

we can reject this legislation and make matters even worse. I will vote to approve this legislation, but I will do so knowing that we have missed yet another opportunity to do the right thing for the people we represent. Instead, we are doing some damage to important goals, in order to avoid doing even greater damage.

We are in this position because our colleagues across the aisle, and their Republican allies in the House of Representatives, refuse to make even the most basic of concessions to reality. The truth is, more than 3 years after the beginning of a recession, too many Americans are still desperately in need of assistance. Those who are working need us to help support economic growth so their jobs are more secure and their incomes can grow. Millions are still without work not because they don't want it, but because the number of people seeking work is vastly greater than the number of available jobs and they need us to help support economic growth so they can find work to support themselves and their families.

Yet what our colleagues have insisted upon is to present us with two choices. The legislation before us would continue middle-class tax relief, the only economic boosts Republicans have allowed us to even consider, but pay for it in a deeply misguided manner because Republicans refused to consider more equitable ways to offset its costs. It would extend unemployment benefits, but in a way that leaves thousands of Michigan families facing a sudden loss of their benefits, because it effectively eliminates 20 weeks of the current 99-week maximum benefit for Michigan and other States where, though unemployment remains high, it is beginning to fall. And these extensions would last for just 2 months.

As bad as that is, the alternative rejecting this legislation is even worse. Without passage, economists tell us that the loss of middle-class tax relief could put our already slow economic recovery into even greater doubt. Without passage, even more families, in Michigan and elsewhere, will lose the economic lifeline of unemployment benefits. More than 26,000 Michigan families will lose their benefits under the inadequate provisions of this bill, but that number would grow to more than 100,000 by Spring without passage of this legislation. Michigan residents would lose eligibility for 73 weeks of emergency unemployment compensation if we do not act today, instead of the 20 weeks we would lose if we pass this bill.

Mr. President, my State would suffer in other ways if this bill does not pass. It extends the so-called doc fix that is important to health care providers in Michigan and elsewhere. And this bill continues an adjustment to the Medicare Program that provides crucial aid to nearly half of all Michigan hospitals. This so-called section 508 fix is technical and complicated, but extending it is vitally important to Michigan

hospitals. Without it, their ability to continue providing care to Michigan's people would be hampered.

The method Republicans have demanded to pay for this legislation is also badly misguided. It uses fees paid to Fannie Mae and Freddie Mac to offset its costs. Those fees should be going to repair what we all, on both sides of the aisle, acknowledge is a massive financial problem at those enterprises. If we increase these fees, the money should be used to help stabilize the value of Americans' homes by reforming these enterprises.

The very fact that we have had to find ways to pay for middle-class tax relief is a remarkable acknowledgment by Republicans, given that it has been an article of faith among many of our Republican colleagues that tax cuts pay for themselves. Repeatedly, for decades, they have pushed for massive tax cuts for the wealthy and sold them with the promise that they will pay for themselves. Now, when we face the expiration of tax relief that overwhelmingly benefits middle-class families, they tell us that this tax cut must be paid for. Hopefully this inconsistency will not escape the notice of the American people.

It didn't have to be this way. Republicans had the chance to accept a fair alternative one that extended the payroll tax cut, unemployment insurance and other important tax and Medicare provisions, and that did so in a way that provides what our constituents demand from us: a balanced approach that asks all Americans to share in the sacrifices necessary to address our challenges.

That approach would ask Americans making more than \$1 million a year to pay slightly more in taxes. A solid majority of Americans see this as common sense: The wealthiest among us have done extraordinarily well in recent decades even as middle-class incomes have stagnated, and asking those fortunate few to contribute along with middle-class families is only fair. Yet Republicans again rejected that equitable option out of hand. We will continue to press for it in the challenging year that awaits us.

