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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, God, You are our God. Our thirsty souls seek You. Lord, we look to You for help, longing to see Your power and might because Your loving kindness is better than life.

Guide our Senators. Conform their lives more and more to fulfill Your purposes, using them as instruments of good in a challenging world. May they yield themselves to Your Spirit that Your promised kingdom of truth and righteousness may become the kingdom of all humanity.

Lord, today as we remember the 1998 U.S. Capitol shooting tragedy, we pause to thank You for the sacrifice of Officer Jacob J. Chestnut and Detective John M. Gibson.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 4:30 this afternoon. At 3:40 p.m., the Senate will conduct a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the U.S. Capital Police who were killed 13 years ago defending this Capitol against an armed intruder.

At 4:30 p.m., the Senate will be in executive session to consider the nomination of Paul Englemayer to be United States District Judge for the Southern District of New York and Ramona Manglona to be District Judge for the Northern Mariana Islands.

At 5:30 p.m., there will be a rollcall vote on confirmation of the Englemayer nomination. The Manglona nomination is expected to be confirmed by voice vote.

Additional rollcall votes are possible this evening.

OFFICERS JACOB J. CHESTNUT AND JOHN M. GIBSON

Mr. REID. Mr. President, every day people from across this great Nation around the globe come here to visit the Capitol—to see the seat of American democracy. Every day, those of us who are fortunate to have been elected by our home States to serve in Congress also come here to represent this Nation and the American people in that democracy. Every day a brave and dedicated group of men and women come here to serve as Capitol police officers, to ensure that whether we are here to work or to visit, we are safe from harm. In 1998, two of those dedicated police officers gave their lives protecting this Capitol and the people in this Capitol. They were Special Agent John Gibson and Officer Jacob Chestnut. Thirteen years ago yesterday, a man entered the House side of the Capitol building with a gun, shot officer Chestnut at point-blank range.

Agent Gibson warned tourists and staff to take cover and then confronted the gunman. Although Agent Gibson was also shot, he prevented anyone else from being killed. Both officers died that day. They served a combined 36 years on the force, protecting their fellow men and women.

When I first came to Washington, I worked the night shift—the swing shift—as a Capitol police officer. That is why I feel a particular closeness to the Capitol police. When I worked, I was never in danger. I was never called on to put my life on the line. I only hope I would have shown the bravery Agent Gibson and Officer Chestnut displayed that afternoon they were killed.

I was a Member of the Senate when Agent Gibson and Officer Chestnut gave their lives to save the lives of others. I know nothing can make up for the loss of a cherished loved one. We hope their families and friends take some comfort in knowing those of us who were here that day hold them in our memories and in our hearts. While I know it is little solace to their families, the tragedy of that day made the Capitol a safer place. It led to the construction of the Capitol Visitor Center which prevents a madman such as the one who shot Agent Gibson and Officer Chestnut from entering the Capitol. We are all grateful for their sacrifice, and we are grateful that every day devoted

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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men and women like them guard these hallowed halls.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, some of those dedicated police officers stood guard Saturday and Sunday as we worked to reach an agreement to avert a default on our national debt. Leaders in both parties were here throughout the weekend. Differences still separate our two sides, but work toward an agreement continues.

This afternoon I will put on the floor a proposal that I hope will break that impasse. This legislation would put to rest the specter of default. It would cut $2.7 trillion from the deficit over the next decade. It would not raise any new revenue or make any cuts to Medicare, Medicaid, or Social Security. All the cuts included in this package have previously been supported by Republicans. The proposal provides everything the House Republicans have said they needed from an agreement to avert default and cut the deficit. I hope my colleagues on the other side will still know a good deal when they see it. I hope they will remember how to say yes.

The tea-party-led House of Representatives has held up a resolution of these negotiations for weeks because they did not want oil companies, corporations that ship jobs overseas, and millionaires and billionaires in their corporate jets to pay their fair share. If they now oppose an agreement that meets every one of their demands, it will be because they have put politics first and the good of this Nation and the economy last.

I hope they will not continue to insist on the kind of short-term fix they opposed a few short weeks ago, and they know Democrats in the Senate will not pass and President Obama will not sign.

