2013 (January 1, 2014, for certain longer-lived and transportation property) is taken into account as a cost allocated to the contract as if bonus depreciation had not been enacted.

Effective date.—The provision applies to property placed in service after December 31, 2011.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

D. Expansion of Election to Accelerate AMT Credits in Lieu of Bonus Depreciation (sec. 1201(b) of the House bill and sec. 168(k)(4) of the Code)

PRESENT LAW

A corporation may elect to claim additional alternative minimum tax (''AMT'') credits in lieu of claiming additional first year depreciation (''bonus depreciation'') on eligible qualified property[35] placed in service after December 31, 2010, and before January 1, 2013 (January 1, 2014, in the case of certain longer-lived property and transportation property).[36] A corporation making the election (i) forgoes bonus depreciation for eligible qualified property, (ii) uses the straight-line method of depreciation for eligible qualified property, and (iii) increases the limitation on the allowance of AMT credit by the bonus depreciation amount.[37] The increase in the allowable AMT credit by reason of the election is treated as refundable.

The bonus depreciation amount is 20 percent of the difference between (i) the aggregate amount of depreciation for all eligible qualified property placed in service by the corporation that would be allowed if bonus depreciation applied using the most accelerated depreciation method (determined without regard to this provision), and shortest life allowable for each property, and (ii) the amount of depreciation that would be allowed if bonus depreciation did not apply using the same method and life for each property.

[27] Assume that the cost of the property is not eligible for expensing under section 179.

[28] The additional first-year depreciation deduction is not available for any property that is required to be depreciated under the alternative depreciation system of MACRS. The additional first-year depreciation deduction is also not available for qualified New York Liberty Zone leasehold improvement property as defined in section 1400L(c)(2).

[29] The term ''original use'' means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. If in the normal course of its business a taxpayer sells fractional interests in property to unrelated third parties, then the original use of such property begins with the first user of each fractional interest (i.e., each fractional owner is considered the original user of its proportionate share of the property).

[30] A special rule applies in the case of certain leased property. In the case of any property that is originally placed in service by a person and that is sold to the taxpayer and leased back to such person by the taxpayer within three months after the date that the property was placed in service, the property would be treated as originally placed in service by the taxpayer not earlier than the date that the property is used under the leaseback. If property is originally placed in service by a lessor, such property is sold within three months after the date that the property was placed in service, and the user of such property does not change, then the property is treated as originally placed in service by the taxpayer not earlier than the date of such sale.

[31] Property qualifying for the extended placed-in-service date must have an estimated production period exceeding one year and a cost exceeding $1 million.

[32] Certain aircraft which is not transportation property, other than for agricultural or firefighting uses, also qualifies for the extended placed-in-service date, if at the time of the contract for purchase, the purchaser made a nonrefundable deposit of the lesser of 10 percent of the cost or $100,000, and which has an estimated production period exceeding four months and a cost exceeding $200,000.

[33] Property does not fail to qualify for the additional first-year depreciation merely because a binding written contract to acquire a component of the property is in effect prior to January 1, 2008.

[34] For purposes of determining the amount of eligible progress expenditures, it is intended that rules similar to section 46(d)(3) as in effect prior to the Tax Reform Act of 1986, Pub. L. No. 99–514, apply.

[35] The term ''eligible qualified property'' means property eligible for bonus depreciation, with minor effective date differences.

[36] Sec. 168(k)(4).

[37] Sec. 53(c) otherwise limits the allowable AMT credit for a taxable year to the excess of the regular tax liability (reduced by certain credits) over the tentative minimum tax for the taxable year.

The bonus depreciation amount for any taxable year is limited to the lesser of (i) $30 million, or (ii) six percent of the AMT credit for the year attributable to the adjusted net minimum tax for taxable years beginning before January 1, 2006 (determined by treating credits as allowed on a first-in, first-out basis), reduced by the sum of certain bonus depreciation amounts for prior taxable years.

In the case of an electing corporation that is a partner in a partnership, the corporation's distributive share of partnership items is determined without regard to bonus depreciation and by using the straight-line method of depreciation. No partnership property is taken into account in determining a corporation's bonus depreciation amount.

Generally an election under this provision for a taxable year applies to subsequent taxable years.

All corporations treated as a single employer under section 52(a) are treated as one taxpayer for purposes of the provision and are treated as having made an election under this provision if any of the corporations so elects.

HOUSE BILL

The House bill revises the provision allowing a corporation to elect to claim additional AMT credits in lieu of bonus depreciation.[38] The House bill provision follows the substance of present law with the following changes:

Under the House bill, the bonus depreciation amount for any taxable year is limited to the lesser of (i) the AMT credit for the year attributable to the adjusted net minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis), or (ii) 50 percent of the AMT credit for the first taxable year ending after December 31, 2011.

In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) by one corporation (or by corporations treated as one taxpayer for purposes of this provision), the bonus depreciation amount is computed by treating each partner as having an amount equal to that partner's allocable share of the eligible property for the taxable year (as determined under regulations prescribed by the Secretary).

A corporation may make a separate election for each taxable year.

Effective date.—The provision applies to taxable years ending after December 31, 2011.

For a taxable year which begins before January 1, 2012, and ends after December 31, 2011, the bonus depreciation amount is the sum of the amounts computed separately for each portion of the taxable year by treating each portion as a separate taxable year taking into account property placed in service by the corporation during that portion of the taxable year.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

E. Adjustments to Maximum Thresholds for Recapturing Overpayments Resulting From Certain Federally-subsidized Health Insurance (sec. 2221 of the House bill and sec. 36B of the Code)

PRESENT LAW

Premium assistance credit

For taxable years ending after December 31, 2013, section 36B provides a refundable tax credit (the ''premium assistance credit'') for eligible individuals and families who purchase health insurance through an American Health Benefit Exchange. The premium assistance credit, which is refundable and payable in advance directly to the insurer, subsidizes the purchase of certain health insurance plans through an American Health Benefit Exchange.

The premium assistance credit is available for individuals (single or joint filers) with household incomes between 100 and 400 percent of the Federal poverty level (''FPL'') for the family size involved who do not receive health insurance through an employer or a spouse's employer.[39] Household income is defined as the sum of: (1) the taxpayer's modified adjusted gross income, plus (2) the aggregate modified adjusted gross incomes of all other individuals taken into account in determining that taxpayer's family size (but only if such individuals are required to file a tax return for the taxable year). Modified adjusted gross income is defined as adjusted gross income increased by: (1) any amount excluded by section 911 (the exclusion from gross income for citizens or residents living abroad), (2) any tax-exempt interest received or accrued during the tax year, and (3) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) that is excluded from income under section 86 (that is, the amount of the taxpayer's Social Security benefits that are excluded from gross income).[40] To be eligible for the premium assistance credit, taxpayers who are married (within the meaning of section 7703) must file a joint return. Individuals who are listed as dependents on a return are ineligible for the premium assistance credit.

As described in Table 1 below, premium assistance credits are available on a sliding scale basis for individuals and families with household incomes between 100 and 400 percent of FPL to help offset the cost of private health insurance premiums. The premium assistance credit amount is determined based on the percentage of income the cost of premiums represents, rising from two percent of income for those at 100 percent of FPL for the family size involved to 9.5 percent of income for those at 400 percent of FPL for the family size involved. After 2014, the percentages of income are indexed to the excess of premium growth over income growth for the preceding calendar year. After 2018, if the aggregate amount of premium assistance credits and cost-sharing reductions[41] exceeds 0.504 percent of the gross domestic product for that year, the percentage of income is also adjusted to reflect the excess (if any) of premium growth over the rate of growth in the consumer price index for the preceding calendar year. For purposes of calculating family size, individuals who are in the country illegally are not included.

TABLE 1.—THE PREMIUM ASSISTANCE CREDIT PHASE-OUT

Household income (expressed as a percent of FPL)	Initial premium (percentage)	Final premium (percentage)
100% up to 133%	2.0	2.0
133% up to 150%	3.0	4.0
150% up to 200%	4.0	6.3
200% up to 250%	6.3	8.05
250% up to 300%	8.05	9.5
300% up to 400%	9.5	9.5

Minimum essential coverage and employer offer of health insurance coverage

Generally, if an employee is offered minimum essential coverage[42] in the group market, including employer-provided health insurance coverage, the individual is ineligible for the premium assistance credit for health insurance purchased through an exchange.

If an employee is offered unaffordable coverage by his or her employer or the plan's share of total allowed cost of provided benefits is less than 60 percent of such costs, the employee can be eligible for the premium assistance credit, but only if the employee declines to enroll in the coverage and satisfies the conditions for receiving a premium assistance credit through an American Health Benefit Exchange. Unaffordable coverage, as defined by Federal law, is coverage with a premium required to be paid by the employee that is more than 9.5 percent of the employee's household income, based on self-only coverage.[43]

Reconciliation

If the premium assistance credit received through advance payment exceeds the amount of premium assistance credit to which the taxpayer is entitled for the taxable year, the liability for the overpayment must be reflected on the taxpayer's income tax return for the taxable year subject to a limitation on the amount of such liability. For persons with household income below 400 percent of FPL, the liability for the overpayment for a taxable year is limited to a specific dollar amount (the ''applicable dollar amount'') as shown in Table 2 below (one-half of the applicable dollar amount shown in Table 2 for unmarried individuals who are not surviving spouses or filing as heads of households).[44]

TABLE 2.—RECONCILIATION

Household income (expressed as a percent of FPL)	Applicable dollar amount
Less than 100%	$600
At least 200% but less than 300%	1,500
At least 300% but less than 400%	2,500

If the premium assistance credit for a taxable year received through advance payment is less than the amount of the credit to which the taxpayer is entitled for the year, the shortfall in the credit is also reflected on the taxpayer's tax return for the year.

HOUSE BILL

The House bill changes the applicable dollar amount, as shown in Table 3 below (one-half of the applicable dollar amount shown in Table 3 for unmarried individuals who are not surviving spouses or filing as heads of households).

[38] The House bill rewrites section 168(k)(4) in order to delete a substantial amount of ''deadwood'' from the language of present law.

[39] Individuals who are lawfully present in the United States but are not eligible for Medicaid because of their immigration status are treated as having a household income equal to 100 percent of FPL (and thus eligible for the premium assistance credit) as long as their household income does not actually exceed 100 percent of FPL.

[40] The definition of modified adjusted gross income used in section 36B is incorporated by reference for purposes of determining eligibility to participate in certain other healthcare-related programs, such as reduced cost-sharing (section 1402 of PPACA)), Medicaid for the nonelderly (section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) as modified by section 2002(a) of PPACA) and the Children's Health Insurance Program (section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) as modified by section 2101(d) of PPACA).

[41] As described in section 1402 of PPACA.

[42] As defined in section 5000A(f).

[43] The 9.5 percent amount is indexed for calendar years beginning after 2014 to reflect the excess of premium growth over income growth.

[44] Section 36B(f)(2), as amended by section 208 of the Medicare and Medicaid Extenders Act of 2010, Pub. L. No. 111–309 and section 4 of the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, Pub. L. No. 112–9.

TABLE 3.—ADJUSTED RECONCILIATION

Household income (expressed as a percent of FPL)	Applicable dollar amount
Less than 100%	$600
At least 100% but less than 150%	800
At least 150% but less than 200%	1,000
At least 200% but less than 250%	1,500
At least 250% but less than 300%	2,200
At least 300% but less than 350%	2,500
At least 350% but less than 400%	3,200

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

F. Information for Administration of Social Security Provisions Related to Noncovered Employment (sec. 5101 of the House bill and secs. 6047 and 6103(l) of the Code)

PRESENT LAW

The administrator of an employer-sponsored retirement plan, including a plan maintained by a State or local government, is required to comply with reporting requirements prescribed by the IRS.[45] In the case of a distribution to a participant or beneficiary, the amount of the distribution and other required information must be reported to the IRS and the participant or beneficiary on the Form 1099–R.

Tax returns and return information (including information returns) received by the IRS are subject to confidentiality protections and cannot be disclosed, including to another Federal agency, unless specifically authorized.[46] Disclosure of certain returns and return information to the Social Security Administration for specific purposes is so authorized.[47]

HOUSE BILL

The House bill amends the reporting requirements applicable to employer-sponsored retirement plans of State and local governments to require the identification of any distribution based in whole or in part on earnings for service in the employ of the State or local government, to the extent such information is known or should be known.[48] The House bill authorizes disclosure of this information by the IRS to the Social Security Administration for purposes of its administration of the Social Security Act.

Effective date.—The provision applies to distributions and disclosures made after December 31, 2012.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

G. Social Security Number Required to Claim the Refundable Portion of the Child Tax Credit (sec. 5201 of the House bill and sec. 24 of the Code)

PRESENT LAW

An individual may claim a tax credit for each qualifying child under the age of 17. The maximum amount of the credit per child is $1,000 through 2012 and $500 thereafter. A child who is not a citizen, national, or resident of the United States cannot be a qualifying child. If the child tax credit exceeds the taxpayer's tax liability, the taxpayer may be eligible for a refundable credit.

No credit is allowed to any taxpayer with respect to any qualifying child unless the taxpayer includes the name and the taxpayer identification number of the qualifying child on the return of tax for the taxable year. For individual filers, a taxpayer identification number may be either a Social Security number (''SSN''), an IRS individual taxpayer identification number (''ITIN''), or an IRS adoption taxpayer identification number (''ATIN'').

HOUSE BILL

The House bill adds a requirement that the refundable portion of the child tax credit is allowable only if the tax return includes the taxpayer's SSN (or in the case of a joint return, the SSN of either spouse).

Effective date.—The provision applies to taxable years beginning after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

H. Excise Tax on Unemployment Compensation Benefits of High-Income Individuals (sec. 5301 of the House bill and new sec. 5895 of the Code)

PRESENT LAW

Gross income includes any unemployment compensation benefits received under the laws of the United States or any State, and is taxed at the applicable individual income tax rate.[49]

HOUSE BILL

The House bill imposes an excise tax equal to 100 percent on unemployment compensation benefits received by individuals with adjusted gross income above certain thresholds. The adjusted gross income threshold is $750,000 ($1,500,000 for married individuals filing joint returns). The excise tax is phased-in ratably over a $250,000 range ($500,000 for married individuals filing joint returns). Therefore unemployment compensation benefits are taxed at a 100 percent rate for individuals with $1,000,000 or more of adjusted gross income ($2,000,000 or more of adjusted gross income for married individuals filing joint returns).

The excise tax is not deductible in computing the taxpayer's taxable income.

Effective date.—The provision applies to taxable years beginning after December 31, 2011.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement does not include the provision from the House bill.

TAX COMPLEXITY ANALYSES

The following tax complexity analysis is provided pursuant to section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998, which requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service (''IRS'') and the Treasury Department) to provide a complexity analysis of tax legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or a Conference Report containing tax provisions. The complexity analysis is required to report on the complexity and administrative issues raised by provisions that directly or indirectly amend the Internal Revenue Code and that have widespread applicability to individuals or small businesses. For each such provision identified by the staff of the Joint Committee on Taxation, a summary description of the provision is provided along with an estimate of the number and type of affected taxpayers, and a discussion regarding the relevant complexity and administrative issues.

Following the analysis of the staff of the Joint Committee on Taxation are the comments of the IRS and the Treasury Department regarding each of the provisions included in the complexity analysis, including a discussion of the likely effect on IRS forms and any expected impact on the IRS.

1. EXTENSION OF THE PAYROLL TAX REDUCTION (SEC. 1001 OF THE CONFERENCE AGREEMENT)

Summary description of provision

The conference agreement provides for a reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent portion of the RRTA tax, through 2012. Similarly, the reduced OASDI tax rate of 10.4 percent under the SECA tax, is extended to apply for taxable years of self-employed individuals that begin in 2012.

Related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code also apply for 2012.

The conference agreement repeals the present-law recapture provision applicable to a taxpayer who receives the reduced OASDI rate with respect to more than $18,350 of wages received during the first two months of 2012.

The bill is effective after the date of enactment.

Number of affected taxpayers

It is estimated that the provision will affect more than 10 percent of individual taxpayers and small businesses.

Discussion

It is not anticipated that taxpayers and small businesses will need to keep additional records due to this provision. Extensive additional regulatory guidance will not be necessary to effectively implement the provision. It is not anticipated that the provision will result in an increase in disputes between small businesses and the IRS.

The provision likely will not increase the tax preparation costs for most individuals and small businesses. Affected individuals and small businesses will not be required to perform additional and complex calculations to comply with the provision.

It is anticipated that the Secretary of the Treasury will have to make appropriate revisions to several types of tax forms and instructions.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, February 15, 2012.