Over the last few months, Republicans have been willing to risk the full faith and credit of the United States, the continued functioning of the government, tax relief for middle-income Americans, adequate funding for our military, health care for our seniors, and an economic lifeline for the unemployed, all in an effort to protect the interests of the wealthiest, most fortunate Americans. None of these threats would loom so large if Republicans would simply acknowledge what roughly two-thirds of our constituents now acknowledge: that the solutions to our fiscal problems must include a balanced approach that asks the wealthiest Americans to sacrifice along with working families. Today, they have demonstrated that they have not yet received that message, and they have

once again forced us to choose between the unacceptable and the catastrophic.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, just a brief comment on Keystone. I was the first elected official to write a letter opposing that. I know how I feel about this. I know how my friend, the Republican leader, feels about it. I was responsible for putting it in this bill. That is how legislation works.

I would also say we are thankful that we have worked together to make sure that 160 million people have not a tax increase but a continued tax break. I am also thankful that the lifeline for unemployed people is going to continue for at least 60 days.

I ask the Chair to report the legislation.

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3630, which the clerk will report by title.

The legislative clerk read as follows:

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

AMENDMENT NO. 1465

Mr. REID. Mr. President, I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. McCONNELL, proposes an amendment numbered 1465.

The amendment is printed in today's RECORD under "Text of Amendments."

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the amendment, which is subject to a 60-vote threshold.

Mr. REID. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—89

Akaka	Boozman	Coats
Alexander	Boxer	Coburn
Ayotte	Brown (MA)	Cochran
Barrasso	Brown (OH)	Collins
Baucus	Burr	Conrad
Begich	Cantwell	Coons
Bennet	Cardin	Cornyn
Bingaman	Carper	Crapo
Blumenthal	Casey	Durbin
Blunt	Chambliss	Enzi

Feinstein	Landrieu	Risch
Franken	Lautenberg	Roberts
Gillibrand	Lee	Rockefeller
Graham	Levin	Rubio
Grassley	Lieberman	Schumer
Hagan	Lugar	Shaheen
Harkin	McCaín	Snowe
Hatch	McCaskey	Stabenow
Heller	McConnell	Tester
Hoever	Menendez	Thune
Hutchison	Merkley	Toomey
Inhofe	Mikulski	Udall (CO)
Inouye	Murkowski	Udall (NM)
Isakson	Murray	Vitter
Johanns	Nelson (NE)	Warner
Johnson (SD)	Nelson (FL)	Webb
Kerry	Portman	Whitehouse
Klobuchar	Pryor	Wicker
Kohl	Reed	Wyden
Kyl	Reid	

## NAYS—10

Corker	Leahy	Sessions
DeMint	Manchin	Shelby
Johnson (WI)	Moran	
Kirk	Sanders	

## NOT VOTING—1

Paul

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 89, the nays are 10. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDING pro tempore. Under the previous order, H.R. 3630, as amended, is passed, as follows:

H.R. 3630

*Resolved*, That the bill from the House of Representatives (H.R. 3630) entitled “An Act to provide incentives for the creation of jobs, and for other purposes.”, do pass with the following amendments:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Temporary Payroll Tax Cut Continuation Act of 2011”.

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

Sec. 1. Short title; table of contents.

**TITLE I—TEMPORARY PAYROLL TAX RELIEF**

Sec. 101. Extension of payroll tax holiday.

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

Sec. 201. Temporary extension of unemployment compensation provisions.

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

**TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS**

Sec. 301. Medicare physician payment update.

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

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

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

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

Sec. 306. Extension of ambulance add-ons.

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

Sec. 308. Extension of outpatient hold harmless provision.

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

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

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

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

**TITLE IV—MORTGAGE FEES AND PREMIUMS**

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

**TITLE V—OTHER PROVISIONS****Subtitle A—Keystone XL Pipeline**

Sec. 501. Permit for Keystone XL pipeline.

**Subtitle B—Budgetary Provisions**

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

Sec. 512. PAYGO scorecard estimates.