Economists have already said a short-term solution is no solution at all. It will not give the markets the certainty they need. The credit rating agencies have said a short-term Band-Aid could have many of the same effects of default: downgrade of U.S. debt, soaring interest rates, and an effective tax increase for every American family and business.

The financial markets do not trust the rightwing tea-party-led House of Representatives. They do not believe they should hold this process hostage, and they do not want them to do it again in 6 months. We need to make the right decision now, and we need to do it because the economy is on the line.

This is what one market analyst said about a plan to avert for only a few months. ''From the markets' point of view, a two-stage plan is a nonstarter because we now know it is amateur hour on Capitol Hill and we don't want to be painted in this corner again.''

The markets need certainty; America needs certainty; the world needs certainty; and an agreement that provides that certainty is within our grasp. Democrats have done more than just meet Republicans in the middle. We have met them all the way. Now we will see whether Republicans are against any agreement at all or whether they remember how to say yes when the compromise on the table gives them everything they have demanded.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

ANNIVERSARY OF THE DEATHS OF J.J. CHESTNUT AND JOHN GIBSON

Mr. MCCONNELL. Mr. President, as visitors walk through the Capitol for the first time, they eventually come across a plaque near one of the entrances on the East Front that memorializes an event which took place 13 years ago yesterday.

It was 13 years ago that Officers Jacob Joseph Chestnut and Detective John Michael Gibson made the ultimate sacrifice to protect all who were working and visiting the Capitol on that Friday afternoon.

And every year at this time, we take a moment to step back from our work, put aside our differences, and remember these good men whose sacrifice stands as a permanent reminder of the debt we owe to them, and to all those who continue to put themselves on the front line every day to defend the rest of us—from the Capitol Police force, to local law enforcement officials, to those serving overseas.

America has always been blessed to have men and women rise up in every generation who are willing to put their Nation ahead of their lives. Today, we honor two in particular who did so in this building. Officer Chestnut was a 20-year veteran of the Air Force, a loving husband, and a father of five.

Detective Gibson had served 3 years on Congressman Tom DeLay's protective detail. Both had served 18 years on the Capitol Police force. A friend of Detective Gibson's recalled shortly after the shooting that just a few days before, John told him he had never had to draw his weapon on the job. Yet despite being mortally wounded on the day he died, John did not hesitate to return fire, wounding the intruder. Calling upon his instincts and training, Detective Gibson's actions saved many lives that day.

Officer Chestnut and Detective Gibson exemplify the best America has to offer. And that is why we honor them here today.

My friend the majority leader is a former Capitol Police officer. He understands more than anyone in this Chamber the honor and dedication, as well as the risks associated with the job. I know he joins me in honoring Jacob Joseph Chestnut and John Michael Gibson, as well as all Capitol Police who put their lives on the line every day to protect us and this institution.

To all members of the Capitol Police force: thank you for your service and your professionalism. Your duties do not go unnoticed. And on this day that we remember Officer Chestnut and Detective Gibson, I would also like to take a moment to remember the families of these good men who have been so deeply affected by this tragedy. Our prayers continue to go out to them. May God continue to protect them as their loved ones protected us.

BUDGET NEGOTIATIONS

Mr. MCCONNELL. Mr. President, I would like to say a few words now about the ongoing debt ceiling discussions.

I think the American people can be excused for being a little confused at this point as to what is going on here in Washington and a little bit frustrated. I am too, frankly.

There is no reason in the world that the American people should have had to wake up this morning unsure of whether Washington was going to resolve this problem.

Candidly, as of Saturday afternoon, I had no doubt that a solution was at hand.

That is just what we did. We came together in good faith and decided to do the right thing. Everyone agrees default wasn't an option, so we put together a responsible proposal that prevented default while reducing Washington spending.

Republicans and, yes, some Democrats, have been clear for months that tax hikes couldn't be part of the package. We have also been clear that serious cuts would have to be part of any package.

So taking all this into consideration, the responsible path forward was clear to everyone: a plan that avoided default and required additional savings before any further increase in the debt ceiling.

Leaders from both parties in both Houses agreed this was the right path forward legislatively. The only thing to do at that point was to present this bipartisan solution to the President.

What was the President's response? Unfortunately, to demand the largest single debt increase in history, $½ trillion more than the previous biggest increase Democrats approved 2 years ago when they controlled both Congress and the White House.