THOMAS A. BARTHOLD,
Chief of Staff, Joint Committee on Taxation, Washington, DC

DEAR MR. BARTHOLD: I am responding to your letter dated February 14, 2012, in which you requested a complexity analysis related to the extension of the payroll tax holiday enacted under section 101 of the Temporary Payroll Tax Cut Continuation Act of 2011.

Enclosed are the combined comments of the Internal Revenue Service and the Treasury Department for inclusion in the complexity analysis in the Conference Report on H.R. 3630.

Our comments are based on the description of the provision provided in your letter. The

[45] Sec. 6047(d).
[46] Sec. 6103.
[47] Sec. 6103(h)(5), (l)(1), (l)(5).
[48] For this purpose, State includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.
[49] Sec. 85.

analysis does not include administrative cost estimates for the changes that would be required. Due to the short turnaround time, our comments are provisional and subject to change upon a more complete and in-depth analysis of the provision. The analysis does not cover any other provisions of the bill.

Sincerely,

DOUGLAS H. SHULMAN.

Enclosure.

COMPLEXITY ANALYSIS OF CONFERENCE AGREEMENT ON H.R. 3630

EXTENSION OF THE PAYROLL TAX HOLIDAY

The conference agreement provides for a reduced employee OASDI tax rate of 4.2 percent under the FICA tax, and the equivalent portion of the RRTA tax, through 2012. Similarly, the reduced OASDI tax rate of 10.4 percent under the SECA tax is extended for taxable years of self-employed individuals that begin in 2012.

The agreement provides related rules concerning (1) coordination of a self-employed individual's deductions in determining net earnings from self-employment and income tax, (2) transfers to the Federal Old-Age and Survivors Trust Fund, the Federal Disability Insurance Trust Fund and the Social Security Equivalent Benefit Account established under the Railroad Retirement Act of 1974, and (3) determining the employee rate of OASDI tax in applying provisions of Federal law other than the Code that also apply for 2012.

The conference agreement repeals the present-law recapture provision applicable to a taxpayer who receives the reduced OASDI rate with respect to more than $18,350 of wages received during the first two months of 2012.

IRS AND TREASURY COMMENTS

- This provision is an extension of current law (except for the repeal of the recapture of excess benefit) and should not add significant burden to taxpayers and the public in general.
- IRS has taken measures to prepare in case the Temporary Payroll Tax Cut is not extended, including revising forms and instructions and programming systems. If this provision is enacted, the IRS will have to adjust its forms and systems to reflect the extension. Computer software providers and large employers may also have programmed their systems for current law and would need to make similar adjustments.
- No new guidance would be required.
- IRS will have to make small modifications to certain notices to, and publications for, employers.
- There will be minimal impact on IRS training and the Internal Revenue Manual.

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, no provision in this conference report or joint explanatory statement includes a congressional earmark, limited tax benefit, or limited tariff benefit.

DAVE CAMP,
FRED UPTON,
KEVIN BRADY,
GREG WALDEN,
TOM PRICE,
TOM REED,
RENEE L. ELLMERS,
NAN A.S. HAYWORTH,
SANDER M. LEVIN,
XAVIER BECERRA,
CHRIS VAN HOLLEN,
ALLYSON Y. SCHWARTZ,
HENRY A. WAXMAN,
Managers on the Part of the House.

MAX BAUCUS,
JACK REED,
BENJAMIN L. CARDIN,
ROBERT P. CASEY, Jr.,
Managers on the Part of the Senate.

PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative in which to revise and extend their remarks and include extraneous material on H.R. 3408.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3408.

□ 1655

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, with Mr. WOODALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 20 printed in part A of House Report 112–398 offered by the gentleman from Louisiana (Mr. SCALISE) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112–398 on which further proceedings were postponed, in the following order:

Amendment No. 13 by Mr. THOMPSON of California.

Amendment No. 15 by Ms. HANABUSA of Hawaii.

Amendment No. 16 by Mr. HASTINGS of Washington.

Amendment No. 17 by Mr. MARKEY of Massachusetts.

Amendment No. 18 by Mr. MARKEY of Massachusetts.

Amendment No. 19 by Mr. LABRADOR of Idaho.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 13 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. THOMPSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 253, not voting 13, as follows:

[Roll No. 64]

AYES—167

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)

Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Austria
Bilirakis
Bono Mack
Campbell
Cleaver
Gosar
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

□ 1724

Messrs. COFFMAN of Colorado, FLAKE, and BURGESS changed their vote from ''aye'' to ''no.''

Ms. MOORE, Messrs. MCDERMOTT, LUJÁN, and RYAN of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BILIRAKIS. Mr. Chair, on rollcall No. 64, had I been present, I would have voted ''no.''

AMENDMENT NO. 15 OFFERED BY MS. HANABUSA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 228, not voting 16, as follows:

[Roll No. 65]

AYES—189

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

NOES—228

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

NOT VOTING—16

Austria
Bono Mack
Buchanan
Campbell
Cleaver
Cohen
Harris
Mack
Mulvaney
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1728

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 171, not voting 12, as follows:

[Roll No. 66]

AYES—250

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

NOES—171

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

NOT VOTING—12

Austria
Bono Mack
Campbell
Cleaver
Mack
Pascrell
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1734

Messrs. OLVER, WELCH, CARNEY and Ms. ROYBAL-ALLARD changed their vote from ''aye'' to ''no.''

Mr. JOHNSON of Illinois changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 254, not voting 11, as follows:

[Roll No. 67]

AYES—168

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gerlach
Gibson
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Clarke (MI)
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herger
Herrera Beutler

Himes
Hinojosa
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Austria
Bono Mack
Campbell
Cleaver
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1738

Mr. RICHMOND changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 238, not voting 12, as follows:

[Roll No. 68]

AYES—183

Ackerman
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—238

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

NOT VOTING—12

Austria
Bono Mack
Campbell
Cleaver
Mack
Neal
Paul
Payne
Rangel
Sanchez, Loretta
Serrano
Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. LABRADOR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. LABRADOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 177, not voting 12, as follows:

[Roll No. 69]

AYES—244

Adams
Aderholt
Akin
Alexander
Amodei
Bachmann
Bachus
Barletta
Barrow

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

NOES—177

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

NOT VOTING—12

Austria	Johnson (IL)	Rangel
Bono Mack	Mack	Sanchez, Loretta
Campbell	Paul	Serrano
Cleaver	Payne	Shuler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1746

Mr. CARNAHAN changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Chair, on rollcall No. 69, on the Labrador amendment, I was detained off the floor talking with constituents. Had I been present, I would have voted ''present.''

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, and, pursuant to House Resolution 547, reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. CASTOR of Florida. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. CASTOR of Florida. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. CASTOR of Florida moves to recommit the bill H.R. 3408 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE ___—MISCELLANEOUS PROVISIONS

SEC. ___. RESTRICTION ON PERMITS AND LEASES FOR THE GREAT LAKES AND THE FLORIDA EVERGLADES.

No Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in, under, or within 5 miles of any of the Great Lakes or the Florida Everglades.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes.

Ms. CASTOR of Florida. Thank you, Mr. Speaker.

Mr. Speaker, the Republican leadership's transportation package is a dead end. It is being panned by businesses, Democrats and Republicans alike. What we will vote on next is the Republican funding portion of the package and it is a little bit different.

See, this is a special story. In fact, it is a love story, the love story of a breathtaking display of affection of Big Oil by the Republican party. The bill is a special Valentine, a love letter of the Republicans' undying devotion to Big Oil. No others compare.

□ 1750

The problem is that, with the Republican congressional leaders' blind passion for Big Oil, they correspondingly demonstrate an animosity to American families and businesses. See, it's been less than 2 years since the BP Deepwater Horizon disaster, and the Republicans in Congress now propose to drill for oil just about anywhere.

Have safety measures been adopted by this Congress? No. Do they recognize that there are special places across America that are not appropriate for oil drilling? Not really.

For example, the bill would allow drilling right off of the beaches of Florida. Florida's tourism industry, meanwhile, employs more than 1 million people. Tourism and fishing are multi-billion-dollar industries. Drilling closer to our shores puts those jobs at risk. Yet that's what the Republicans propose here. And for what? The CBO says

that if you drill off the coast of Florida, that will generate $100 million. Billion dollars in industry and tourism and fishing or $100 million?

BP decimated the gulf coast and caused billions of dollars of damage to our economy and our environment. The disaster is estimated to have cost the State of Florida, alone, $2.2 billion and almost 40,000 jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to traffic the well when other Members are under recognition.

Ms. CASTOR of Florida. Mr. Speaker, the Republican love letter to Big Oil could be the kiss of death for small businesses, hotels, motels, shrimpers, fishermen, and families that rely on tourism, and that's just in the State of Florida. This bill puts too many jobs at risk in a misguided, love-struck attempt to allow Big Oil to drill just about anywhere, including unique and sensitive areas all across America.

Republican leadership has made it abundantly clear they are willing to sell America to the highest bidder. Well, I'm here to say America is not for sale.

Is nothing sacred in this country anymore? Is nothing off limits? How about Mount Vernon, George Washington's home? Would we drill there if Big Oil could make a few bucks? How about Gettysburg National Battlefield? I hear there may be some natural gas nearby. Why not check Grandma and Grandpa's backyard. You're already trying to take away their Medicare, so why stop there?

There are places in America that are not for sale and should be protected, and my amendment provides a test. Here's the test:

I pick two special areas to put to the test in this Congress. My amendment will prevent drilling within 5 miles of any of the Great Lakes or the Everglades.

Now, don't get me wrong, we must have robust domestic oil production—in fact, that is happening now. We are currently producing in America at higher levels than ever before. We have more domestic production than we import. Last year, U.S. crude oil production reached its highest level since 2003. And the Obama administration has offered and continues to offer millions of acres of public lands and Federal waters for oil and gas exploration and production.

In 2010, the Department of the Interior offered 37 million acres in the Gulf of Mexico for oil and gas exploration, but the oil companies have only tapped 2.4 million acres. So why are we going to open up even more public lands for drilling when we haven't even used one-fifteenth of what's available? It's a love story. It's a love story.

Last year, although Exxon made $41 billion, BP made over $25 billion, the Republicans saw to it that American taxpayers chipped in another $10 billion from 2002 to 2008.

Well, enough is enough. We are not going to turn the Great Lakes into the ''Okay Lakes,'' and we're not going to turn the Everglades into the ''Neverglades.'' The Great Lakes and Everglades are not just environmental treasures; they are the lifeblood of our local economies. The Great Lakes and Everglades employ many Americans who work in tourism, lodging, fishing, and ecological industries.

I urge my colleagues not to play an enabling role in this tawdry love affair between most Republicans in Congress and Big Oil.

Vote ''yes'' on this motion and pledge your devotion to our great Nation rather than Big Oil.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, this is one more example where the other side is playing politics with American energy and American job creation.

At a time, Mr. Speaker, when Iran is threatening a global energy meltdown, the Middle East is undergoing numerous uprisings, China's thirst for oil is growing and our consumers are facing rising prices at the pump, it's time to secure our own future with American-made energy.

The other side talks about energy security. This legislation, the underlying legislation, offers real opportunity to expand our domestic energy production and secure our Nation.

The other side talks about Federal revenue. This legislation would bring in billions of dollars to the Federal and State governments and bring tens of billions of dollars of investment into this country.

Most importantly, Mr. Speaker, while the other side talks about creating jobs for Americans, this legislation will create hundreds of thousands of good-paying jobs for American workers. And while the other side cheapens these jobs by calling them temporary, we call these jobs what they really are—American jobs.

The underlying legislation sets out a commonsense action plan to secure our future, create jobs, and increase Federal revenue and investment into this country. Oppose this motion to recommit and vote ''no,'' and vote ''yes'' on the underlying legislation.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. CASTOR of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 16, as follows:

[Roll No. 70]

AYES—176

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

NOES—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers

Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Austria
Bono Mack
Butterfield
Campbell
Chu
Clarke (NY)
Cleaver
Honda
Lungren, Daniel E.
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Shuler
Smith (TX)

□ 1814

Mr. CRAWFORD changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 187, not voting 10, as follows:

[Roll No. 71]

AYES—237

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

NOES—187

Ackerman
Adams
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nugent
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reichert
Reyes
Richardson
Rivera
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Southerland
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOT VOTING—10

Austria
Bono Mack
Campbell
Cleaver
Mack
Paul
Payne
Rangel
Sanchez, Loretta
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1820

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

RESIGNATION AS MEMBER OF COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Homeland Security:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2012.

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

DEAR SPEAKER BOEHNER: I hereby respectfully submit my resignation from the Committee on Homeland Security effective today, February 16, 2012. I have accepted an assignment to the House Armed Services Committee.

If you and your staff should have any questions or concerns, please feel free to contact me at 202–225–3531.

All the best,

JACKIE SPEIER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 16, 2012.

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

DEAR SPEAKER BOEHNER: I resign my position on the House Committee on the Budget, effective today, Thursday, February 16, 2012.

Sincerely,

PAUL D. TONKO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE HONORABLE JOHN D. DINGELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN D. DINGELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 2012.

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

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the Eastern District of New York, to produce documents in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOHN D. DINGELL,
Member of Congress.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 553

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Ms. Speier.

(2) COMMITTEE ON THE BUDGET.—Ms. Bonamici.

(3) COMMITTEE ON NATURAL RESOURCES.—Mr. Tonko.

(4) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Ms. Bonamici.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RELIGIOUS FREEDOM

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

Mr. FLEMING. Mr. Speaker, President Obama's mandate on abortion-inducing drugs and contraceptive services has not gone away—I repeat—has not gone away. It has not been settled. There is no compromise. The administration's assault on the First Amendment continues. The deeply held beliefs of people who oppose abortifacients are still under attack.

Let's be clear. The President remains as determined as ever to force insurance companies and their customers to pay for services which defy the moral fiber of their beings and which are contrary to religious beliefs and sacred teachings.

Let me be clear. Despite what you have heard, no rules have changed. There has been no accommodation. President Obama is simply hoping to cover this issue with a smokescreen to push it past Election Day so he can still get his way.

That's why this Congress needs to act—and act right now—to put in place conscience protections that the administration cannot violate. We need to safeguard our religious liberties against these attacks by the Obama administration.

RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. HANNA). Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. LAMBORN) is recognized for 60 minutes as the designee of the majority leader.

Mr. LAMBORN. Thank you, Mr. Speaker.

America has a long history of religious freedom.

In the 17th century, colonists fled to what would become the United States of America in search of religious freedom. In 1789, Congress drafted the First Amendment, ensuring the right to the free exercise of religion. Throughout the 20th century, the Supreme Court has repeatedly upheld the rights of individuals to practice their religions according to the dictates of their own consciences. In 2001, President Bush established the Office of Faith-Based and Community Initiatives to ''encourage faith-based programs without changing their mission.''

But today, the Obama administration's policies threaten that fundamental freedom. President Obama's new health care mandate, despite a flimsy, politically motivated, so-called ''compromise,'' forces religious organizations to pay for contraceptives and abortion-inducing drugs in their health care plans.

So much for over 200 years of religious freedom.

The mandate is an unprecedented act of government trampling over the deeply held beliefs of millions of Americans. I stand with my colleagues tonight in showing our united opposition to any efforts by the Obama administration to flagrantly disregard deeply held religious beliefs.

I am a cosponsor of the Respect for Rights of Conscience Act, introduced by Representative JEFF FORTENBERRY of Nebraska, which would protect the rights of conscience for faith-based organizations and would leave Federal law where it was before the President's divisive health care plan was passed.

A number of Representatives from around the country are very troubled by this unprecedented government intrusion into the First Amendment right of freedom of religion. We are going to take the next 60 minutes to explore just how wrong this decision was, how meaningless the so-called ''compromise'' is, and how vital to our country freedom of religion is today.

At this point, I would like to yield to the courageous sponsor of the Respect for Rights of Conscience Act, Representative FORTENBERRY of Nebraska.

Mr. FORTENBERRY. First of all, let me thank the gentleman from Colorado for his leadership in holding this discussion tonight. This is a very important discussion because it is about a fundamental American principle.

As you mentioned, over a year ago, we actually began work on the Respect for Rights of Conscience Act in anticipation that the new health care law may actually be used to undermine religious freedom and the moral precepts, the deeply held beliefs, of many Americans in this country.

You had mentioned that this particular bill—hopefully, we'll get it through this House soon, and there is a companion measure, by the way, in the Senate—would not only protect faith-based organizations, which seem to be most perniciously targeted by this new HHS mandate from the strong arm of government, which is forcing them to pay for drugs and procedures that may violate their ethics norms, but it would also protect all Americans because, right now, these institutions, as well as other people of good will, are being asked to choose: to follow your deeply held, reasoned beliefs or to obey President Obama and Secretary of Health and Human Services Kathleen Sebelius'

new mandate, which is in violation of your conscience rights.