**TITLE I—TEMPORARY PAYROLL TAX RELIEF****SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.**

(a) **IN GENERAL.**—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

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

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

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

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

“(f) **SPECIAL RULES FOR 2012.**—

“(1) **LIMITATION ON WAGES AND SELF-EMPLOYMENT INCOME.**—In the case of—

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

“(i) \$18,350, over

“(ii) the amount of wages and compensation taken into account under subparagraph (B), and

“(B) any remuneration received during the portion of the payroll tax holiday period occurring during 2012, subsection (a)(2) shall only apply to so much of the sum of the taxpayer’s wages (as defined in section 3121(a) of such Code) and compensation (as defined in section 3231(e) of such Code) as does not exceed \$18,350.

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

“(A) the sum of—

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

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

(c) **TECHNICAL AMENDMENTS.**—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

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

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

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

(d) **EFFECTIVE DATES.**—

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

(2) **TECHNICAL AMENDMENTS.**—The amendments made by subsection (c) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

**TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS****SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.**

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “March 6, 2012”;

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

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

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “March 7, 2012”; and

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

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “August 15, 2012”.

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

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

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

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

**SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking “June 30, 2011” and inserting “August 31, 2011”; and

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

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such 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 the enactment of this Act.

### TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

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

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

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

#### SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “September 30, 2011” and inserting “November 30, 2011”.

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

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

#### SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before March 1, 2012”.

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

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

#### SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection

Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “and 2011” and inserting “2011, and the first two months of 2012”.

#### SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2012” and inserting “March 1, 2012”; and

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

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2012” and inserting “March 1, 2012”.

#### SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

#### SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “January 1, 2012” and inserting “March 1, 2012”; and

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

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before March 1, 2012, the preceding”.

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

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

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

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

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

#### SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “February 2012”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

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

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

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

#### SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2011” and inserting “February 29, 2012”.

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

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

### TITLE IV—MORTGAGE FEES AND PREMIUMS

#### SEC. 401. GUARANTEE FEES.

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

##### “SEC. 1327. ENTERPRISE GUARANTEE FEES.

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GUARANTEE FEE.—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) AVERAGE FEES.—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) INCREASE.—

“(1) IN GENERAL.—

“(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes,

and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) DEPOSIT IN TREASURY.—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) PHASE-IN.—

“(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

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

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

“(e) ENFORCEMENT.—

“(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.”.

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

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

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

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

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

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

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

(1) explains the basis for the determination; and

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

### TITLE V—OTHER PROVISIONS

#### Subtitle A—Keystone XL Pipeline

##### SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) REPORT.—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employ-

ment, energy security, foreign policy, trade, and environmental factors.

(3) EFFECT OF NO FINDING OR ACTION.—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) REQUIREMENTS.—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) MODIFICATION.—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) **EFFECT OF NO APPROVAL.**—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

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

#### **Subtitle B—Budgetary Provisions**

#### **SEC. 511. SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.**

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following:

“(e) **SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.**—

“(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

“(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.”

#### **SEC. 512. PAYGO SCORECARD ESTIMATES.**

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained

pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Amend the title so as to read: “An Act A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes”.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 1466

Mr. REID. Mr. President, I have an amendment to the title that is at the desk, and I ask unanimous consent that it be agreed to.

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

The amendment (No. 1466) was agreed to, as follows:

To amend the title so as to read:

A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

Mr. REED. Mr. President, today I voted to prevent a tax increase on the middle class and to continue jobless benefits for millions of Americans and thousands of Rhode Islanders. Unfortunately, despite my and many of my colleagues' best efforts, this bill is deeply flawed. It doesn't provide needed certainty to Americans or to our economy because it does not provide a year-long extension of the payroll tax cut and jobless benefits, nor does it include needed reforms, like work sharing, which will help prevent layoffs in our still fragile economy. By insisting that jobless benefits be paid for, we are undermining the countercyclical nature of the program and blunting its purpose to stabilize our economy. But worst of all, it fails to address a provision of the unemployment insurance law that is absolutely necessary given our current employment crisis.

As a result, this bill effectively cuts 20 weeks of unemployment benefits. This means Rhode Islanders who have exhausted their normal UI benefits and extended—EUC08—benefits in February will not be eligible to receive the same help that was given to an unemployed person in the same situation back in the middle of 2011.