This was the President's justification, as he put it on Friday:

> The only bottom line I have is that we have to extend the debt ceiling through the next election, into 2013.

That is a direct quote from the President of the United States. There is absolutely no economic justification for insisting on a debt limit increase that brings us through the next election. It is not the beginning of a fiscal year. It is not the beginning of a calendar year. Based on his own words, it is hard to conclude that this request has to do with anything, in fact, other than the President's reelection.

Look, Congress has raised the Federal debt limit 62 times since 1972. The average length of an increase over that period is just over 7 months. But now the President says it has to be nearly 2 years. Why? So he can continue to spend as he pleases.

This weekend, we offered the President a bipartisan proposal to avoid default so we could have the time we need to put together a serious plan for getting our house in order, and he rejected it out of hand—not for economic reasons, understand, but, as he put it, ''to extend this debt ceiling through the next election.''

Time is running out. With all due respect to the President, we have more important issues to worry about than getting through the next election.

A bipartisan plan to resolve this crisis was literally within our reach this weekend. The President has to know this approach is the responsible path forward, and we ought to put it back on the table.

Congressional leaders of both parties have shown they are willing to work in good faith. I suggest the President reconsider their offer rather than veto the country into default.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will now be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Minnesota is recognized.

NORWAY TERRORIST ATTACK

Ms. KLOBUCHAR. Mr. President, I rise to share my deepest sympathies for the people of Norway who, as my colleagues know, experienced a despicable terrorist act this past Friday, July 22.

In the Senate, I represent the State of Minnesota. It is a State that has the largest number of people of Norwegian heritage outside the country of Norway itself.

The influence of Norwegian culture can be found throughout our State, and the bonds between Norway and Minnesota continue to be incredibly strong to this day. That is why the shock of Friday's violence hit us so close to home.

This past weekend, I joined Minnesotans and the whole world in offering our country's prayers and sympathy to the people of Norway. I attended a memorial service at the Mindekirke Norwegian Lutheran Memorial Church in Minneapolis, where hundreds of people of Norwegian heritage gathered to go to mourn their loss.

It is especially heartbreaking that a mass murder such as this would take place in a country such as Norway. The world knows Norway as a country that is both peaceful and peace-seeking.

After all, Norway is home to the Nobel Peace Prize, and it has offered safe haven to refugees and the politically persecuted from all around the world. It just doesn't make sense.

I am a parent. My daughter is the same age as many of the young people who were at that camp. She was there with our family at the memorial service on Sunday. The kids at this camp were idealistic kids. They were teenagers. They were at the camp because of their interest in their community and in democracy.

It is very hard and very painful even to think about such a cold-blooded attack and the massacre of so many innocent children. It is a kind of terrible tragedy that puts all of us to the test. It tests our resilience, our trust, and our faith.

On Saturday morning, I spoke with Ambassador Strommen, Norway's Ambassador to the United States. I conveyed the deepest sympathies of the people of our State. He assured me that, even though this is a very difficult time, Norway is strong, the Norwegian people are strong, and they will make it through this time of trouble and sorrow.

We will stand by them. But we will also stand against the hate that inspired this action. We are starting to get a sense, over the last 2 days, of what motivated this madman. We know now that while most of the people attacked were native Norwegians, there were also people from other countries, immigrants to Norway, new citizens there.

We all need to remember that my State was originally settled by Norwegians, Swedes, Danes, and Germans, but we also remember there were other waves of immigrants who came too, including Slovenians, such as my relatives, as well as people from Poland, Russia, and most recently in Minnesota the Hmong people have a major presence, as well as people from Somalia. We must remember what made our State, our country, and Norway such vibrant places for democracy is that openness, that freedom, and it is that tolerance.

I reminded my friends at the Norwegian church on Sunday morning of something President Clinton actually said after the Oklahoma City bombing, when he spoke at that memorial. He said this:

> Let us let our own children know that we will stand against the forces of fear. When there is talk of hatred, let us stand up and talk against it. When there is talk of violence, let us stand up and talk against it.