That's a false choice.

That's un-American.

That violates a deeply held principle of this country, namely religious liberty, which we have held so dear throughout our history.

□ 1830

The Respect for Rights of Conscience Act really does one simple thing: It restores us to where we were a year and a half ago before the new health care law came into being, and it would prevent things such as this new mandate, which is an intrusion of government into the faith life of many Americans, from ever happening.

Again, I'm very pleased for your willingness to hold this hour of discussion with fellow Members. It is a bipartisan bill, by the way. There are Democrats and Republicans on this bill. It is a bicameral bill. There are over 200 House Members who have cosponsored this bill 200, Democrats and Republicans; and there are 37 Members on the companion piece in the United States Senate, dropped by my friend Senator ROY BLUNT from Missouri. In fact, Senator BLUNT has offered this as potential amendments to must-pass legislation in the other body. We haven't seen that go through yet.

So there is tremendous momentum for this piece of legislation because it's not about politics. It's not about partisanship. It's about a principle, a fundamental American principle: the rights of conscience and religious liberty, as applied in health care.

I'm pleased by the outpouring of support from Members of both sides of the aisle here. I think that is due to the intensity of concern across America about how this time, the government has gone too far.

Again, I appreciate your willingness to hold a good conversation tonight on this fundamental principle of religious liberty and the rights of conscience for all Americans.

Mr. LAMBORN. Thank you. And I do want to applaud Representative FORTENBERRY of Lincoln, Nebraska, for this courageous move that he has taken, for being a leader on this important issue of protecting the rights of the conscience for Americans. I thank you for your leadership on this issue.

Mr. FORTENBERRY. Well, I appreciate it. I hope that we continue to hold more conversations about this because America needs to know. America is already speaking. And that is evident in the number of Members who are deeply interested in this bill.

Mr. LAMBORN. And I can certainly count that 200 Members is close to the magic number of 218, which is 50 percent of the House. Likewise, 37 is getting close to the magic number of 50 needed over in the Senate. So you're doing great work. And I appreciate that, and many Americans appreciate your work.

Mr. FORTENBERRY. Thank you very much.

Mr. LAMBORN. At this point, I yield to the gentleman from Louisiana, STEVE SCALISE.

Mr. SCALISE. I thank my friend, the gentleman from Colorado, for yielding and for taking the lead on this hour dedicated to standing up for religious freedom.

I also thank my colleague from Nebraska (Mr. FORTENBERRY) for his leadership and for bringing forth legislation, of which I am a proud cosponsor, that would repeal the decision that President Obama came down with that is an attack on religious freedom.

As a Catholic who attends church, it's rare when you see a Catholic priest talking from the pulpit, calling on the parishioners to call Congress, to contact Congress about any issue. Yet I want to applaud the Catholic bishops who have been so vocal in helping bring this issue to light, for standing up and saying, This is something that we will not comply with because it violates our own religious beliefs.

The beauty of the Constitution—and especially when you look at the Bill of Rights—are the rights that it lays out to all Americans. And when you read that First Amendment, there is a reason why freedom of religion is included in the First Amendment placed in the Bill of Rights, because our Founders believed it was a right that was handed down to us from God through our Founding Fathers and that it was given to all American citizens.

But yet the President came out with this ruling, and he says, Well, we'll tailor a little exemption just for places of worship. Not religious organizations, just places of worship. And everybody else, they're on their own. They've got religious beliefs that—they don't want to have to pay for abortion-inducing drugs, for example, which the President mandated. Then the President basically said, No, you have to do this, even if it violates your religious beliefs. That violates the First Amendment of the Constitution. It violates the Bill of Rights. No President has the ability to violate the Bill of Rights, those constitutional rights we have.

And then the President, just a few days ago, came out with what he called ''an accommodation,'' an accommodation where he said, Okay, we'll carve out a little more exception. It still doesn't apply to an employer, for example, that has those same religious beliefs, so we'll carve out an exemption.

Well, guess what? After the President carved out that exemption, so to speak, they actually issued a final rule. This is the final rule from the Obama administration after he gave a press conference, a political speech. And in the final rule, it says, ''These regulations finalize, without change, interim final regulations.'' In other words, they didn't even put any of the things from the President's press conference where he said he was going to give accommodations. None of that is in the final rule.

The final rule still says, if you're a Catholic school, for example, or a Catholic Church—and I know Colorado Christian University is one of the plaintiffs in a lawsuit because they would face a $500,000 fine under this rule. Even if the President gave a press conference, you can't go to court and say, Look, I'm not going to comply with this rule, because they're going to say, Well, you have to comply; it's the law. And they will say, Oh, but the President gave a speech saying I don't have to. It's still in the rule.

Again, any President who thinks that he has the power to issue accommodations to the Bill of Rights is a President who thinks he's got the ability to take away that Bill of Rights. He doesn't have that. And that's why I'm so proud to stand here with my colleague from Colorado and so many others that have stood up and said, we are going to stand up and defend those religious freedoms that are so precious, not just for religious organizations, but for all Americans, as is called for in the Bill of Rights. So it's an important issue that we need to keep fighting for because this is all a component of the President's health care law.

I remember back in those days when the President stood right here on this House floor at that podium and he looked at all Members of Congress and he said, If you like what you have, you can keep it. Do you remember that? All Americans heard that. Time and time again, the President said, If you like the health insurance you have, you can keep it. Guess what: With this ruling, he broke that promise he made to the American people because if you're a religious organization and you like the fact that you don't have to provide—and you are not going to provide—abortion-inducing drugs because it violates your own conscience, the President is now saying, You can't keep it. You have to abide by my ruling. That goes against the will. And if you are a religious organization that is self-insured, they're left out of this too.

There are so many problems with this. I'm glad that they're fighting it in the courts. But the bottom line is, they shouldn't have to go to the court to defend the First Amendment. That should be something that's sacrosanct. The President shouldn't be trying to violate and attack our religious freedoms.

I appreciate the gentleman for his leadership tonight.

Mr. LAMBORN. I thank the gentleman for making his remarks.

And he mentioned Colorado Christian University. The president of that fine institution is former U.S. Senator Bill Armstrong, who served Colorado both in the U.S. House and in the U.S. Senate in such a distinguished manner. And that is not necessarily a Catholic institution. It's more of a Protestant evangelical institution, although people of different Christian backgrounds attend there. But this shows that it's not strictly a ''Catholic'' issue. All people of faith are concerned about violations of conscience.

You see here this quote from Martin Luther King. February is Black History Month. And I think it's appropriate to look at what he said. He said, There comes a time when one must take a position that is neither safe nor politic nor popular but because conscience tells one it is right. He pointed to the need to listen to our consciences when deciding matters of great importance. And Martin Luther King left a great legacy for this country, and his respect for the conscience of the individual is one of those marks of his legacy.

I now yield to my colleague and friend, the gentleman from Maryland.

Mr. HARRIS. I thank the gentleman.

Mr. Speaker, we have one of the most serious assaults on religious liberty in American history. The President's rule, finalized last Friday, in its unchanged form, as we just heard, violates the individual rights to religious freedom that every American shares.

The Bill of Rights doesn't pertain to organizations. It wasn't written for groups. It was written for individuals, every individual having the right to exercise their religious belief. The President's rule not only restricts individuals, but it restricts everything except what exists between the walls of a church building. Mr. Speaker, that's not what the First Amendment is about.

□ 1840

My parents, like many immigrants to this country, fled countries where those beliefs weren't held. My parents came from communist countries where we don't find it farfetched to believe that they would imprison, they would punish individuals for their religious beliefs.

Let's look at what the President's Affordable Care Act has turned into.

We knew and America knew when that bill was passed, because the previous Speaker of the House said: We just have to wait to pass it; we'll find out what's in it. Mr. Speaker, we are finding out what's in it, and America doesn't like it, because what's in it is the ability, under the current rule, to restrict individual religious freedom. And if you choose to exercise your religious freedom, you are punished by the government with a fine. And it's not just a few dollars; it's $2,000 per employee.

If an employer has deeply held religious beliefs, deeply held, it's not up to the President or the Secretary of Health or anyone in the Federal bureaucracy or government to decide if those are appropriate religious beliefs. Yet that is exactly what this rule does. It says if you don't share their religious beliefs or their beliefs in certain types of health care, you are going to pay a fine to the government. Well, that sounds a lot like governments where immigrants have fled from to this country to share in the individual religious belief.

Let's go down the list of what this final rule impairs. It violates the Religious Freedom Restoration Act passed in this Congress two decades ago. It obviously violates the First Amendment Free Exercise Clause because it does place a substantial burden on individuals who choose to exercise religious belief. That's all they're doing. We have made it an effective crime to hold a certain religious belief that this administration disagrees with. That's not America. That describes a whole lot of other countries in the world, but it doesn't describe America.

It violates the First Amendment free exercise rights because it intentionally discriminates—intentionally discriminates—against religious beliefs. It imposes requirements on some religions, not on others. It picks winners and losers. That's exactly what the First Amendment was meant not to do.

And, Mr. Speaker, it's not going to be adequate if we just extend it to religious organizations because, I remind you, the First Amendment is not about groups or buildings or churches or any institutions; it's about the ability of every American to not violate their conscience. And if their conscience says, It would be wrong for me to provide insurance to an employee that would provide something that my religious belief disagrees with, who are we, as the government, to step in and say, You have to violate your religious beliefs; and if you don't, you pay a fine to the government.

That's not the America we believe in. It never has been; hopefully, it never will be.

We know that the President's final rule, because we just heard it—and, Mr. Speaker, you know, some people listening to us will say, That's not true; that's not true. Go Google the final rule and compare it to the rule last summer, the final rule, issued hours after the President claimed a compromise, and compare it with the interim rule issued last summer. Not a comma is different; not a comma was changed. The smoke and mirrors was: Don't listen to what I say; don't watch my hands as I do this magic.

Go and read the final rule. There was not a single change. There was an accounting gimmick. Americans understand accounting gimmicks. That's why we're in the fiscal mess we're in, because Washington likes them. This time the accounting gimmick attempts to override Americans' religious conscience, and you can't do that. Americans understand there's no such thing as free anything. Somebody pays for it. And if the government is going to mandate that an employer provide insurance that includes provisions that conflict with their conscience beliefs, this is an accounting gimmick to say that somebody else has to pay for the rest of that insurance policy that you provided. Every American knows that's not true. We know specifically for larger institutions that self-insure, they are the insurer. There is no other insurance company. Large bodies, and if they happen to be religious, self-insure. You will now force them to violate their conscience or pay a $2,000 per person fine.

I want to thank the Representative from Colorado for bringing this point up tonight, reminding the American public to pay attention to the debate. Go look at that final rule and understand that we're in the same situation as we were last week with a violation of religious liberty that we should never tolerate.

Mr. LAMBORN. I thank the gentleman from Maryland for his insight into this issue and his comments.

A couple of organizational things just very quickly. Because of the keen interest to address this important issue, we're going to ask for a 4-minute timeframe for each speaker, and there are several that I need to take out of the rough order that we have to accommodate tight schedules.

So, as Mr. KELLY comes forward, I will read a quote here from John F. Kennedy. Let me read what John F. Kennedy said about conscience:

> I would not look with favor upon a President working to subvert the First Amendment's guarantee of religious liberty.

What a powerful statement.

I now yield to the gentleman from Pennsylvania.

Mr. KELLY. I thank the gentleman.

Mr. Speaker, where I come from in western Pennsylvania, there's an old saying that goes something like this: Fool me once, shame on you; fool me twice, shame on me.

And I think that tonight, my colleagues and I come before you and come before this House to talk about some very egregious action that this administration has just taken. And for the President, who at one time was a professor of constitutional law and who knows better, he relies on constitutional convenience. When it's convenient, he follows the Constitution; when it's not, he follows what he wants to do. And then he looks upon us, saying, You just didn't get it. Maybe I didn't use the right words to frame it.

And so he takes policy that is horrible policy, policy that is against our First Amendment, policy that restricts our free speech, restricts our freedom of religion, and puts an onerous burden on people not to be able to choose what they want but what this administration wants. And he says, You know what? Let me take what I just told you, put it in a little different box, a little different color paper and put a little different bow around it, and this is what we're going to use.

And some people sit back and say, Oh, my gosh, I'm so glad he was accommodating. That is not accommodating.

Now, I'm a Roman Catholic, and I will tell you that for many, many months and for many years I have wondered why our religious leaders, the people we look to for spiritual guidance, have been silent and have taken a back seat and have let things happen that they should not have let happen.

Bishop Zubik from Pittsburgh, Bishop Trautman from Erie, and my

priest, Father Steven Neff in Butler, have all spoken up from the pulpit, and they have spoken very clearly about this violation, and they have articulated much better than any of us can. They have done it from the pulpit. They have done it in the papers. They have done it on the radio and on the TV. The American people now know what is going on.

Fool me once, shame on you; fool me twice, shame on me. No way.

And we are here tonight because we have had enough of an administration that continues to trample on our Constitution, marginalize it, and use it only when it's convenient. And when it doesn't meet their means, we talk about constitutional niceties. We talk about a Constitution that was well written at the time, really doesn't address the needs of today.

I would tell you that the needs of today have nothing to do with the needs of the American people, the rights of the American people, the freedom of the American people in speech or religion. It has to do with an administration that finds it a little too onerous for their agenda.

So I thank the gentleman from Colorado, and I would hope that all Americans, not just Catholics, not just Christians, but all Americans, are outraged by this attempt to violate our First Amendment rights.

□ 1850

Mr. LAMBORN. I thank the gentleman for his remarks.

There are a number of freshmen, including Mr. KELLY, who are making a big impact here in Congress just at 13 months of service.

Another one, who I would like to refer to as speaking next, is ANN MARIE BUERKLE of the State of New York.

Thank you for coming and speaking.

Ms. BUERKLE. I thank my colleague for putting together this hour that is so meaningful and so important not just for Democrats or Republicans but for every American, not just for people of faith but for those who have no faith. This is a First Amendment issue.

I stand here tonight as a health care professional, someone who is so vitally aware of the importance of conscience and the protection of conscience rights.

This HHS rule is the largest intrusion that we have ever seen from the Federal Government on our rights of conscience. Every American—every American—must understand what an insult this is to our constitutional rights.

I want to just take this opportunity, Mr. Speaker, to challenge our media as they listen to this debate, and it is a debate that really encompasses so many unlikely bedfellows, I would say, that you see liberals, conservatives, Catholics, atheists, Christians, and Jews coming together in an outrage because our First Amendment rights have been assaulted and have been attacked by this administration. But I would challenge the media to not be fooled by the red herring that this administration continues to throw out there. Mr. Speaker, this is not about contraception. This is not about women's health. This is not about Catholicism. This is about protecting the most fundamental right that we, as Americans, have.

So many of my colleagues have mentioned about the reasons people came to this country and they continue to want to come to this country, because we ensure that you will not be persecuted for your beliefs, for your religious beliefs. That's the bedrock of the United States of America. That's why there's such outrage over this HHS rule.

As my colleague from Maryland mentioned, this rule has not been changed. Do not be fooled by the smoke and mirrors of this administration. This rule remains the same. It remains an assault on our First Amendment rights. I plead with America and I plead with the media to understand what's at stake in this debate.

I thank my colleague again for this opportunity.

Mr. LAMBORN. I thank the gentlelady for her comments.

There's one other person who has a strong scheduling issue that I would like to come forward, from the State of Kansas, another person in his first term who has impressed me greatly, Representative HUELSKAMP.

Mr. HUELSKAMP. Thank you, Congressman. It's a pleasure to stand with you today. It is a pleasure to be here. But it is a real shock to see what is happening today.

I would agree with the comments of my colleague and many others. I must admit—and I guess in today's environment it is an admission. I must admit I am Roman Catholic. This issue is not about what faith you call your own. This issue is about our religious freedoms, whichever we choose.

Who would have thought of an administration that would identify and select a certain group and say, We are going to violate their conscience? We knew this was coming. We knew this was coming.

I'm reminded of a few quotes that I've heard in the last few months—actually, in the last few years—a famous quote that was already used previously, that we have to pass this bill to find out what's in it, the former Speaker of this House. We're finding out what was in it. We found out many things that we did know were in it.

Actually, when this was debated on the Senate side, there was an attempt by our leadership, Republican leadership, that said, no, let's make certain that this doesn't happen. This was anticipated by this administration, I believe, to attempt to violate the conscience of millions and millions of Americans, and yet they continued forward with that.