There is no reason to cut back on jobless benefits now. Over 13 million Americans are out of work, and our Nation is still grappling with the worst case of chronic long-term unemployment since the Great Depression. Unemployment benefits are a lifeline to millions of families and are our most effective tool in battling economic decline. Without these benefits unemployed Americans who are looking for a job wouldn't be able to pay for absolute necessities—their rent, mortgage, groceries, or for transportation as they hit the streets looking for work.

This reduction in coverage that my Republican colleagues have insisted upon is deeply damaging to American households and the broad economy. We should not be engaged in these short-term extensions of the payroll tax cut

and jobless benefits—and then cut those jobless benefits as we go along.

In addition to cutting jobless benefits that help a broad swath of Americans, Republicans refuse to ask the wealthiest Americans to contribute to offsetting these policies. The payroll tax and jobless benefits could have been paid for by asking the wealthiest one-tenth of 1 percent to share in the sacrifice that middle-class America has made, but Republicans have voted time and again in favor of millionaire and billionaire and against tax cuts for the middle class.

I will continue to fight for maintaining jobless benefits and extending the payroll tax cut through 2012. I will continue to oppose efforts that would cut benefits and that would pay for continuing benefits by hurting the middle class.

As today's bill shows, though, my Republican colleagues are not interested in helping middle-class Americans and instead insist on tacking on controversial environmental riders and including offsets that hit the middle class.

Indeed, this bill includes a provision that would require the President to make a decision on the Keystone XL Pipeline within 60 days. This timeframe would dramatically shorten the important environmental review of the project, which includes assessing its potential impacts on critical water resources in the Ogallala aquifer, as well as increased carbon pollution.

I have been working to support and urge serious steps to reduce our dependence on oil, such as increasing the fuel efficiency of our vehicles and developing advanced biofuels. Even if Canadian oil displaces the importation of oil from other countries, the price of oil is determined by the global market, and the best way to decrease our exposure to the rising price of oil is to decrease our demand.

In addition, since America has recently become a net exporter of petroleum products, I am concerned that the proposed pipeline would merely allow big oil companies to import the oil from Canada, transport it by a pipeline—and with it, the risks of leaking into a critical aquifer—down to Texas refineries, where it would be refined into petroleum products that, in part, would be exported to foreign markets.

It is for those reasons that I have opposed the proposed Keystone XL Pipeline and urge the President to reject it.

As I have stated previously, I would have preferred to pay for this legislation by asking the wealthiest one-tenth of 1 percent of Americans to share in the sacrifices that all other Americans have made in working to right our economic ship. However, in the search for pay-fors, the House of Representatives added language that would increase the guarantee-fees—fees—the government-sponsored enterprises charge over the next 10 years, diverting funds away from shoring up the GSEs to fund a benefit that is unrelated to our housing markets. If there

is any capacity to increase the g-fees, those resources should be directed to our housing markets, which still remain too fragile.

I find it incredibly ironic that my Republican colleagues, many of whom say they believe the mortgage securitization market should be completely privatized, have suggested an offset that uses a 10-year revenue stream from the enterprises' business operations as a piggy bank for governmental purposes. This seems like inconsistent policy at best.

This bill is deeply flawed, but I could not in good conscience vote against providing a tax cut to the middle class and providing desperately needed relief to nearly 10,000 Rhode Islanders who would have lost jobless benefits through the month of January.

I will not stop fighting for the middle class, to continue jobless benefits and working to improve our economy and create jobs. I will work tirelessly to continue the payroll tax cut and jobless benefits through the rest of the year and to fix this egregious reduction in benefits.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of the conference report to accompany H.R. 2055, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055), making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same. Signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Thursday, December 15, 2011.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 15 minutes of debate with 5 minutes each for the Senator from Hawaii, Mr. INOUE; the Senator from Mississippi, Mr. COCHRAN; and the Senator from Arizona, Mr. MCCAIN.

The Senator from Hawaii.

Mr. INOUE. Mr. President, the omnibus bill the Senate considers this morning represents a victory for compromise, a victory for American taxpayers, and a victory for the appropriations process.