I call on my colleagues to stand true to those words. We will continue to confront the forces of fear and hatred with that same spirit of faith, tolerance, and good will. Let us continue to stand strong in support of our allies and friends in Norway. Today, our thoughts and prayers are with them.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, let me associate myself with the remarks of the Senator from Minnesota. My wife and I traveled to Oslo, Norway, a few years ago and were deeply touched by the hospitality of the people there and the peacefulness of the country. It is almost too much to bear to think about what they have gone through as a result of this recent tragedy. I appreciate her remarks.

REMEMBRANCE OF FALLEN OFFICERS

Mr. KYL. Mr. President, the majority and minority leaders talked about the sacrifice of two of our Capitol police officers who died in the line of duty protecting people here at the Capitol and our remembrance of them on this day. The Chaplain also prayed that we remember their sacrifice.

I think it is important for us to pause in circumstances such as this, especially when we are involved in such deeply divided discussions about the issues of the day that confront us.

DEBT CEILING

Mr. KYL. Mr. President, I also thought it interesting that, regarding the issues we are debating that so deeply divide us, a Wall Street Journal oped today appeared, which is one of those rare times when the author puts into a much larger perspective, a more cosmic perspective, what we are talking about and puts it in moral terms—long-term moral terms—rather than just Democrats versus Republicans and the fight of the day.

Mr. President, I ask unanimous consent that this article be printed in the RECORD after my remarks. It is written by Arthur C. Brooks and is called ''The Debt Ceiling and the Pursuit of Happiness.''

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

(See exhibit 1.)

Mr. KYL. Arthur Brooks is the head of AEI, American Enterprise Institute, and he has written on the subject of happiness in our country and how we get there. His most recent book is called ''The Battle: How the Fight Between Free Enterprise and Big Government Will Shape America's Future.''

His theme in this article was similar to the one in the book, which is that

we have the system we have because Americans have found that it is a system which most leads us to the pursuit of happiness, the achievement of success, and things that are important in our lives. He talks about the fight we are engaged in now about extending the debt ceiling as being a fight against 50-year trends toward statism, which he identifies as a state that would be very disappointing to Americans, where we would not have the ability to pursue our dreams or the same opportunity we have today to be successful if we take risks and to utilize the full potential of the free market system.

He says, ''Consider a few facts,'' and this is the one thing I will quote from his article:

> The Bureau of Economic Analysis tells us that total government spending at all levels has risen to 37 percent of the gross domestic product today from 27 percent in 1960—and is set to reach 50 percent by 2038. The Tax Foundation reports that between 1986 and 2008, the share of Federal income taxes paid by the top 5 percent of earners has risen to 59 percent from 43 percent. Between 1986 and 2009, the percentage of Americans who paid zero or negative Federal income taxes has increased to 51 percent from 18.5 percent. And all this is accompanied by an increase in our national debt to 100 percent of gross domestic product today from 42 percent in 1980.

All of these, obviously, portend a trend toward statism, toward the funding of the state through increased taxation by fewer and fewer people but at a greater and greater amount of money. In his view and in mine, it will ultimately reduce the kinds of incentives that the free market system provides for Americans to be able to earn and hire others and to assist our economy to grow and, in the process, to increase our standard of living.

This is one of the reasons why Republicans have been so focused on reducing spending as the solution to the problem we face in Washington today. Our problem is not that we don't tax Americans enough; our problem is that we spend too much here in Washington. That is manifested by the statistic that now we are spending almost 25 percent of the GDP. We were up to 25, and we are headed back up there. Yet just 3 short years ago, we were at the average level of spending in our country of about 20 percent of GDP. So spending has skyrocketed in the last 3 years.

If a physician is wanting to treat a patient's condition, the physician diagnoses the patient for what is wrong and then treats that illness. What is wrong with us today is that Washington spending is out of control. That is the diagnosis. What is the treatment? The treatment is not to pile more taxes onto an already sick economy. The treatment is to reduce the amount of government spending.

That is what Republicans have urged us to do. The American people, fortunately, are in the same place.

I will cite three surveys that make the point. One of them is a Rasmussen survey, just reported July 22, of likely voters in the country. It asks the question: Would you fear that the debt deal would raise taxes too much or too little? Would you fear that the debt deal will cut spending too little or cut spending too much?

The answer was interesting. Among likely voters, the answer is this: 62 percent of voters believe the deal will raise taxes too much. Only 26 percent think we will raise taxes too little.