We also found out that, once we read the bill and it was passed—or passed and then read it—that this administration, the HHS Secretary who we talk about, Kathleen Sebelius, began to give waivers and said, well, it applies to some groups and not others. If you happen to know the Secretary or happen to be from the right district or happen to work for the right company, you can find a waiver, and I remember speaking out about it. What I didn't anticipate was having to ask a waiver to actually have your beliefs, still hold those in America. Who would have thought that we'd have to get permission from the President of the United States and his Secretary, Kathleen Sebelius, for permission to believe what I believe? That's shocking.

As I mentioned, I am a Catholic, and Pope Benedict XVI a few months ago said that freedom of religion is the most American of all freedoms. And I think about the thousands of folks that have served in this Chamber, that have walked up here and fought for our freedoms and spoke on the floor for them; they would have never guessed that if you are of a particular group—in this case, Catholic, and others that disagree with this administration—you would have to pay a fine to actually disagree with them.

Congressman, you have showed a real civil rights leader in the history of our country, Martin Luther King. One of his other tremendous quotes was that injustice anywhere is a threat to justice everywhere. That didn't just apply to his beliefs. He thought it applied to all Americans. But what is shocking to me is that we have a President who disregards basic American freedoms and is willing, somehow—it's just shocking to me that he's willing to risk his election, to alienate folks because of what he's attempting to impose. But that's what we expect from ObamaCare. That's what we expect from his health care plan, because it is government mandates. It is government control.

As the Attorney General of Virginia said, the President's health care plan, the debate over that is not about health care. The fundamental issue is liberty. And that's what we're finding out right here.

I call upon this President, I call upon Kathleen Sebelius, please, reach deep down into your soul, and also think about your next election. Because we know if this rolls back, it's about the next election. But we don't care about the next election. Americans care about their freedoms and liberties.

I want to thank my colleague for bringing this to our attention. We've been fighting this on many routes, and I think it's just absolutely critical. I thank you for your efforts, and, hopefully, we will recall those words: An injustice anywhere is a threat to justice everywhere.

Mr. LAMBORN. If I could ask the gentleman, is there any chance that Kathleen Sebelius will issue waivers to religious organizations, not just the labor unions who up until now have been the main ones getting waivers?

Mr. HUELSKAMP. That is an excellent idea I guess we would expect from

the administration, but, fundamentally, that is favoritism. That is picking who gets to believe what. And as previous colleagues talked about escaping, immigrants that came to this country came here for this particular reason, to avoid paying a fine for what they believed. That's exactly what we are being forced to do.

Do we get permission from the President not to pay the fine? Do we get a waiver? Well, how do we accommodate religious freedom, Mr. President? How do we accommodate that, Secretary Sebelius? How do we balance? It doesn't say anywhere in the Constitution we're going to balance what you want with our freedoms.

The First Amendment is very clear. And the first part of the First Amendment is the freedom to believe in the God as we choose. And I appreciate and thank you for that.

I'll do this. Let's ask for a waiver for everybody in America to actually get a waiver so we can believe what we want to believe. I would ask for that as well.

So thank you, Congressman, for your leadership, and we will continue to join you in this effort.

Mr. LAMBORN. I thank the gentleman from Kansas. He's been an excellent addition to the newer Members coming here to Congress, an excellent addition.

Among those who are having scheduling conflicts, unfortunately, is me. I have a committee that's meeting right now that's having a markup. We're having recorded votes on amendments and passage of bills out of committee, so I have to leave in just a moment. As much as I so badly wish I could finish up this discussion and hear the comments that have been moving to me so far, I have to depart.

I yield back the balance of my time.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for the remainder of the hour as the designee of the majority leader.

□ 1900

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, might I make an inquiry as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 26 minutes remaining.

Mr. DANIEL E. LUNGREN of California. I thank the Speaker.

At this time, I would recognize the gentleman from Mississippi (Mr. NUNNELEE). We are trying to keep it to about 4 minutes apiece. And I'm not just saying that because you're ready to talk, but that's the time we have.

Mr. NUNNELEE. I want to thank the chairman, the gentleman from California, for your leadership in this area.

Religious freedom in America is under attack, not from some outside source, but from within. And if we've learned anything from history, we should have learned that great civilizations are at a greater risk of destroying themselves from within than they ever are in danger from any outside peril.

Freedom of religion is one of the cornerstones of our society. In 1789, when James Madison and the rest of the Framers of our Constitution were crafting that great document, their genius created the concepts of separation of powers, checks and balances, limited government. However, when that document was presented to the States, the people said that with all of its genius, that document was inadequate. While it outlined a framework for government, it failed to guarantee individual rights.

So in order to establish the Government of the United States of America as we know it today, our ancestors insisted that our Nation adopt the Bill of Rights—10 amendments to the Constitution that would guarantee rights to every individual. That Bill of Rights begins:

> Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.

Yet the Obama administration has displayed a disturbing contempt for the religious liberty guaranteed in that Bill of Rights. The message coming out of them seems to be: it's okay to have religious beliefs as long as you confine that practice to your church. They just don't get it. They don't seem to grasp the fact that our faith is part of who we are. We don't check it in and check it out when we walk into our places of worship. We take it with us everywhere we go.

Now, defenders of this health mandate are attempting to play a clever political game. They're attempting to frame this as a narrow debate between women's rights and the Catholic Church. The truth is, this is about an outrageous idea that the State can force citizens of this Nation to violate their religious beliefs by some degree or regulation, and that some bureaucrat at Health and Human Services can violate constitutional rights.

All Americans—its individuals, not just religious institutions—should be free to purchase and provide health insurance that does not violate their religious beliefs. This principle is so basic that it's tragic that we even have to introduce legislation to reaffirm it. But it's the position of the Obama administration that has put us in the position we're in today. That's why I'm a proud cosponsor of the Rights of Conscience Act, and I urge its swift passage.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his comments.

It is now my pleasure to yield to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. It's a privilege to be here to stand on the House floor with my colleagues this evening and discuss an issue that is facing Americans today that really we should not be standing here talking about. We face tough economic times, but instead we have to be dealing with the administration's rule that he is implementing that came out of the health care bill passed several years ago. This is a freedom-of-religion issue. This issue is not about birth control. This issue is about government control.

I'd like to share a couple of lines from our founding documents that I think are very important. I think one thing that has happened over the past couple of years is that Americans have become more familiar with our Constitution, because I believe the Constitution has the answers for the problems that we face today.

Mr. Speaker, I'd like to share this particular line that actually influenced the Bill of Rights and the First Amendment:

> All men are equally entitled to the free exercise of religion, according to the dictates of conscience.

That is found in the Virginia Declaration of Rights. The First Amendment says this:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Mr. Speaker, I come to the floor today and I believe that this is a threat to our freedoms. I stand here as a Baptist, along with my colleagues from many denominations who believe that this is a threat to our freedom of religion. Can you imagine the outcry if the President told journalists what stories they could write? This is no less appalling. The President's decision to force individuals of faith to violate their conscience is a blatant assault on the First Amendment.

One of the things that is so foundational here in America is that we are a people of strong convictions. We are a people of faith. What this rule does is it puts the real American safety net at risk. We have so many faith-based organizations, charities, people that organize to help those who are in need. They are the backbone of the social safety net of this country. I believe that this rule interferes with those core beliefs and that HHS has jeopardized the mission that so many Americans have to help people across this country.

Mr. Speaker, I'd like to share this quote by one of our famous and well-respected Founders and Forefathers of our country, and it is Daniel Webster, who said this in addressing Americans about preserving the principles of the Constitution. He said:

> It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.

Mr. Speaker, I'd submit to you today that this administration, past Congresses, has good intentions; but they are beginning to control and to rule

the people in ways that violate our constitutional freedoms and our liberties.

So I want to thank the gentleman for organizing this Special Order because I believe that the people must know that this is a rule that will infringe on their First Amendment rights.

The last quote I'd like to read tonight is a quote from Thomas Jefferson. Thomas Jefferson says:

All tyranny needs to gain a foothold is for people of good conscience to remain silent.

I ask the American people to voice their opinion, to voice their freedom, and to let their Member of Congress know what this ruling does to the freedom of religion.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his comments.

It is now a pleasure on my part to be able to recognize for his words the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I appreciate the opportunity from the gentleman from California to stand with my colleagues tonight to speak on an important issue.

It was an amazing experience for me this morning to be part of the Oversight and Government Reform Committee and to have a hearing where we had numerous members of religious organizations, including leaders in the Catholic, the Jewish, and the Protestant faiths, in front of us, men who were appealing for rights that should be taken for granted in this country, the rights of religious freedom.

It brought back to me the thoughts that I experienced just a year ago almost this very day when I was in Israel and had the opportunity to hear from the Prime Minister of Israel as he spoke with glowing admiration for America. He talked about the religious liberty that was unlike any other place in the world in Israel today for all faiths, all religions, based upon, as he said, the experience, the value, and the documents of America and its foundings.

□ 1910

And so, today, to hear our religious leaders speaking for their religious liberty was unreal. Those documents that the Prime Minister of Israel referred to going back to the Declaration of Independence, where it says:

We hold these truths to be self-evident that all men are created equal and endowed with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness.

Liberty.

And our First Amendment has been quoted numerous times tonight. The beginning of the Bill of Rights:

Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

These truly sacred documents, documents that we live by, at least we should, documents that we can carry and quote from, are under serious attack today. These documents of liberty, liberty, not just for organizations but for individuals, not just for churches, but for parishioners who have businesses, who are body shop owners, who are lawyers, who are doctors and have employees that they want to care for.

We have today a Justice of the Supreme Court who recommends to a country looking for a constitution to write, not America's Constitution, but constitutions of other countries. Unbelievable.

And attorneys, labor attorneys poohpoohing the opposition to attacks on our own Constitution as constitutional niceties. This is not America that we understand.

And now the attack on the constitutional right of religious conscience, the foundational liberty upon which this great land was birthed, our churches and our individuals.

We would do well to listen, Mr. Speaker, to the warnings of our Framers and Founders.

And with this I close: Jonathan Witherspoon, a minister who signed the Declaration of Independence said:

A republic once equally poised must either preserve its virtue or lose its liberty.

John Adams followed by saying:

Liberty lost once is liberty lost forever.

We would do well also to take the heed of enemy voices who desire the destruction of America and its liberty, lest we unwittingly follow and fall into their advice, advice such as this that was said:

America is like a healthy body and its resistance is threefold; its patriotism, its morality, its spiritual life. If we undermine these three areas, America will collapse from within.

Joseph Stalin.

May God grant us, Mr. Speaker, wisdom so that our President, this Congress, and all of America will never let these words be a prophecy fulfilled.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his powerful words.

At this time I would yield to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding, and I thank the gentleman for holding this Special Order tonight.

Mr. Speaker, as a young man, I swore an oath to protect and uphold the Constitution of the United States when I was sworn into the United States military. Literally, millions of young men and women have sworn that oath, shed blood, precious blood, to protect the individual liberties and freedoms that we take for granted in this Nation. And now, no longer, due to the actions of this President, can we take those for granted.

I want to associate my remarks tonight with my colleagues who've so eloquently spoken. Once again, it tells us why government should be out of these individual decisions that we make. We passed almost 2 years ago, and Mr. LUNGREN remembers this very well, on this House floor we debated this health care bill that now mandates not only what we should buy, an essential benefits package, but what's in it and how it's administered. How ridiculous that is. Individuals have that right and should maintain that right and that freedom to do that.

Our government was established to protect rights of conscience for all Americans, not just some Americans, but all Americans. Neither the HHS nor any other government Department should have the power to force people to violate their conscience. Since 1973, health care and coverage providers—and I am a physician, I am an obstetrician and gynecologist—were granted protections in the law to follow their conscience. This rule that was passed and will be the law of the land cancels those protections. Cancels those protections.

This HHS rule will force individuals and organizations to violate deeply held moral convictions with no opportunity to opt out, no opportunity to opt out. Protection of the rights of conscience is a fundamental American principle, a fundamental liberty, not a marginal consideration to be subordinated or ignored because of Federal mandates. It's guaranteed in this book right here, the Constitution. The freedom of religion is the first one mentioned in the First Amendment of the Bill of Rights.

The HHS rule gives people and me, a provider, an impossible choice: either break the law, or violate your beliefs. This rule is causing buyer's remorse in someone who previously supported the health care reform bill.

Former Representative Kathy Dahlkemper recently said:

I would never have voted for the final version of the bill if I expected the Obama administration to force Catholic hospitals and Catholic colleges and universities to pay for contraception.

Christians cannot distinguish between purely religious activities and provisions of health care. Because of this rule and because of this President, many may have no choice but to stop providing coverage for their employees. And providers like myself and others with conscience clauses may have to stop providing care.

This is not a choice that any of us should have to make. It's a freedom guaranteed by over 200 years of bloodshed for this Nation.

Mr. Speaker, the American people cannot stand by and let this happen.

I appreciate very much the gentleman holding this Special Order tonight.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his remarks.

Mr. Speaker, it is my privilege to share the last 9 minutes with the gentleman from New Jersey, the man I call the William Wilberforce of this Congress, Mr. CHRIS SMITH.

Mr. SMITH of New Jersey. I thank my great friend from California for his leadership, former Attorney General of California, one of the most decisive and

wonderful debaters in the House of Representatives and a great champion of life.

Mr. Speaker, President Obama's slick public relations offensive this past Friday contained neither an accommodation nor a compromise, nor a change in his coercion rule. It was, instead, a pernicious attack on religious freedom.

The Obama final rule promulgated on Friday is an unprecedented government attack on the conscience rights of religious entities and anyone else, and I repeat that, anyone else who, for moral reasons, cannot and will not pay for abortion-inducing drugs, such as ella, or contraception and sterilization procedures in their private insurance plans.

Mr. Obama is arrogantly using the coercive power of the state to force faith-based charities, hospitals and schools to conform to his will at the expense of conscience.

Mr. Obama's means of coercing compliance, ruinous fines of $2,000 per employee when faith-based organizations refuse to comply, and they will refuse to comply, will impose incalculable harm on millions of children educated in faith-based schools. It will also impose harm on the poor, sick, disabled, and frail elderly who are served with such extraordinary compassion and dignity by faith-based entities.

For example, Catholic Charities employs 70,000 employees. They will be hit with a fine by the Obama administration of $140 million per year. That's the fine. That's the penalty: $2,000 per employee.

Notre Dame has about 5,000 employees. That will be a $10 million fine on Notre Dame. And so it goes for those faith-based organizations.

Let me just say to my colleagues that vocal apologists of the Obama coercion rule say over and over again that the IOM, the Institute of Medicine, panel that reportedly researched and did recommend the coercion rule was somehow independent. Nothing could be further from the truth.

□ 1920

Journalist Kathryn Jean Lopez reported that the Human Life International organization looked into the members of the panel. You stack the panel, you get a predetermined outcome. They found that it was packed with pro-abortion activists.

For example, member Claire Brindis, member of the organization of NARAL Pro-Choice America; Angela Diaz, member of Physicians for Reproductive Choice and Health; Paula Johnson, chairwoman of Planned Parenthood League of Massachusetts; Magda Peck, also on the board of directors, or was, of Planned Parenthood of Nebraska and Council Bluffs. She was chair of the board as well as vice chair. If you just stack an IOM or any other panel, you will get a predetermined outcome, and so they did.

Mr. Speaker, finally, the Respect for Rights of Conscience Act reasserts and restores conscience rights by making absolutely clear that no one can be compelled to subsidize so-called services in private insurance plans contrary to their religious beliefs or moral convictions. This legislation must be on the floor soon, and I hope the American people will realize how important this bill offered by Mr. FORTENBERRY is to conscience rights in America.

I thank my good friend for yielding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to avoid personalities with regard to the President, such as accusations of arrogance.

The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for his comments, and I thank him for his leadership on many, many issues of human rights, not only in the United States but around the world.

I was astounded when I heard the comments of the leader of the minority party in the House of Representatives several days ago when she referred to those who were concerned about this decision by the President of the United States and the secretary of HHS as using religious liberty as an excuse. What an insult to those men and women of good faith who've expressed their concern about how this will require them to either violate their consciences or pay fines in tribute to the Federal Government.

Interestingly enough, Alexis de Tocqueville said this about Catholics:

> The American Catholics are faithful to the observance of their religion. Nevertheless, they constitute the most Republican and most Democratic class of citizens which exists in the United States. Although this fact may surprise some observers at first, the causes by which it is occasioned may easily be discovered upon reflection.

What he suggested was the consciences of Catholics who utilized their consciences to bring to the public debate did not undermine America, it fortified America.

We've crossed this bridge before. Unfortunately there were those who claimed to be Republicans in the 1800s who led the fight against men and women of conscience who happened to be Catholic. This caused Abraham Lincoln to say these words in a letter to Joshua Speed in 1855:

> As a Nation, we began by declaring that all men are created equal. We now practically read it ''all men are created equal except Negroes.'' When the Know-Nothings get control, it will read ''all men are created equal except Negroes and foreigners and Catholics.''