The measure before us funds everything from our men and women in uniform to students who strive to improve their future through higher education, from environmental protection to protecting our children from harmful

products, and from homeland security to the Securities and Exchange Commission.

With the exception of the Department of Defense, all these agencies have been running on a continuing resolution for well over a year. Mr. President, this must stop because it is no way to run a government, particularly one that must learn to do more with less. How can an agency be more efficient when it is operating under budget plans that were developed 2 or even 3 years ago?

Last year, the Congress enacted only one appropriations measure—the Defense bill. This year, we have passed a minibus containing three bills, and we are now considering the final package incorporating the nine remaining bills. While it is true we again fall short of regular order, it is also true, if the Senate passes this measure and the President signs it into law, we will have succeeded in enacting each of our bills prior to the end of the calendar year for the first time since 2009.

I would note for my colleagues that in the Senate, the Appropriations Committee reported 11 bills, 9 of them with overwhelming bipartisan support, and by that I mean 30 to 0 or 29 to 1. We moved four of our bills across the Senate floor with an opportunity for every Senator to provide amendments. We accomplish all of this at a time when partisanship is high and the desire by some to delay even the most innocuous of bills has made it difficult to get any measure to the President.

As chairman of the Defense Subcommittee, I would like to take a few minutes to discuss this portion of the bill.

The Omnibus appropriations bill includes \$633.3 billion for the Department of Defense. This amount includes a \$20.8 billion reduction from the President's request for the base defense budget and a reduction of \$2.5 billion from the overseas contingency operations request.

Although these substantial reductions in the defense budget mean many tough decisions had to be made, I wish to assure my colleagues that all recommendations in the Defense bill were made in a fully bipartisan, bicameral manner.

Most importantly, let me assure my colleagues this agreement takes care of our men and women in uniform and their families, fully supports military readiness, protects the forces, and maintains our technological edge. It complies with the earmark moratorium and contains no congressionally directed spending items.

At the same time, it reins in defense spending and takes important steps to improve the Department's fiscal accountability. The conference agreement recommends 775 reductions to individual programs primarily due to program terminations or delays or changes to policies of programs since the submission of the budget 10 months ago.

As the chairman of the full committee, I am proud of the work done on these nine bills by the Appropriations Committee, its members, and its staff, each of whom have worked diligently late into the night for many months to arrive to this point. All of the subcommittee chairmen and ranking members should be recognized for their leadership and achievement in completing these nine remaining bills.

I also wish to recognize the dedicated staff on both sides of the aisle for their months of effort and their commitment to completing their individual bills.

Mr. President, this is a strong, bipartisan bill, and I urge my colleagues on both sides of the aisle to vote yes and send it to the President for his signature.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me say I am pleased to join the chairman of the committee, the distinguished Senator from Hawaii, in urging approval of the Omnibus appropriations bill as well as the bill to provide funds for disaster relief. These bills fully comply with the requirements of the Budget Control Act. The process for reviewing requests for provisions in this bill were held in open public hearings. Senators testified before our committee. Others from around the country came to Washington to express their views.

Together with appropriations bills that have already been enacted, the omnibus brings appropriations for the basic operations of our government to \$1.043 trillion. The disaster bill provides an additional \$8 billion for disaster relief in response to damages incurred from floods, tornadoes, and hurricanes that have plagued much of the country during the spring and summer months. These funds are within the limits established in the Budget Control Act, specifically for disaster relief. Total discretionary spending carried in all of the fiscal year 2012 appropriations bills will be \$31 billion below last year's level.

I would have to say our committee opened its hearing rooms to those who wanted to express views on the funding levels of all of the programs that were important throughout our Federal budget process. There are some dramatic reductions in spending, such as the Independent Payment Advisory Board and the co-op program created in the health care bill. We zeroed out funding for some of the energy credit subsidy provisions of this bill. That was hard to do, but savings were needed and the committee responded to those needs.

The bill eliminates 22 programs in the Labor-HHS chapter for a savings of over \$¼ billion. But we don't hear about that. People don't brag about reducing funding. But this committee did