On the spending side, 56 percent are afraid it will cut spending too little. Only 25 percent think it will cut spending too much.

We can see the American people are with us here. They understand our problem is spending, not taxes. They are worried we are not going to reduce spending enough and that, in fact, we are going to increase taxes too much. Rasmussen had already done a survey a week before of likely voters. It asked: Do you favor including a tax hike in the deal?

This was interesting. Fifty-five percent of voters said no. Only 34 percent of likely voters said yes. So the majority, by far, is saying don't include a tax hike in the deal. Again, they understand what the problem is: It is not taxes, it is spending.

CNN had a poll a few days before that, and the question—there were several questions in the poll, but the one that struck my eye asked about raising the debt ceiling only if we also cut spending, cap it at certain levels, and pass a balanced budget amendment. That is the so-called cut, cap, and balance proposal that passed the House of Representatives but was tabled by our Democratic colleagues here in the Senate last week. CNN reports that by a 2-to-1 margin the American people thought we should cut, cap, and balance—66 percent favored, only 33 percent opposed.

It is interesting to me the American people have internalized the same thing as we Republicans; and probably the reason Republicans are expressing this is because we have been listening to our constituents who have been telling us this. Our concern is not that we should raise taxes; our concern is that we should cut spending. That is why we have been saying what we have been saying here.

I find it interesting even the President himself—in an earlier time—shared the same sentiment. In August of 2009 he made a similar point. In December of last year, when the tax rates that have been in existence for decades were extended for another 2 years, he said: You don't raise taxes in a recession. He is exactly right. And, by the way, at the time he said that, growth in the quarter was at about 6 percent of GDP. Today, growth is less than 2 percent of GDP. So our economic situation has gotten worse since then. We are up to 9.2 percent unemployment. Obviously, you don't raise taxes in a recession. When you have a bad economic condition, the worst medicine is to raise taxes.

Another point Republicans have been trying to make with regard to this difference between raising taxes or reducing spending is that usually a couple of things happen when Congress sets out to do this. You get the permanent increases in taxes, but you never get the same dollar for dollar or $2 or $3 for $1 that you are promised in reductions in spending. Moreover, when you aim at hitting the millionaires and billionaires—which is usually the excuse for raising taxes—you end up hitting a lot of other folks.

One of the things we are concerned about is exactly what happened with the alternative minimum tax. We tried to make sure 128 specific millionaires didn't get out of paying taxes because of deductions and credits they could take, and so we put into effect the alternative minimum tax. Today, the alternative minimum tax affects 25 million Americans. So when you aim at the millionaires, you hit everybody else. In fact, that is exactly what would happen under the proposal of the President today.

The President says we need to hit the millionaires and billionaires. Well, there are 319,000 American households that report incomes of over $1 million a year, but there are 3.6 million other households that would be affected in the same way by the President's tax increase because they are also in the top two income tax brackets. So when you raise the top two brackets, you are not just going to hit the millionaires and billionaires, you are also going to hit a lot of other Americans who don't report incomes of over $1 million a year.

Probably the primary reason Republicans have argued we should not be raising taxes in this bad economic time is that it is a job killer. This is illustrated by many things, one of which is the President's own Small Business Administration. One of the taxes the President has proposed hiking would hit small businesses especially hard. According to the Office of Advocacy of the Obama Small Business Administration, this tax ''could ultimately force many small businesses to close.'' Why would you impose a tax on small businesses that could ultimately force many of them to close? It is the wrong medicine for a sick economy.

In addition to the fact we always end up hitting a lot more than the millionaires and billionaires, and that taxes are forever but the savings never quite seem to materialize, the most important point here is that raising taxes is a job killer. Two-thirds of all the jobs coming out of a recession are in the small business sector. Fifty-four percent of all jobs in the country are created by small business.

Republicans are going to continue to push for reductions in spending as the way forward here, and I hope during this next week we will be able to get together with our House colleagues, and Republicans and Democrats alike will be able to at least rally around one thing we can all agree on: spending has to be reduced. If later on we need to have discussions about tax reform, that

is a debate I think all of us wish to have. Our Tax Code needs reforming. But let's do that not in the context of raising revenues but rather in the context of making it a Tax Code that would enable us to grow more. At the end of the day, that is what we should all be for. Because a growing pie means there is more for everyone—rich and poor alike—the families of America as well as the governments. I hope my colleagues will focus on what the American people are telling us through these surveys: Let's reduce spending, not increase taxes.