What does it mean? The Know-Nothings feared that Catholics would bring their conscience and their values of faith to the public debate.

We've been across this bridge before. We should not accept it. It's not just Catholics. It is men and women of all religious beliefs and even those of no religious beliefs who understand that a government that commands that you do something against your conscience is a government that can basically take anything away from you, and in this case, perhaps the most precious thing there is in you, your faith.

We cannot let it stand. It is a question of the culture of America, the tradition of America, the first amendment to the Constitution of America.

This is a serious debate because it questions whether anyone, anybody in government, can basically tell you that you must check your religious values at the door.

Interestingly enough, just a week and a half ago, I was present when I heard the President speak at the National Prayer Breakfast and say he does not and we do not and we cannot check our religious values at the door. That's precisely what this edict—and that's what it is—this edict does.

We ought to understand. We speak not just for Catholics, we speak not just for Christians, we speak not just for Jews, for Muslims, for Hindus, for people of faith, and for those who have no faith. We speak for all Americans in understanding that the First Amendment is not made up of mere words; it is made up of first principles. And we cannot allow first principles to be cast aside.

That's why we must stand in unity against this rule, this unprincipled, this unlawful, this unconstitutional rule that has no basis in fact, has no basis in the Constitution, and has no basis in the culture of this country properly understood.

I thank the gentleman for his contribution. I thank all for their contribution.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. I would ask, Mr. Speaker, that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of this Special Order this evening.

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

There was no objection.

Mr. DANIEL E. LUNGREN of California. With that, Mr. Speaker, I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I'd like to start tonight by continuing our discussion on conscience protections and our First Amendment rights.

As I did yesterday during the press conference on the same topic, I'd like to read the First Amendment to our Constitution. It states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Our Founding Fathers thought that those specific five tenets were crucial to the citizens of America—so critical that they needed to be guaranteed first and foremost.

The conscience protection debate that started a few weeks ago with the administration's announcement of a new rule regarding contraception, sterilization, and insurance policies is a perfect example of the importance of these rights.

The government cannot, and should not, be forcing any employer, whether they are Catholic charities and schools or an individual businessman, to violate the tenets of their faith.

As this debate continues, it highlights the great need to have a standard that explicitly protects employers from attempts to erode our First Amendment rights.

We need to fight for the standard in H.R. 1179, the Respect for Rights of Conscience Act of 2011, introduced by my good friend from Nebraska, Mr. FORTENBERRY.

It simply protects employers from being forced to violate their religious or moral beliefs by an overreaching mandate from the administration. It takes nothing away from the public, nor does it prohibit women from getting services that are already provided, as some have alleged.

H.R. 1179 is a responsible and reasonable response to clarify what can and cannot be mandated through the healthcare law regarding conscience protections.

We cannot allow the federal government to start going down the slippery slope of eroding our constitutionally protected rights—we took an oath to uphold the Constitution.

As a mother and grandmother, I will do everything in my power to ensure that the rights we enjoy today continue to be guaranteed for my daughter, grandchildren, and generations to come.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Mr. SCOTT of South Carolina (during the Special Order of Mr. DANIEL E. LUNGREN of California), from the Committee on Rules, submitted a privileged report (Rept. No. 112–400) on the resolution (H. Res. 554) providing for consideration of the conference report to accompany the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, thank you for the time.

The Progressive Congressional Caucus is that caucus in Congress that comes together to talk about the most important values that our country is founded on—ideas like fairness, inclusion, prosperity for all, protecting our world and the environment that we live in. The Progressive Caucus can be found talking about civil and human rights, standing for an economy that is fair and inclusive and has shared benefits and responsibilities for everybody. The Progressive Caucus is that caucus in Congress that will stand up for peace and diplomacy and also will make the case for the human rights of all people.

We bring you the progressive message to illustrate what's at stake in America today. I'm very pleased that I'm joined by my good friend from the great State of Illinois, JAN SCHAKOWSKY. We're going to bring the progressive message tonight and just talk a little bit about the values that we share.

You know, I want to set up a question I have for you, Congresswoman SCHAKOWSKY, because we have been dealing with this transportation bill over the last several days, and we will be up until the week of February 27.

One of the things about it that I found most galling is that one of the ways that the Republican majority intends to pay for the transportation bill is by charging Federal employees a fee, and really a tax, on their retirement and then using the money that they're going to gain to pay for their transportation bill.

□ 1930

When I think about people who are Federal employees, I'm thinking of people who take care of our veterans—the nurses at the VA. I'm thinking of people who make sure our roads and our parks are safe. I'm thinking about Federal employees who make sure our water and our air is clean. So I just want to ask you:

Do you think it's fair to sort of go after Federal employees, working people, to try to pay for this transportation budget we've been talking about over these last few days?

Ms. SCHAKOWSKY. I thank you for that question and for leading this hour in this important discussion.

No. In fact, our colleagues in the majority want to pay for the legislation in the transportation bill, but what they want to continue to do is to refuse to touch a single hair on the heads of millionaires and billionaires, and they stand firm in their defense of the big oil companies and the corporations that ship their jobs overseas. Instead of asking the wealthiest Americans to contribute a little bit more, they want to ask Federal workers. Instead of going to the 1 percent, they want to ask people who are solidly in the 99 percent to pay the price.

Federal employees are hardworking, middle class Americans, who work for the Federal Government all across this country, not just in Washington. In fact, only about 30 percent of Federal employees are in Washington. Of course, some of them work in our offices, and they work in this House of Representatives. We all represent Federal workers.

So who are they? You mentioned a few. Yet there are also those benefit specialists who help our seniors get their Social Security and Medicare benefits, and they're the law enforcement professionals who defend our borders and our ports and our skies and us when we're here in the Capitol.

Mr. ELLISON. FBI agents who are protecting us from everything from terrorism to drugs to guns, are these people Federal employees?

Ms. SCHAKOWSKY. Those are called Federal employees, as are the Capitol Police; and they're computer and network specialists who spend their days making sure that we're safe from cyberattacks. They're medical and scientific researchers who are looking for cures for devastating diseases. They're the nurses and doctors who take care of our wounded warriors. They're the men and women who make sure the food supply is safe and that our water is clean enough for our children to drink. They're the hardworking support staff. I just left my office, and I was having my trash and recycling taken away.

Those are all Federal employees. There are 423,000 Federal employees who earn less than $50,000 a year; and 48 percent of them are women, but 60 percent of the employees earning less than $50,000 a year are women. They are the people who have seen their pay frozen for 2 years while health care and other costs are going up.

Mr. ELLISON. If I may just ask the gentlelady a question.

Do you mean to tell me and the American people and the Speaker tonight that not only is this transportation bill proposing to cut into and to basically tax Federal employees' retirement benefits, but they've already had a freeze on top of this?

Ms. SCHAKOWSKY. For 2 years. That's about $30 billion a year in cuts. So they've already given up, really, about $60 billion from a normal increase in wages just to pay for the cost of things going up. Everybody knows that the cost of food and gasoline and those kinds of things are going up, and still we aren't asking millionaires—or they aren't. The Republicans who propose these cuts, these additional contributions from Federal employees, are not asking millionaires and billionaires to contribute their fair share.

Mr. ELLISON. I will say to the gentlelady that I have brought a document here with me today. I had a great meeting with some Federal employees the other day, and they said, Explain it to me, GOP.

One person, Paul here, says: I earn less than $45,000 a year. Explain it to me, GOP, how cutting my pay creates jobs. This person, Paul, represents the Tobyhanna Army Depot workers. They do something really important.

Then there is another Federal employee: Twelve percent of my salary I earn caring for veterans goes to my retirement. Explain it to me, GOP, how cutting my retirement puts people to

work. That's what Teresa has to say, and she represents nurses at the Minnesota VA hospital.

Then here is Eric Young, and he represents correction officers in Miami, and he says: I pay more than $9,000 a year for my family health insurance. Explain it to me, GOP, how cutting my take-home pay lowers unemployment.

These are the faces of Federal employees. Sometimes when we talk about, oh, just cut the Federal employees, they're nameless, faceless. Who are these people? But as you pointed out, they are the people who really improve the quality of our lives every single day—people who protect us here in the Capitol but also who protect our veterans, who work in our Federal prisons, and who are Army Depot workers. This is the face of Federal workers, and I just think it's fair to say that they deserve to have somebody speak up for them as they have put their lives on the line to protect all of us.

Ms. SCHAKOWSKY. Let me also say this.

Some argue that, oh, well, it's such a cushy job to work for the Federal Government and that Federal employees actually make more money than in the private sector. Let me explain that.

As for the people who work in the lower-wage jobs for the Federal Government, women actually make more working for government than they do in the private sector because, in the private sector, they make about 70 cents on the dollar, and thank goodness the Federal Government has more equity in what it pays. The same is true for minorities, who earn much less than white men do in the private sector; but when you work for the Federal Government, you have certain protections and certain equity that we've all supported, so they make more money.

When you get to the higher-wage jobs, working for the National Institutes of Health or more, for the higher-skilled jobs, in fact, those workers who work for the Federal Government could make more in the private sector, but they have made a decision to help our government, to help our country by working in the public sector.

So when they say some Federal workers earn more, I say God bless them because we don't discriminate like many in the private sector do, and we wish that the private sector would not discriminate in pay against women and minorities. It's not as if they should go out there and earn less money.

Mr. ELLISON. What I hear them say is, oh, well, the Federal workers earn more money than the people who pay their salaries in the form of taxes. They say this divisively and in a very smug way. And I think to myself, aren't we a country that should value public service, people working in the public interest for the public good? Does bread cost less for them? Is gasoline cheaper for them? No, it's not. Thank heavens that the Federal Government can pay people fairly and that we don't have these vast disparities in pay between men and women for Federal workers.

Basically, the protections that the people have in working for the Federal Government don't always prevail in the private sector, and that accounts for some of the disparity. Then, of course, as you just pointed out, people at the higher income levels, they could do just as well and be paid much more handsomely if they were to work elsewhere.

Ms. SCHAKOWSKY. It's estimated, actually, that those individuals could probably make as much as 26 percent more working in the private sector, but they want to contribute to the common good and work for all of us. Then, in order to pay for our transportation bill or any other bill, we ask the Federal workers to contribute more.

□ 1940

Take a look around. I say to my colleagues, look around us. Everywhere we go in this Capitol, in our office building, we are looking at Federal employees that, without, this place simply would not run. We are dependent on them and we rely on them for a good reason—because we can count on them. They contribute often as much as anyone here to making our country the great country that it is, and working in the Capitol of the United States of America with enormous pride, I might add.

Mr. ELLISON. I ask the gentlelady, when did it happen that working in the public interest became, in the minds of some people, something less than honorable work to do?

Ms. SCHAKOWSKY. I think there has been a real demonization of all public sector workers lately, and that is why I'm so glad tonight we're able to put a face on these individuals and say who are they, what kind of work are they really doing.

But beyond that, to say, really, this is where we want to get the sacrifice? We're not going to ask one thing more of the oil companies or the gas companies or the businesses that are making record profits and taking those jobs overseas and outsourcing them and getting a tax break for them? We're not asking the millionaires and the billionaires in this country who have actually benefited from the work of public employees, of Federal employees to get what they need in order to get ahead, we're not asking them to pay any more? No, we're going to take it out of the hides of middle class workers, if they are lucky. Some of them are down at the lower end. We're going to take it from the middle class workers, the middle class families, and ask them to make the sacrifice and pay more for their pensions.

Mr. ELLISON. If the gentlelady will yield.

I actually see this as another wedge. We talk about the wedges. We talk about some folks often are associated with the right-wing conservative philosophy who make arguments that would divide people who were born here versus immigrants, gays versus straights, all these kind of wedges, the ''Willie Horton'' thing, all this kind of wedge stuff. This is a new wedge, Federal workers versus private sector workers. It seems like they're trying to engender a certain amount of resentment among private sector workers for public sector workers. When are we going to talk about the people at the very tip-top who have been compensated beyond imagination in the oil and gas sector, in the drug sector, in the health care sector, those in private equity, all these folks who have been making so much money on Wall Street? When do we ask them to do more?

Ms. SCHAKOWSKY. Actually, we did, didn't we, in the people's budget that the Progressive Caucus introduced? That budget balances the budget, cuts the deficit, cuts the debt, but doesn't try to take it out of the hide of middle class people in the same way that we see from our colleagues across the aisle.

I know included in that budget is my Fairness in Taxation Act that says that people starting at a million dollars ought to pay a higher tax bracket, ratcheting up to people who make a billion dollars a year. There may be somebody at home saying, oh, nobody makes a billion dollars a year. Yes, they do. Mr. Paulson made $5 billion in 2010. He probably paid at a rate that may have been lower than his secretary or secretaries.

Mr. ELLISON. I am glad that you raised this point about the people's budget, because that really is the point of the Progressive message, to talk to the Speaker and the American people about there being an alternative in our Congress. Not everybody is carried away with this philosophy that Federal workers need to pay more and get less.

Actually, there are a body of folks in the Democratic Caucus, and particularly the Progressive Caucus, who really want to see a more shared way of paying for the needs of our country.

We recently had a hearing in which we talked about jobs, and we had a group called the Patriotic Millionaires who was there. And this is the interesting thing about your particular tax proposal. A lot of people who are making a lot of money agree that they should pay more. I find this to be very interesting, because patriotic Americans do come from various income strata. I think it's commendable for people at the top end, the people who might pay a higher rate under your bill, who say, Yeah, tax us more because we believe there should be a good public school system; we believe the water should be clean; we believe that Federal workers should be fairly compensated; we have enough. What drives us is not the acquisition of more, but the idea of creating good products and services for Americans, which we charge for, of course, but at the end of

the day, everybody has to do their fair share.

I thank you for offering the Buffett Rule before there was a Buffett Rule. Before we were talking about a Buffett Rule, you were out in front of the pack.

Ms. SCHAKOWSKY. One of the themes that the President has underscored over and over again is that everybody should get a fair shot and everybody pay their fair share and everybody play by the same rules.

When we talk about where should the money come from for important things like transportation—of course there are many flaws in that bill. They take mass transportation, mass transit, out of the funding stream. Transportation, I think, has always before been a bipartisan issue, and, of course, we want to be able to pay for that. It creates a lot of jobs. Everybody uses the roads. They use the transit system. They benefit. Everybody needs to pay their fair share, what they are able to pay to contribute to the common good.

The President has talked about having each other's back as kind of a basic philosophy, that we're all in this together, not we're all in this alone. That's one of the early ideas in America.

Picture, now, the covered wagons and the rugged individualism of those people crossing. They were together in a row, each one a rugged individual, but all of them were making sure that they helped to take care of each other so that they could get across safely.

I think that's the vision, that we're a combination of individual freedoms, strong individualism, but we also understand that we all do better when we all do better.

Mr. ELLISON. As my hero Paul Wellstone famously said, ''We all do better when we all do better.''

But those people you're talking about, those rugged individuals crossing the prairie, when they had to put a barn up, they didn't do it alone, did they? They'd have a barn raising, which was a community event. This idea that we do what we do—what we do, we should do best together, we do those things together. Whatever we can do individually, we certainly have the freedom to do that.

I am concerned about shifting political winds, which sort of ignore the idea that we are in this together, that the road in the transportation system is part of our commonwealth, something that is a benefit to us all, and so we all should pay for it, which is why I was particularly concerned about this transportation bill, H.R. 7. For the first time in about 50 years, the House is going to consider a partisan transportation package. Republicans are breaking the historical tradition of bipartisan action to rebuild infrastructure, create jobs, and strengthen our economy.

This proposal, H.R. 7, would cut about 550,000 American jobs, cuts highway investments in 45 States and D.C.

Ms. SCHAKOWSKY. Everyone needs to hear that again. Would cut?

Mr. ELLISON. Cut.

The GOP proposal cuts 550,000 American jobs, cuts highway investments in 45 States, bankrupts the highway trust fund with a $78 billion shortfall. As you said, it takes transit funding and puts it in the regular appropriations process, not in the stream of funding.

□ 1950

It gets rid of biking paths; it gets rid of walking paths. The reviews are in, and they all agree: the GOP bill is bad for jobs.

A good friend of mine who happens to be a Republican but works for the Obama administration, Ray LaHood, said, ''This is the most partisan transportation bill that I have ever seen.'' And he's seen a lot of them. He's your home boy from Illinois, right?

Ms. SCHAKOWSKY. That he is.

Mr. ELLISON. Continuing to quote Mr. LaHood:

> And it also is the most anti-safety bill I have ever seen. It hollows out our No. 1 priority, which is safety, and frankly, it hollows out the guts of the transportation efforts that we've been about for the last three years. It's the worst transportation bill I've ever seen in 35 years of public service.

