

amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNETT, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table.

SA 931. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 932. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 933. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 934. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 935. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 936. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 937. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 938. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 939. Mr. BARRASSO (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 940. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. THUNE, Mr. BLUNT, and Mr. HELLER)) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 941. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 942. Ms. CANTWELL (for Mr. WICKER) proposed an amendment to the bill S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

SA 943. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 944. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 930. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNETT, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.

Section 330J(c)(8) of the Public Health Service Act (42 U.S.C. 254c-15(c)(8)) is amended by inserting before the period the following: “, including, as provided by the Secretary, may use funds to provide to military veterans required coursework and training that take into account, and are not duplicative of, previous medical coursework and training received when such veterans were active members of the Armed Forces, to enable such veterans to satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity”.

SA 931. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the medical device tax under section 4191 of the Internal Revenue Code of 1986.

SA 932. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the Federal employer

mandate under sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111-148) (and the amendments made by such sections and subsections).

SA 933. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the Federal employer mandate under sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111-148) (and the amendments made by such sections and subsections) without first receiving certification from the Bureau of Labor Statistics, in consultation with the Office of Management and Budget and the Chief Actuary of the Centers for Medicare and Medicaid Services, that this mandate will not lead to a decrease in private sector employment or wages.

SA 934. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 479, strike line 17 and all that follows through line 15 on page 480, and insert the following:

PROHIBITION

SEC. ____. None of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.

SA 935. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. ____. None of the funds appropriated or otherwise made available under this Act may be used on or after the date of enactment of this Act for performance-based compensation for senior executives at the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation (referred to collectively in this section as the “agencies”) during any period of conservatorship for the agencies, unless such compensation is based solely on—

(1) the achievement of a reduction in the exposure of the taxpayer to mortgage credit loss; and

(2) the reduction of mortgage credit exposure of the agencies.

SA 936. Mr. CORKER submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

None of the funds appropriated or otherwise made available under this Act may be used to implement or otherwise carry out any provision of section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) with respect to an issuer of securities having total market capitalization for the relevant reporting period of less than \$500,000,000, or an issuer of securities having total market capitalization for the relevant reporting period of greater than \$500,000,000 but less than \$1,000,000,000 that has opted out of complying with section 404(b) by consent of its shareholders by majority vote.

SA 937. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 494, between lines 3 and 4, insert the following:

SEC. 8004. (a) REPEAL OF CLASS PROGRAM.—Title XXXII of the Public Health Service Act (42 U.S.C. 30011 et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting “and” at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111-148). Of the funds appropriated by paragraph (3) of such section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

SA 938. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, after line 21, insert the following:

SEC. 7088. None of the amounts appropriated or otherwise made available by this division shall be obligated or expended to negotiate a United Nations Arms Trade Treaty that in any way restricts the rights of United States citizens under the second amendment to the Constitution of the United States, or that otherwise regulates domestic manufacture, assembly, possession, use, transfer, or purchase of firearms, ammunition, or related items, including small arms, light weapons, or related materials.

SA 939. Mr. BARRASSO (for himself and Mr. HELLER) submitted an amend-

ment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 18 and 19, insert the following:

SEC. 1. None of the funds made available by this or any other Act making funds available for energy and water development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to the rule entitled “Final Rule for Regulatory Programs of the Corps of Engineers” (51 Fed. Reg. 41206 (November 13, 1986)) (as in effect on the date of enactment of this Act), or to the guidance documents entitled “Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of ‘Waters of the United States’” (68 Fed. Reg. 1991 (January 15, 2003)), and “Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in ‘Rapanos v. United States & Carabell v. United States’” (December 2, 2008) (as in effect on that date of enactment), relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SA 940. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNES, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. THUNE, Mr. BLUNT, and Mr. HELLER)) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title I of Division B, insert after section 117 the following:

Sec. 118. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

SA 941. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 746. (a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) DEFINITION OF AIRCRAFT.—As used in this section, the term ‘aircraft’ includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.”.

(b) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting “, or attempts or conspires to commit,” after “commits”.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

SA 942. Ms. CANTWELL (for Mr. WICKER) proposed an amendment to the bill S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes; as follows:

Beginning on page 4, strike line 6, after “able”, through line 11 and insert the following: “to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.”.

SA 943. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

SEC. . Notwithstanding any other provision of this Act, the amount of offsetting collections authorized for salaries and expenses for the Federal Communications Commission shall not exceed \$319,004,000.

SA 944. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “No Budget, No Pay Act”.

SEC. 02. DEFINITION.

In this title, the term “Member of Congress” —

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the

Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, November 17, 2011, at 10 a.m. in SD-430 to conduct a hearing entitled “The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities.”

For further information regarding this hearing, please contact Andrew Imparato of the committee staff on (202) 228-3453.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN
AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m., to conduct a hearing entitled “Opportunities and Challenges for Economic Development in Indian Country.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on November 10, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Unemployment Insurance: The Path Back to Work.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “Improving Quality, Lowering Costs: The Role of Health Care Delivery System Reform” on November 10, 2011, at 1:30 p.m., in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 10, 2011, at 10:00 a.m., in SH-216 of the Hart Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 10, 2011 at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Caroline Tess, a State Department detailee in my office, be granted the privilege of the floor for the remainder of this Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, and 492, and all nominations on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Col. Giovanni K. Tuck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Robin Rand

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brig. Gen. Everett H. Thomas

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Ronnie D. Hawkins, Jr.

The following Air National Guard of the United States officer for appointment in the