EXHIBIT 1

[From the Wall Street Journal, July 25, 2011]

THE DEBT CEILING AND THE PURSUIT OF HAPPINESS

(By Arthur C. Brooks)

The battle over the debt ceiling is only the latest skirmish in what promises to be an ongoing, exhausting war over budget issues. Americans can be forgiven for seeing the whole business as petty, selfish and tiresome. Conservatives in particular are beginning to worry that public patience will wear thin over their insistence that our nation's government-spending problem must be remedied through spending cuts, not by raising more revenues.

But before they succumb to too much caution, budget reformers need to remember three things. First, this is not a political fight between Republicans and Democrats; it is a fight against 50-year trends toward statism. Second, it is a moral fight, not an economic one. Third, this is not a fight that anyone can win in the 15 months from now to the presidential election. It will take hard work for at least a decade.

Consider a few facts. The Bureau of Economic Analysis tells us that total government spending at all levels has risen to 37% of gross domestic product today from 27% in 1960—and is set to reach 50% by 2038. The Tax Foundation reports that between 1986 and 2008, the share of federal income taxes paid by the top 5% of earners has risen to 59% from 43%. Between 1986 and 2009, the percentage of Americans who pay zero or negative federal income taxes has increased to 51% from 18.5%. And all this is accompanied by an increase in our national debt to 100% of GDP today from 42% in 1980.

Where will it all lead? Some despairing souls have concluded there are really only two scenarios. In one, we finally hit a tipping point where so few people actually pay for their share of the growing government that a majority become completely invested in the social welfare state, which stabilizes at some very high level of taxation and government social spending. (Think Sweden.)

In the other scenario, our welfare state slowly collapses under its weight, and we get some kind of permanent austerity after the rest of the world finally comprehends the depth of our national spending disorder and stops lending us money at low interest rates. (Think Greece.)

In other words: Heads, the statists win; tails, we all lose.

Anyone who seeks to provide serious national political leadership today—those elected in 2010 or who seek national office in 2012—owe Americans a plan to escape having to make this choice. We need tectonic changes, not minor fiddling.

Rep. Paul Ryan's (R., Wis.) budget plan is the kind of model necessary. But structural change will only succeed if it's accompanied by a moral argument—an unabashed cultural defense of the free enterprise system that helps Americans remember why they love their country and its exceptional culture.

America's Founders knew the importance of moral language, which is why they asserted our unalienable right to the pursuit of happiness, not to the possession of property. Similarly, Adam Smith, the father of free-market economics, had a philosophy that transcended the mere wealth of nations. His greatest book was ''The Theory of Moral Sentiments,'' a defense of a culture that could support true freedom and provide the greatest life satisfaction.

Yet today, it is progressives, not free marketeers, who use the language of morality. President Obama was not elected because of his plans about the taxation of repatriated profits, or even his ambition to reform health care. He was elected largely on the basis of language about hope and change, and a ''fairer'' America.

The irony is that statists have a more materialistic philosophy than free-enterprise advocates. Progressive solutions to cultural problems always involve the tools of income redistribution, and call it ''social justice.''

Free-enterprise advocates, on the other hand, speak privately about freedom and opportunity for everybody—including the poor. Most support a limited safety net, but also believe that succeeding on our merits, doing something meaningful, and having responsibility for our own affairs are what give us the best life. Sadly, in public, they always seem stuck in the language of economic efficiency.

The result is that year after year we slip further down the redistributionist road, dissatisfied with the growing welfare state, but with no morally satisfying arguments to make a change that entails any personal sacrifice.

Examples are all around us. It is hard to find anyone who likes our nation's current health-care policies. But do you seriously expect grandma to sit idly by and let Republicans experiment with her Medicare coverage so her great-grandchildren can get better treatment for carried interest? Not a chance.

If reformers want Americans to embrace real change, every policy proposal must be framed in terms of self-realization, meritocratic fairness and the promise of a better future. Why do we want to lower taxes for entrepreneurs? Because we believe in earned success. Why do we care about economic growth? To make individual opportunity possible, not simply to increase wealth. Why do we need entitlement reform? Because it is wrong to steal from our children.