Now, that's saying a lot.

Ms. SCHAKOWSKY. That is saying a lot. As I said before, and as Ray LaHood was alluding to, as many differences that may have existed across the aisle, recognizing the importance of transportation for commerce, for business, for everyday Americans getting to work, for linking our country together, for transporting our goods, Democrats and Republicans have always been able to sit down and together craft a piece of legislation on transportation. And to come up with an equitable way to fund it. Everyone has been able to agree.

This time, not only the way the bill is funded—talking about putting the burden on public employees to help fund it, but the elements of the bill itself. The fact, as you read, it is going to actually cost jobs. The transportation bill has always been the place where we have created jobs in our country. I think it's really shameful. I don't see that this piece of legislation is going to pass, but those who proposed it, I think, have made a serious miscalculation in every way.

Mr. ELLISON. Now, you know, it's beyond my ability to comprehend that any American, any American, would do anything other than try to make sure that everybody had enough. We had enough jobs for everybody who wanted to work, and those jobs were well-paying. But I tell you, there has been polling out there on what Americans think. This is not what I think; this is what Americans have said. Half of Americans believe that Republicans are sabotaging our recovery to win an election; 55 percent believe that, and 44 percent believe other than that.

Now, when you hear that this transportation bill is going to cut over half a million jobs, it's difficult to go to Americans and explain that's not what they are doing. Now again, I'm not going to look into the inner recesses of anyone's heart. I don't know what people's motives are. But I do know any bill, when we have unemployment north of 8 percent, which is going to cut jobs, and has been a historic place where we have created jobs, I think Americans have reason to be suspicious, and I hope our Republican majority would come and clarify what they're actually doing because, like I just pointed out, half of Americans believe that the Republicans are sabotaging our recovery to win an election.

Ms. SCHAKOWSKY. Well, let me give you an example.

We have seen the unemployment rate now drop to 8.3 percent, and that's not good, but it's better. We've seen it drop, and we have seen 23 months now of private sector job growth every month, which is a great thing, a great record.

Yes, let everybody look at that chart. The orange-brown part is during the Bush administration when the economic crisis first hit. And then the blue is during the Obama administration, where you see a pretty steady decrease in unemployment, and then you see now we are above the line for many months and creating jobs, and that increase in jobs.

But if the Republicans had not gone after public sector jobs, if there had not been the cut in public sector jobs at the Federal level as well as at the State level, because a lot of Federal dollars were lost to the States, causing the layoffs of many teachers and firefighters and policemen, public sector workers have been laid off, we would have an unemployment rate of about 7.5 percent if those cuts hadn't happened in the public sector. So, you know, who's really for getting our economy going, putting people back to work, letting them be taxpayers rather than having to receive unemployment benefits, you know, which we better extend because people need them, but they'd rather have a job.

Mr. ELLISON. Absolutely. The gentlelady should note, I had this one chart up, and I would like to let folks know, because what the question was—Washington Post-ABC asked the following statement: President Obama is making a good-faith effort to deal with the country's economic problems, but the Republicans in Congress are playing politics by blocking his proposals and programs.

Or: President Obama has not provided leadership on the economy, and he's just blaming the Republicans in Congress as an excuse for not doing his job.

Fifty percent of the people responded to statement A, the first one. And that is: President Obama is making a good-faith effort to deal with the country's economic problems, but Republicans in Congress are playing politics by blocking his proposals and programs.

Now, I hope that Republicans are reading these, because they're not

looking good. The best thing for them to do is to stop making proposals like this transportation bill, H.R. 7, which literally cuts jobs, because the American people are watching this. And quite frankly, I want us all to succeed. I don't think that it's good for the American population to think that one party that is elected to promote the public interest is doing something other than that in order to win an election.

Again, this board here clearly shows that when President Bush was in, this was kind of red. It's kind of bleeding, and then the blue is going up, up, up, and now above the line, and we have been adding 23 consecutive months of private sector job growth, but that public sector job loss, as you pointed out, is literally a drag on the economy, and it's hurting us. We need people to get to work.

I just want to ask the gentlelady a question. Again, I mean, does a public sector paycheck offer less at the local grocery store when the person goes to buy some groceries with that public sector paycheck?

Ms. SCHAKOWSKY. No. It's a job and a paycheck, and you take it to the grocery store. And it resonates throughout the economy. But I'll tell you, it's a pinch. When that wage and that check is frozen for 2 years, people feel that. Prices at the grocery store still go up, and so that very same paycheck doesn't quite buy as much. You know, there may be some lifestyle changes, maybe not such big things but some little things that add to the quality of life that actually our Federal employees have had to do without because of the freeze. And then, they're asked now, in order to even pay for a transportation bill, to lose money out of their pension fund, to have to pay more of their pension, which is their retirement fund.

Mr. ELLISON. I just want to point you, you and I were just talking about this chart which shows that under the Bush administration, the unemployment rate going up, us losing jobs, and then the steady march back the other way.

This chart shows that GOP proposals would eliminate up to 7.4 million jobs by 2016. So if you look at the proposals that the GOP has been making while they have been in the majority, the transportation bill, H.R. 7, is just one example of job killing. They like to call stuff ''job killing.'' That's their little Frank Luntz talking point. But they have in actuality proposed job-killing legislation. Starting with H.R. 1, The Economist, The Center for American Progress, showed that it would cut a million jobs. Repealing health care reform would cut about 2 million. GOP budget cuts, that's the Ryan budget, cuts to the Federal workforce, their so-called JOBS Act, all the way down the line.

□ 2000

This red is, if they could have their way, this is the bleed of American jobs that would happen. Now, this is a projection. But the fact is this transportation bill is a typical example of their idea of how the economy should operate. And it is very disturbing—17.4 million jobs. Of course, this would simply renew a trend that we were on during the Bush administration. So I think it's time for Republicans to stop offering these bad jobs bills and start offering some things that are going to put Americans back to work. They can begin that process by yanking this H.R. 7.

Ms. SCHAKOWSKY. Let me also just say that you mentioned that the Republicans like to point to the President's proposals or Democratic proposals and say, oh, this is another job-killing measure. Well, the facts are the facts. And the facts are that we have seen 23 months of private sector job creation. Literally millions of jobs have been created. And so I haven't heard too much about the job killing lately because it's pretty hard to talk about every time the job numbers come out and those jobs are increasing.

I want to thank you very much for bringing up an example of a piece of legislation that doesn't address our transportation needs, that does result in job loss, and that is paid for by going after middle class Federal workers as the ones who have to sacrifice in order to fund legislation like this. Thank you.

Mr. ELLISON. I thank the gentlelady. I just want to make a few points before we begin to wrap it up. I just want to point out that economist Mark Zandi, who has advised Senator MCCAIN, said by 2014 real GDP is almost $200 billion lower, and there are 1.7 million fewer jobs under the Ryan approach than is under the case of the President's. That's just one honest economist's estimate.

The Economic Policy Institute's conservative estimate of the Republican budget is 2 billion to 3 billion jobs lost over 5 years. Again, H.R. 1 would cut a couple of hundred thousand jobs. So, I really think, Mr. Speaker, that the American people need to know what kind of a ''jobs program'' the Republicans are talking about. They're not talking adding jobs; they're talking about cutting them. And H.R. 7 is but a typical example of the kind of damage these Republican majority Members would do to the American economy.

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

WAKE UP, AMERICA

The SPEAKER pro tempore (Mr. BUCSHON). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. These are interesting days in which we live. There is supposed to be an old Chinese curse that says: May you live in interesting times; and it's as if that curse has been placed on us. We certainly live in interesting times.

On 9/11/2001, this country suffered the worst attack in its history on its homeland. It was worse than December 7, 1941. It left thousands dead, it left the Nation reeling from the feeling of vulnerability, and it pushed the Federal Government to respond quickly.

Now, there are a number of things that could be effectuated more effectively in Iraq and Afghanistan. That would be a subject for another time.

I recall after 9/11, Bill Bennett coming to my hometown of Tyler, Texas, and speaking at Tyler Junior College. And there was a huge crowd that turned out. People, in fact, turned out during those few months after 9/11 in record numbers to their churches and to places of worship in record numbers. Because much like the children of Israel after a disaster, they realized they needed to get back closer to our Creator.

The FBI, our intelligence attributes, all of our Justice Department, State Department and all of the Bush administration immediately was pushed into gear to do something to protect us. And in that regard, Bill Bennett speaking there in Tyler said, Some people get offended if they look somewhat like someone who committed the worst attack in American history and they're searched more thoroughly than perhaps someone else.

And Bill said, I just know that if there was a red-headed Irishman that had attacked the United States, he said, I could anticipate having to go through heightened security checks every time I try to fly, every time I try to go anywhere. And he said, If that were to happen, I would understand because, he said, I love this country. I want people to be safe and feel safe, and since someone who looked like me with red hair and my same heritage had committed that act, even though he was and is a law-abiding citizen, he would understand being subjected to more scrutiny.

There was a time in this country when common sense like that did prevail, when no one would have ever dreamed that in going through security at an airport and somebody like me asking, why did I get pulled aside for the extra inspection and the puffery and all the added scrutiny, and being told, you look like you wouldn't get mad. That told me a lot. I stood there and watched for about 20 minutes. There were a couple of African American businessmen, well dressed, they were pulled aside for the heightened scrutiny. They certainly had no resemblance to anybody that had attacked America on 9/11. A little old lady, one of our seniors, full of vim, vigor and spirit, she was pulled aside. Anyway, interesting times.

I think our Justice Department, some of our folks who are supposed to be looking out for our protection have been lulled into a false sense of security, and they have done what some say

would be to respond to the squeaky wheel. The OIC, the 57 Islamic nations that make up the OIC, are the ones that invented the term ''Islamophobia,'' and it was Islamic nations that have funded some of our Ivy League schools, institutions of higher learning yearning for more dollars to accept massive contributions in return for their doing seminars and conferences on Islamophobia and trying to make Americans think there's something wrong with them if they fear the people who brought about 9/11.

□ 2010

Now, I am grateful for my Muslim friends. I am very grateful for the Muslim allies we had—and have, although this administration is throwing them under the bus—that we have in northern Afghanistan, the Northern Alliance, those in the Balochistan area of Pakistan. We've got Muslim friends all over the world. We have Muslim friends in this country who love the freedom here, who don't want to see this country hurt.

But there are those who have contributed to terrorism. There are those who have come here from other countries who hope to see our demise. My brother, who was living out north of the beltway, was shocked on 9/11, that afternoon, to see in a Muslim area north of the beltway children jumping and yelling and rejoicing over the deaths of Americans in the Pentagon and in the 9/11 towers. There was a time when Americans would have had more sensitivity than that. They would be so grateful to be in America they would not rejoice in the loss of innocent lives by Islamic jihadists.

The 9/11 Commission, bipartisan as it was, came to conclusions—with all of which I don't agree—but they made a very good-faith effort. They came to the conclusion about certain things, and it was clear that the actions of the terrorists that killed over 3,000 Americans were those of Islamic extremists, not rank-and-file, but Islamic extremists who believed that jihad meant the destruction of our way of life here in America, of Americans as infidels because they do not believe the same way.

Who would have believed that 10½ years later the mean people would not be those who have refused to denounce terrorist activities, those groups who have not only refused to denounce terrorist activity but who have actually supported terrorist activity through Hamas and Hezbollah—known terrorist organizations—and against whom there is sufficient evidence, as found by a district court in Texas and by the Federal Fifth Circuit Court of Appeals, sufficient evidence to move forward with the case. That's because the judge in the district court, Judge Solis, and the Fifth Circuit agreed that there was prima facia evidence of Muslim groups here in America who were named but unindicted coconspirators in funding terrorism, ''prima facia'' meaning adequate evidence to basically go forward. In fact, the words ''prima facia'' were used by Judge Solis in his decision.

Well, the FBI, over the years, seems to have relaxed in some regards, wanting to avoid being called Islamophobic, as the 57 Islamic states have shoved that notion further and further across our Nation, have pushed to meet one of their 10-year stated goals, as found in the materials of the Muslim Brotherhood archives found across the river in Virginia in a subbasement.

One of those goals was to subvert—actually subject the U.S. Constitution to sharia law; and the way to do that was to force a pronouncement that in America you could burn a Bible, you could put a cross in urine, you could call Christians all kinds of names, blaspheme Jesus Christ, you can burn an American flag, call the American Government all kinds of names, but under no circumstances should anyone defile a Koran.

As a Christian, I do not think anyone should ever abuse a Koran in any way. But the Constitution says if somebody wants to burn a Bible, that's been interpreted to mean you can burn a Bible. It's a freedom of speech issue. If you want to burn a flag, we're told you can do that.

Well, we had the Director of the FBI come before our Judiciary Committee in the not-too-distant past. And these are some of the documents that have been involved in the prosecution of the Holy Land Foundation in which groups like the Islamic Society of North America, CAIR, others, were named coconspirators. In any event, Director Mueller, March 16 of last year, before our Judiciary Committee, had testified in answer to a number of questions that, gosh, they viewed the Muslim community as absolutely the same as any other community, even those Muslim communities that rejoiced over 9/11—he didn't say this, but it was clear—that rejoiced over the deaths of Americans on 9/11. They saw them just like every other community. He also testified about the positive outreach that the FBI had been making to Muslim communities.

Well, I don't have a problem with that, but why would the FBI see the need to make positive outreach into any community of a specific nature?

So, after Director Mueller had indicated, yes, we have this wonderful outreach program with the Muslim communities and those communities are exactly like every other community, I said:

You had mentioned earlier—and it is in your written statement—that the FBI has developed extensive outreach to Muslim communities. And in answer to an earlier question, I understood you to say that Muslim communities were like all other communities. So I'm curious, as a result of the extensive outreach program the FBI has had to the Muslim community, how has your outreach program gone with the Baptists and the Catholics?

Mr. Mueller said:

I am not certain of necessarily the thrust of that question. I would say that our outreach to all segments of a particular city or county or society is good.

I said:

Well, do you have a particular program of outreach to Hindus, Buddhists, Jewish community, agnostics, or is it just an extensive outreach program to——

He interrupted and said:

We have outreach to every one of those communities.

I asked how he did that. And he started to filibuster. I said:

I have looked extensively, and I haven't seen anywhere in any one from the FBI's letters information that there has been an extensive outreach program to any other community trying to develop trust in this kind of relationship, and it makes me wonder if there is an issue of trust or some problem like that that the FBI has seen in that particular community.

□ 2020

And just so there's no mistaking, let me just read directly from the judge's opinion in the Holy Land Foundation case in response to the effort by ISNA, CAIR, NAIT, the Holy Land Foundation, and others.

The judge said:

The government has produced ample evidence to establish the associations of CAIR, ISNA, and NAIT with the Holy Land Foundation, the Islamic Association for Palestine, and with Hamas. While the Court recognizes that the evidence produced by the government largely predates the HLF designation date, the evidence is nonetheless sufficient to show the association of these entities with the Holy Land Foundation, the Islamic Association for Palestine, and Hamas.

There was plenty of evidence to support that, according to the judge. That was affirmed by the Fifth Circuit.

It is important to note that, out of concern for the FBI's outreach program, and the State Department, and the White House, for reaching out and bringing in people who courts have said have supported terrorism, and these people are being brought in—in the military we said brought inside the wire—in this case, brought inside the State Department, brought inside The White House on a regular basis, brought inside the Justice Department, my friend, FRANK WOLF, had this language added to the continuing resolution that was passed, that President Obama signed into law. This is language in the law, and my friend, Mr. WOLF, included it to reference the FBI's policy.

It says, and this is the language in the law:

Conferees support the FBI's policy prohibiting any formal non-investigative cooperation with unindicted coconspirators in terrorism cases. The conferees expect the FBI to insist on full compliance with this policy by FBI field offices, and to report to the Committees on Appropriations regarding any violation of the policy.

Well, guess what? We didn't get this from the FBI. We had to get it from the Islamic Society of North America's own Web site. They reported that on Wednesday, February 8, that's this year, the American Arab Anti-discrimination Committee, the Arab American

Institute, the Interfaith Alliance, the Islamic Society of North America, ISNA, which has been pronounced by the Fifth Circuit as having plenty of evidence to support that they fund terrorism and have, and then it mentions other groups, including the Shoulder-to-Shoulder Campaign.

But they, it says:

They had an opportunity to discuss the matter with the Public Affairs Office of the FBI. Director Robert Mueller joined the meeting to discuss these matters with representatives from the organizations.

The conversation with Director Mueller centered on material used by the agency that depicts falsehoods and negative connotations of the Muslim American community. The use of the material was first uncovered by Wired magazine.

And that was uncovered by an organization that seems to be right in there with those who were unindicted but named coconspirators in funding terrorism.

Well, from ISNA they say:

Director Mueller informed the participants that the FBI took the review of the training material very seriously, and he pursued the matter with urgency to ensure that this does not occur again in the future.

ISNA President Imam Magid, who's a frequent visitor to the White House, who the White House consults on speeches, or has, and welcomed to the inner sanctum of the State Department, other Departments here in Washington, Magid stated:

The discovery of FBI training materials that discriminated against Muslims did damage to the trust that was built between dedicated FBI officials and the American Muslim community. We welcome and appreciate Director Mueller's commitment to take positive steps toward eradicating such materials and rebuilding trust in an open dialogue.

The director also informed participants that to date, nearly all related FBI training materials, including more than 160,000 pages of documents, were reviewed by subject matter experts multiple times. Consequently, more than 700 documents, 300 presentations of material, have been deemed unusable by the Bureau and pulled from the training curriculum. Material was pulled from the curriculum if even one component was deemed to include factual errors or be in poor taste or be stereotypical, or lack precision.

I guess stereotypical would mean if they point out that terrorists have had one thing in common, that that would be stereotypical.

Well, ISNA also reports:

It was clear to all meeting participants that the issue of trust between community members and the FBI needs to be taken seriously by all our nation's decisionmakers. It was evident the Bureau must strengthen its efforts to build trust.

How about trust from the other side? How about condemnation of terrorist acts?

How about coming out and making clear all ties have been severed with Hamas and Hezbollah and those who would seek to make terror on innocent people?

Anyway, ISNA's rejoicing because they've gotten the FBI to actually go through and cull material that includes words like jihad, words like Islamist.

And, in fact, and I really do wish, Mr. Speaker, that our Director of the FBI would be as concerned about this law as he is about laws that don't exist, but his concern is about offending people who have been supporting terrorism that has been killing innocent people around the world.

Instead, this is what we have as a result of the efforts by this administration and the Director of the FBI. The 9/11 Commission report mentioned 322 times Islam because the people who were the hijackers, the people that planned the attacks, that hoped that they would kill tens of thousands of Americans instead of 3,000, those who helped train them in Afghanistan, those who helped plan and participate from other radical Islamist groups, they were Islamists. They believed in Islam. And thank God that they only represent a tiny percentage of Muslims around the world. But let's be realistic. As one intelligence officer said, we are blinding ourselves to being able to see who our enemy is.

Well, our FBI can be very, very proud. No longer in training materials, as the director told the named coconspirator of terrorism, ISNA, no longer are they going to mention Islam, Muslim, jihad, enemy. They don't mention the Muslim Brotherhood. They don't mention Hamas. They don't mention Hezbollah. They don't mention al Qaeda. They don't mention caliphate. They don't mention sharia law.

Those have been wiped clean from our training materials so that new FBI trainees, people coming in, will have no idea exactly what they're facing because they're being told, you must look only at a group as supporting heightened violence. But you cannot examine their books, things that mean very much to them, things that motivate these killers, these terrorists. You can't look at the things and their interpretations, what makes them tick.

How do you defeat an enemy if you cannot look at what makes them think the way they do? I would think that groups, our Muslim friends who want to help keep this country free, instead of demanding that we not realize that these are Islamic jihadists that want to kill us, that they would be out there pointing these people out publicly and condemning them. Instead, they're condemning those who simply want to protect America, who want to live in peace, want to live in freedom.

□ 2030

Imagine what these same kind of groups would have said if they had heard the prayer on D-day, live? Can you imagine these groups hearing Franklin Roosevelt's prayer on radio as he prayed for 6-to-10 minutes publicly, a prayer that you can find online?

Almighty God: Our sons, pride of our Nation, this day have set up on a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization to set free a suffering humanity.

He goes on and prays for a very long time on D-day as our troops were trying to retake Europe.

He also says in his prayer:

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose. With Thy blessing, we shall prevail over the unholy forces of our enemy.

Back then, Roosevelt didn't know you couldn't call your enemy that wanted to take over your Nation, that wanted to kill innocent people, that wanted to take away your liberty, Roosevelt didn't know you couldn't call them unholy forces of our enemy. So he used those terms because he cared about America. He cared about protecting America.

We want to live in peace. We want to live in peace with our Muslim friends, our Hindu friends, our agnostics, our atheists. But for heaven's sake, do not keep blinding our intelligence community, our justice community.

There was a time when in America you could call things just as they were, and in the Revolution one of the most quoted statements was attributed to Voltaire:

I disagree with what you say but will defend to the death your right to say it.

Now, when someone disagrees with what you say, they want to destroy your life, destroy your livelihood.

It's time for America to wake up before we get hit again. We have people in this country who are supporting terrorism. There's prima facie evidence to establish it; the courts have found it. This administration refused to pursue it when the evidence was clearly there, refused to pursue these people; and instead of pursuing the unindicted coconspirators after the convictions and the Holy Land Foundation—oh, sure, this administration says, Well, the Bush administration wasn't going to. The Bush administration was going to pursue the unindicted coconspirators if they got convictions in the Holy Land Foundation trial, which they did, near the end of 2008.

It's this administration that refused to go forward and prosecute anyone further.

So instead of prosecuting people supporting terrorism, this administration calls them into the White House, calls them into the Justice Department and says why can't we be friends.

It's time to wake up. We owe this country a defense with our eyes open, with our arms and heart open to help those who really are helpless, but to stand firm even to the death as our servicemembers are pledged to do, as I did my 4 years on active duty. Let's stand firm together until those who are intent on destroying us and supporting

terrorism are made to account and back off and say we're no longer your enemy. Then all communities can worship and love as one.

We've got to protect America.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BONO MACK (at the request of Mr. CANTOR) for today and February 17 on account of her daughter giving birth.

Mr. CAMPBELL (at the request of Mr. CANTOR) for today and the balance of the week on account of illness.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Friday, February 17, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways B-81, V-89, and V-169 in the Vicinity of Chadron, Nebraska [Docket No.: FAA-2010-1016; Airspace Docket No. 11-ACE-6] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Areas R-2104A, B, C, D and E; Huntsville, AL [Docket No.: FAA-2010-0693; Airspace Docket No. 11-ASO-29] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Huntington, WV [Docket No.: FAA-2011-1057; Airspace Docket No. 11-AEA-21] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation and Establishment of Compulsory Reporting Point; Alaska [Docket No.: FAA-2011-1238; Airspace Docket No. 11-AAL-20] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-320 and V-440: Alaska [Docket No.: FAA-2011-1014; Airspace Docket No. 11-AAL-19] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Anaktuvuk Pass, AK [Docket No.: FAA-2011-0867; Airspace Docket No. 11-AAL-16] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; North Philadelphia, PA [Docket No.: FAA-2011-0625; Airspace Docket No. 11-AEA-16] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Byron, OH [Docket No.: FAA-2011-0606; Airspace Docket No. 11-AGL-14] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Spearfish, SD [Docket No.: FAA-2011-0431; Airspace Docket No. 11-AGL-11] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Sturgis, SD [Docket No.: FAA-2011-0430; Airspace Docket No. 11-AGL-10] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to and Establishment of Restricted Areas; Warren Grove, NJ [Docket No.: FAA-2011-0104; Airspace Docket No. 11-AEA-2] (RIN: 2120-AA66) received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5035. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Federal Airways; Alaska [Docket No.: FAA-2011-0010; Airspace Docket No. 11-AAL-1] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5036. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Carroll, IA [Docket No.: FAA-2011-0845; Airspace Docket No. 11-ACE-19] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Stuart, IA [Docket No.: FAA-2011-0831; Airspace Docket No. 11-ACE-17] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mercury, NV [Docket No.: FAA-2011-0894; Airspace Docket No. 11-AWP-14] received January 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee report on H.R. 3630. A bill to provide incentives for the creation of jobs, and for other purposes (Rept. 112–399). Ordered to be printed.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 554. Resolution providing for consideration of the conference report to accompany the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes (Rept. 112–400). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JOHNSON of Ohio:

H.R. 4048. A bill to amend title 38, United States Code, to clarify the contracting goals and preferences of the Department of Veterans Affairs with respect to small business concerns owned and controlled by veterans; to the Committee on Veterans' Affairs.

By Mr. NEAL (for himself and Mr. BLUMENAUER):

H.R. 4049. A bill to amend the Internal Revenue Code of 1986 to expand personal saving and retirement savings coverage by enabling employees not covered by qualifying retirement plans to save for retirement through automatic IRA arrangements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL:

H.R. 4050. A bill to simplify and enhance qualified retirement plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUTZMAN:

H.R. 4051. A bill to direct the Secretary of Labor to provide off-base transition training, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUTZMAN:

H.R. 4052. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish an honorary Excellence in Veterans Education Award; to the Committee on Veterans' Affairs.

By Mr. TOWNS (for himself, Mr. PLATTS, Mr. SCHRADER, Mr. CONNOLLY of Virginia, Mr. ALTMIRE, Mr. BARROW, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Mr. CARDOZA, Mr. COOPER, Mr. DONNELLY of Indiana, Mr. HOLDEN, Mr. MATHESON, Mr. MCINTYRE, Mr. MICHAUD, Mr. PETERSON, Mr. ROSS of Arkansas, Mr. DAVID SCOTT of Georgia, Mr. SHULER, and Mr. THOMPSON of California):

H.R. 4053. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending; to the Committee on Oversight and Government Reform.

By Mr. WALZ of Minnesota (for himself, Ms. SLAUGHTER, and Mr. QUIGLEY):

H.R. 4054. A bill to amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities, to amend title 18, United States Code, to enhance the prosecution of public corruption, and for other purposes; to the Committee on the Judiciary.

By Ms. SPEIER (for herself, Mr. JONES, Mr. CUMMINGS, Ms. DELAURO, Mr. QUIGLEY, Mr. COOPER, Mr. GRIJALVA, Mr. HONDA, Mr. POLIS, and Mr. ELLISON):

H.R. 4055. A bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mrs. DAVIS of California, Mr. LEWIS of California, Mr. ROYCE, Mr. CALVERT, Mrs. BONO MACK, and Mr. HUNTER):

H.R. 4056. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent a State or political subdivision thereof from conducting or requiring duplicative inspections of establishments in which a drug or device is manufactured, processed, packed, or held by a manufacturer or wholesale distributor of the drug or device; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 4057. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENAUER:

H.R. 4058. A bill to amend title 11 of the United States Code to provide authority to modify certain mortgages on principal residences of debtors to prevent foreclosure; and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself, Mr. INSLEE, Mr. COLE, Ms. ESHOO, Mr. GRIJALVA, Mr. KILDEE, and Mr. DEFAZIO):

H.R. 4059. A bill to amend the Communications Act of 1934 to establish a position for a representative of Indian Tribes on the Joint Board overseeing the implementation of universal service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FLEISCHMANN:

H.R. 4060. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to cap the level of Federal spending at $949 billion for each of fiscal years 2013 through 2021, and for other purposes; to the Committee on the Budget.

By Mr. HUNTER:

H.R. 4061. A bill to support statewide individual-level integrated postsecondary education data systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself, Mr. MCCLINTOCK, Mr. COSTA, Ms. SPEIER, Mr. BILBRAY, Mr. SCHIFF, Mr. ROYCE, Mr. HERGER, Mr. DENHAM, Mr. MCNERNEY, Mr. CALVERT, Mr. DANIEL E. LUNGREN of California, Mr. GARAMENDI, Ms. ZOE LOFGREN of California, Ms. LEE of California, Mr. NUNES, Ms. WOOLSEY, Mr. GALLEGLY, Mr. STARK, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. BERMAN, Mr. HONDA, Mr. BACA, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Mr. SHERMAN, Ms. ESHOO, Mr. FILNER, Mrs. NAPOLITANO, Mr. MCKEON, Mr. THOMPSON of California, Mr. WAXMAN, Ms. HAHN, Mr. CAMPBELL, Mrs. CAPPS, Mr. ROHRABACHER, Ms. WATERS, Ms. BASS of California, Mrs. BONO MACK, Ms. CHU, Ms. MATSUI, and Mr. GEORGE MILLER of California):

H.R. 4062. A bill to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the ''Nelson 'Mac' MacWilliams Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Mr. MORAN, Mr. RANGEL, Mr. HONDA, Mr. FARR, Ms. LEE of California, Mrs. MCCARTHY of New York, Mr. PASCRELL, and Mr. GEORGE MILLER of California):

H.R. 4063. A bill to repeal section 512 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 which relates to carrying certain weapons in National Parks; to the Committee on Natural Resources.

By Mr. MULVANEY (for himself, Mr. DUNCAN of South Carolina, Mr. WILSON of South Carolina, Mr. WALSH of Illinois, Mr. CANSECO, Mr. BROUN of Georgia, Mr. FINCHER, Mr. WESTMORELAND, Mr. GRAVES of Georgia, Mr. SCHWEIKERT, Mr. MARCHANT, Mr. FLORES, Mr. ROE of Tennessee, Mr. YODER, and Mr. HUELSKAMP):

H.R. 4064. A bill to amend the Internal Revenue Code of 1986 to repeal certain tax increases; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Mr. SABLAN, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Ms. VELÁZQUEZ):

H.R. 4065. A bill to amend title XVIII of the Social Security Act to provide parity to Puerto Rico hospitals with respect to inpatient hospital payments under the Medicare program; to the Committee on Ways and Means.

By Mr. PRICE of Georgia (for himself and Mr. KIND):

H.R. 4066. A bill to amend titles XVIII and XIX of the Social Security Act to exclude pathologists from incentive payments and penalties under Medicare and Medicaid relating to the meaningful use of electronic health records; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUAYLE (for himself and Mr. GOSAR):

H.R. 4067. A bill to approve the settlement of water rights claims of the Navajo Nation, the Hopi Tribe, and the allottees of the Navajo Nation and Hopi Tribe in the State of Arizona, to authorize construction of municipal water projects relating to the water rights claims, to resolve litigation against the United States concerning Colorado River operations affecting the States of California, Arizona, and Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. ROGERS of Alabama (for himself, Mr. CHAFFETZ, Mrs. BLACKBURN, and Mr. WALSH of Illinois):

H.R. 4068. A bill to require the Under Secretary for Science and Technology in the Department of Homeland Security to contract with an independent laboratory to study the health effects of backscatter x-ray machines used at airline checkpoints operated by the Transportation Security Administration and provide improved notice to airline passengers; to the Committee on Homeland Security.

By Mr. ROHRABACHER (for himself, Mr. COHEN, Mr. BARTLETT, Mr. STEARNS, Mr. KING of Iowa, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. COBLE, Mr. FARENTHOLD, and Mr. GOHMERT):

H.R. 4069. A bill to award a Congressional Gold Medal to Dr. Shakeel Afridi; to the Committee on Financial Services.

By Mr. TURNER of New York:

H.R. 4070. A bill to clarify certain provisions relating to the interests of Iran in certain assets, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mr. KLINE, Mr. ROONEY, Mr. WESTMORELAND, Mr. JONES, Mrs. BLACKBURN, Mr. LONG, Mr. NUNNELEE, Mr. HUIZENGA of Michigan, Mr. MARCHANT, Mr. PAUL, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. JENKINS, Mr. LANKFORD, Mr. COBLE, Mr. CANSECO, Mr. GOSAR, Mr. LATTA, Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. WILSON of South Carolina, Mrs. BLACK, Mr. YODER, Mr. HUELSKAMP, Mr. ROE of Tennessee, Mr. SCHWEIKERT, Mr. COLE, Mr. CULBERSON, Mr. RIBBLE, Mr. WALSH of Illinois, Mr. QUAYLE, Mr. BROOKS, Mr. CONAWAY, Mr. KING of Iowa, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. WALBERG, Mr. OLSON, Mr. AKIN, Mr. BROUN of Georgia, Mrs. ROBY, Mr. LANDRY, Mrs. MYRICK, Mr. BOUSTANY, Mr. SULLIVAN, Mr. CARTER, Mr. GOWDY, Mr. DUNCAN of Tennessee, Mr. HARRIS, Mr. MACK, Mr. STIVERS, Mr. BUCSHON, Mr. DESJARLAIS, Mr. CALVERT, Mr. ALEXANDER, Mr. KINGSTON, Mr. WOMACK, Mr. AUSTRIA, Mr. GRIFFIN of Arkansas, Mr. SESSIONS, Mr. POMPEO, Mr. PEARCE, and Mr. AUSTIN SCOTT of Georgia):

H.J. Res. 103. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation election procedures; to the Committee on Education and the Workforce.

By Mr. GERLACH (for himself, Mr. NEAL, Mr. BUCHANAN, Mrs. BIGGERT, Mr. SAM JOHNSON of Texas, Mr. ROYCE, Mr. PAUL, Mr. SCHOCK, Mr. PLATTS, Mr. HERGER, Mr. TIBERI, Mr. BILBRAY, Mr. PAULSEN, Ms. JENKINS, Mr. WALBERG, Mr. WESTMORELAND, Mr. JONES, Mr. HUIZENGA of Michigan, Mr. LOBIONDO, Mr. FITZPATRICK, Mr. TURNER of Ohio, Mr. GARY G. MILLER of California, Mr. STIVERS, Mr. BISHOP of Utah, Mr. PITTS, Mr. WILSON of South Carolina, Mrs. BLACK, Mr. LATHAM, Mr. GUINTA, Mr. AUSTRIA, Mr. KING of Iowa, Mr.

NUNES, Mr. CHAFFETZ, Mr. MURPHY of Connecticut, Mr. REICHERT, Mr. DAVIS of Kentucky, Mr. MARCHANT, Mr. GUTHRIE, Mr. LUETKEMEYER, Mr. TERRY, Mr. NEUGEBAUER, Mr. LEWIS of California, Mrs. CAPITO, Mr. CHABOT, Mr. MEEHAN, Mr. BOUSTANY, Mr. THOMPSON of Pennsylvania, Mr. PRICE of Georgia, Mr. DENT, Mr. MCCOTTER, Mr. BASS of New Hampshire, Mr. MILLER of Florida, Mr. DUNCAN of South Carolina, Mr. STUTZMAN, Mr. AKIN, Mr. LATTA, Mr. SCOTT of South Carolina, Mr. MCKEON, Ms. BERKLEY, Mr. LARSON of Connecticut, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. KIND, Mr. CICILLINE, Mr. LANGEVIN, Mr. WELCH, Mr. MICHAUD, Mr. STARK, Mr. PASCRELL, Mr. MORAN, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Mr. YARMUTH, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. HOLT, Mr. FILNER, Mr. CARSON of Indiana, Mr. ANDREWS, Mr. MATHESON, Mr. COURTNEY, Mr. LOEBSACK, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. THOMPSON of California, Mr. BOSWELL, Mr. CAPUANO, Mr. HOLDEN, Ms. SPEIER, Mr. KEATING, Mr. BACA, Mr. BECERRA, Mr. LYNCH, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. PERLMUTTER, Mr. PAYNE, Ms. MOORE, Mr. KILDEE, Mr. ALTMIRE, Mr. FRANK of Massachusetts, Mr. CRITZ, and Mr. MARKEY):

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. KUCINICH, Ms. KAPTUR, Mr. LATOURETTE, Mr. LATTA, Mr. CHABOT, Mr. TIBERI, Ms. SUTTON, and Ms. FUDGE):

H. Con. Res. 102. Concurrent resolution commemorating and praising the Honorable John Glenn on the 50th anniversary of his historic orbital space flight; to the Committee on Science, Space, and Technology.

By Mr. LIPINSKI (for himself, Mr. MANZULLO, Ms. SUTTON, Mr. HOLT, Mr. REYES, Ms. BORDALLO, Mr. HINOJOSA, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, Mr. BARTON of Texas, Mr. PAYNE, Mr. TONKO, Mr. ROHRABACHER, Ms. RICHARDSON, Mr. HONDA, Mr. CALVERT, Mr. MCCAUL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mrs. CHRISTENSEN, Mr. MCKINLEY, and Ms. HIRONO):

H. Res. 552. A resolution supporting the goals and ideals of National Engineers Week; to the Committee on Science, Space, and Technology.

By Mr. LARSON of Connecticut:

H. Res. 553. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. PAYNE (for himself, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. MEEKS, Mr. CUMMINGS, Ms. FUDGE, Ms. SEWELL, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. RUSH, Ms. BROWN of Florida, Ms. LEE of California, Ms. WILSON of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLEAVER, and Ms. WATERS):

H. Res. 555. A resolution to commemorate the life and accomplishments of Whitney Elizabeth Houston over the past 48 years; and expressing the condolences of the House of Representatives to her family upon her death; to the Committee on Education and the Workforce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LUETKEMEYER:

H.R 2453.

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

Article I, Section 8, Clause 5 states: ''The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.''

By Mr. JOHNSON of Ohio:

H.R. 4048.

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

Article I, section 8 of the Constitution of the United States.

By Mr. NEAL:

H.R. 4049.

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

Congress has the power to enact this legislation pursuant to Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. NEAL:

H.R. 4050.

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

Congress has the power to enact this legislation pursuant to Clause 1 of Section 8 of Article I and the 16th Amendment to the U.S. Constitution.

By Mr. STUTZMAN:

H.R. 4051.

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

Article I, section 8 of the Constitution of the United States.

By Mr. STUTZMAN:

H.R. 4052.

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

Article I, section 8 of the Constitution of the United States.

By Mr. TOWNS:

H.R. 4053.

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

This Bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution, known as the ''Commerce Clause.'' This provision grants Congress the broad power to ''regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''[1]

By Mr. WALZ of Minnesota:

H.R. 4054.

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

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Ms. SPEIER:

H.R. 4055.

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

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. BILBRAY:

H.R. 4056.

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

Article VI, Clause 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

By Mr. BILIRAKIS:

H.R. 4057.

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

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. BLUMENAUER:

H.R. 4058.

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

The Constitution of the United States provides clear authority for Congress to pass legislation to provide equity in the bankruptcy process. Article I, Section 8, Clause 4 of the Constitution provides that Congress has the power to ''establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States''.

By Mrs. BONO MACK:

H.R. 4059.

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

The authority for enactment of this Bill flows from Article I, Section 8, clause 3 of the U.S. Constitution. Congress may prescribe by statute the procedures which are reasonably necessary to effectuate its constitutional purpose of regulating commerce among the several states.

By Mr. FLEISCHMANN:

H.R. 4060.

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

Article I, Section 8, clause 1 & 18.

By Mr. HUNTER:

H.R. 4061.

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

Article I, section 8, clauses 1 and 18.

By Mr. HUNTER:

H.R. 4062.

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

Article I, section 8, clause 7

By Mr. MCDERMOTT:

H.R. 4063.

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

''The Congress will have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States'' (article IV, section 3).

By Mr. MULVANEY:

H.R. 4064.

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

''clause 1 of Section 8 of Article I of the U.S. Constitution.''

By Mr. PIERLUISI:

H.R. 4065.

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

[1] Please note, pursuant to Article I, section 8, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. PRICE of Georgia:

H.R. 4066.

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

Current law has created a regulatory structure over the health care system. In order to make this system more compatible with a proper Constitutional structure, this bill will ensure that there is less regulation impeding the ability of pathologists to provide important services to patients and doctors.

By Mr. QUAYLE:

H.R. 4067.

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

Article 1, Section 1 of the United States Constitution; Article 1 Section 8 of the United States Constitution, including but not limited to, Clauses 1, 3, 18.

By Mr. ROGERS of Alabama:

H.R. 4068.

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

Article I, Section 8, Clause 1 of the Constitution of the United States

Article I, Section 8, Clause 18 of the Constitution of the United States

By Mr. ROHRABACHER:

H.R. 4069.

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

Section 8 of Article 1 of the Constitution

By Mr. TURNER of New York:

H.R. 4070.

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

Article I, Section 8, Clause 9 of the Constitution of the United States:

[The Congress shall have Power] To constitute Tribunals inferior to the supreme Court;

Article I, Section 8, Clause 18 of the Constitution of the United States

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. GINGREY of Georgia:

H.J. Res. 103.

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

Article I, Section 8, Clause 3 of the Constitution that states, ''The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes''

ADDITIONAL SPONSORS

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

H.R. 23: Ms. BERKLEY.

H.R. 121: Mr. YODER.

H.R. 125: Mr. UPTON.

H.R. 205: Mr. KIND.

H.R. 262: Mr. WALZ of Minnesota.

H.R. 329: Mr. NUGENT and Mr. COURTNEY.

H.R. 409: Mr. ROSS of Florida and Mr. NUGENT.

H.R. 458: Mr. POLIS and Ms. MOORE.

H.R. 511: Mr. FARR and Mr. GALLEGLY.

H.R. 556: Mr. NUGENT.

H.R. 587: Ms. WOOLSEY.

H.R. 601: Ms. CHU.

H.R. 711: Mr. DOGGETT.

H.R. 733: Mr. COSTELLO.

H.R. 769: Ms. PINGREE of Maine.

H.R. 807: Mr. BRADY of Pennsylvania, Mr. DINGELL, and Mr. LUJÁN.

H.R. 835: Mr. ALTMIRE.

H.R. 870: Mr. ELLISON, Mr. CARSON of Indiana, and Mr. MEEKS.

H.R. 931: Ms. GRANGER, Mr. BROUN of Georgia, Mr. CANSECO, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. CULBERSON, Mr. COLE, Mr. DIAZ-BALART, Mr. PEARCE, Mr. WESTMORELAND, and Mr. WOODALL.

H.R. 1006: Mr. JORDAN.

H.R. 1175: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CRAVAACK, and Mr. RIBBLE.

H.R. 1179: Mr. LATOURETTE, Mr. AUSTIN SCOTT of Georgia, Mr. GRAVES of Georgia, Ms. ROS-LEHTINEN, Mr. AMASH, Mr. GRIMM, Mr. ROGERS of Kentucky, Mr. STEARNS, Mrs. CAPITO, and Mr. WEST.

H.R. 1186: Mr. LANKFORD.

H.R. 1206: Mr. PALAZZO.

H.R. 1340: Mr. CRAVAACK.

H.R. 1370: Mr. GRAVES of Georgia.

H.R. 1381: Mr. SIRES.

H.R. 1386: Mr. BISHOP of New York and Mr. BERMAN.

H.R. 1417: Mr. BLUMENAUER.

H.R. 1479: Ms. LEE of California.

H.R. 1524: Ms. NORTON.

H.R. 1558: Mr. SCHWEIKERT.

H.R. 1681: Mr. CONNOLLY of Virginia.

H.R. 1684: Mr. BRADY of Pennsylvania.

H.R. 1704: Mr. SIRES, Ms. BONAMICI, Mr. VAN HOLLEN, Mr. POLLS, Mr. DONNELLY of Indiana, Mr. TIERNEY, and Ms. JACKSON LEE of Texas.

H.R. 1738: Mr. LUJÁN.

H.R. 1744: Mr. REHBERG.

H.R. 1895: Mr. RANGEL.

H.R. 1903: Mr. ELLISON.

H.R. 1912: Ms. SUTTON.

H.R. 1955: Mr. RANGEL.

H.R. 2020: Ms. DEGETTE and Mr. ROSS of Arkansas.

H.R. 2052: Mr. MANZULLO and Mr. THOMPSON of California.

H.R. 2088: Ms. NORTON.

H.R. 2098: Mr. FATTAH, Mr. DAVIS of Illinois, Ms. CLARKE of New York, and Ms. LEE of California.

H.R. 2179: Mrs. HARTZLER.

H.R. 2187: Mr. BRADY of Pennsylvania.

H.R. 2255: Mr. HONDA.

H.R. 2288: Mr. BOSWELL and Mr. MEEKS.

H.R. 2299: Mr. FLORES.

H.R. 2308: Mr. GARY G. MILLER of California.

H.R. 2310: Mrs. DAVIS of California.

H.R. 2335: Mr. MCHENRY, Mr. GRIFFIN of Arkansas, Mr. DESJARLAIS, Mr. FRANKS of Arizona, Mr. WALSH of Illinois, Mr. WESTMORELAND, Mr. CULBERSON, Mr. LAMBORN, Mr. KING of Iowa, Mr. MULVANEY, Mrs. LUMMIS, Mr. LANKFORD, Mr. ROE of Tennessee, Mr. HARRIS, Mr. PEARCE, Mr. BISHOP of Utah, Mr. YOUNG of Alaska, and Ms. BUERKLE.

H.R. 2367: Mr. MCNERNEY.

H.R. 2387: Mr. RIGELL.

H.R. 2407: Mr. SCHIFF.

H.R. 2414: Mr. NUGENT.

H.R. 2529: Mr. BERG and Mr. ALEXANDER.

H.R. 2569: Mr. MATHESON, Mr. DEUTCH, Mr. GRIMM, Mr. CRENSHAW, Mr. STARK, and Mr. PIERLUISI.

H.R. 2595: Mr. GENE GREEN of Texas.

H.R. 2679: Ms. LEE of California.

H.R. 2866: Mr. SCHOCK and Mr. CAPUANO.

H.R. 2954: Mr. TONKO.

H.R. 3059: Mr. TONKO, Mr. LYNCH, and Mr. HALL.

H.R. 3068: Mr. CHABOT, Mr. FRANKS of Arizona, and Mrs. LUMMIS.

H.R. 3096: Mr. BUCHANAN.

H.R. 3151: Mr. MICHAUD.

H.R. 3156: Mr. HASTINGS of Florida.

H.R. 3187: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEKS.

H.R. 3225: Mr. WATT.

H.R. 3313: Ms. BROWN of Florida and Ms. HAHN.

H.R. 3515: Mr. CONYERS, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, and Mr. RANGEL.

H.R. 3523: Mr. SHUSTER, Mr. OLSON, Mr. KLINE, Mrs. BONO MACK, Mr. BACHUS, and Mr. SCHOCK.

H.R. 3541: Mr. POMPEO.

H.R. 3551: Mr. FARENTHOLD.

H.R. 3572: Mr. MORAN and Mr. FILNER.

H.R. 3586: Mr. SCHOCK.

H.R. 3590: Mr. SMITH of New Jersey.

H.R. 3596: Mr. TIERNEY, Mr. HONDA, and Mr. BERMAN.

H.R. 3608: Mr. GARY G. MILLER of California and Mr. BROOKS.

H.R. 3611: Mr. FORBES.

H.R. 3618: Ms. WATERS.

H.R. 3626: Mr. JACKSON of Illinois and Ms. WOOLSEY.

H.R. 3635: Mr. TOWNS, Mr. RANGEL, and Mr. HINCHEY.

H.R. 3654: Mr. STARK.

H.R. 3662: Mr. OLSON, Mr. REHBERG, Mr. KINGSTON, and Mr. MCCAUL.

H.R. 3674: Mr. MEEHAN.

H.R. 3676: Mr. KLINE.

H.R. 3698: Mr. COFFMAN of Colorado.

H.R. 3767: Ms. BORDALLO.

H.R. 3790: Mr. BISHOP of Georgia.

H.R. 3803: Mr. GOSAR.

H.R. 3805: Mr. RYAN of Wisconsin and Mr. OLSON.

H.R. 3806: Mr. SCHILLING, Mr. WEST, and Ms. BUERKLE.

H.R. 3811: Mr. GARY G. MILLER of California.

H.R. 3820: Ms. CLARKE of New York.

H.R. 3826: Mr. ISRAEL, Ms. WILSON of Florida, and Mr. TOWNS.

H.R. 3828: Mr. KLINE.

H.R. 3860: Ms. KAPTUR.

H.R. 3866: Mr. MEEKS, Mr. STARK, and Ms. WILSON of Florida.

H.R. 3895: Mr. LOBIONDO and Mr. FLORES.

H.R. 3974: Ms. SCHAKOWSKY.

H.R. 3982: Mr. MARCHANT and Mr. JOHNSON of Ohio.

H.R. 4010: Ms. PINGREE of Maine, Ms. JACKSON LEE of Texas, and Mr. LUJÁN.

H.R. 4036: Mr. ROE of Tennessee, Mr. WALSH of Illinois, Mr. COLE, Mr. POSEY, Mrs. LUMMIS, and Mr. PEARCE.

H.R. 4045: Mr. PAULSEN and Mr. CRAVAACK.

H.R. 4046: Mrs. MCMORRIS RODGERS and Mr. HULTGREN.

H.J. Res. 90: Ms. SCHAKOWSKY.

H.J. Res. 102: Mr. LAMBORN, Mr. POSEY, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. MULVANEY, Mrs. LUMMIS, and Mrs. SCHMIDT.

H. Con. Res. 87: Mr. WEST.

H. Res. 180: Ms. LORETTA SANCHEZ of California.

H. Res. 253: Mr. SCHILLING.

H. Res. 271: Mr. JORDAN.

H. Res. 275: Mr. SHERMAN.

H. Res. 367: Mr. WEST.

H. Res. 538: Mr. OWENS, Mr. REED, Mr. JOHNSON of Georgia, Ms. SLAUGHTER, Mr. BURTON of Indiana, Mr. ROTHMAN of New Jersey, and Mr. CARTER.

H. Res. 543: Mr. ENGEL.