History shows that big moral struggles can be won, but only when they are seen as decade-long fights and not just as a way to prevail in the next election. Welfare reform was first proposed in 1984 and regarded popularly as a nonstarter. Twelve years of hard work by scholars at my own institution and others helped make it a mainstream idea (signed into law by a Democratic president) and perhaps the best policy for helping the poor to escape poverty in our nation's history. Political consultants would have abandoned welfare reform as unworkably audacious and politically suicidal. Real leaders understood that its moral importance transcended short-term politics.

No one deserves our political support today unless he or she is willing to work for as long as it takes to win the moral fight to steer our nation back toward enterprise and self-governance. This fight will not be easy or politically safe. But it will be a happy one: to share the values that make us proud to be Americans.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MOMENT OF SILENCE TO HONOR OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the U.S. Capitol Police.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank the Chair for leading the moment of silence we just had for Officer Jacob Chestnut and Detective John Gibson of the U.S. Capitol Police.

It is important to recognize that each and every day the citizens of the United States come to the Capitol. They are able to visit this Chamber and visit the offices of their elected Senators and, across the building, the offices of the Members of the House of Representatives. They are able to do so because the Capitol Police maintain a form of security that gives us this access while at the same time protects the functioning of democracy from the very real threats of a changing world.

So it is appropriate that the east front door was renamed the Memorial Door in honor of Officer Jacob Chestnut and Detective John Gibson and that we take this moment to recognize the service of all of the members of the Capitol Police who not only protect all of those who work here, all of those who legislate here, but all of the citizens of the country who come to advocate for their concerns.

Thank you, Mr. President. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PAUL A. ENGELMAYER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF RAMONA VILLAGOMEZ MANGLONA TO BE JUDGE FOR THE DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report:

The bill clerk read the nomination of Paul A. Engelmayer, of New York, to be United States District Judge for the Southern District of New York; Ramona Villagomez Manglona, of the Northern Mariana Islands, to be Judge for the District Court for the Northern Mariana Islands.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate on the nominations, equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand the vote will be at 5:30; is that correct?

The PRESIDING OFFICER. There is debate for 1 hour. If no time is yielded back, the vote will be at 5:36.

Mr. LEAHY. Mr. President, I will yield back 6 minutes of my time so the vote can begin at 5:30.

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

MOMENT OF SILENCE

Mr. LEAHY. Mr. President, I note the Senate observed a moment of silence for John Gibson and Jacob Chestnut, who were killed in the Capitol in 1998 on July 24. Both were excellent police officers—one uniformed, one plain clothes—in the protective division. My wife and I knew both John Gibson and Jacob Chestnut, and we were at both of their memorial services. Both were fine officers, and I am glad we had a moment of silence.

We sometimes forget that we have a lot of very good police officers, both in the uniform division and the plain clothes division, in this Capitol. They are here to protect us at all times of day or night, no matter what the weather or what the circumstances. It is something we should keep in mind. We often can go home when the session ends, but they are here to make sure everything is still safe. So we owe all of them a debt of gratitude, and I hope all of them will remain safe. It is a tragedy that Officers Gibson and Chestnut were not able to remain safe but died protecting the Capitol.

Today, the Senate is finally going to vote on two judicial nominations reported unanimously by the Judiciary Committee in early April.

Let me put that into perspective. Way back when snow was still falling in my State, every single Republican and every single Democrat voted for these two nominees. In past years they would have been confirmed probably in a voice vote that same week in a wrap-up session. For some reason, my friends on the other side think it should be different with a Democratic President than it was for a Republican President, or for that matter, all past Presidents.

Despite the support of every Democrat and every Republican on the Judiciary Committee, the nominations of Paul Engelmayer to fill a judicial emergency vacancy in the Southern District of New York, and Ramona Manglona to fill a 10-year term in the District Court for the Commonwealth of the Northern Mariana Islands, have been stalled for 3½ months on the Senate's Executive Calendar. These are the kinds of qualified, consensus judicial nominations that in past years—whether under President Ford, President Carter, President Reagan, or either of the President Bushes—would have been confirmed promptly rather than being forced to languish for months because of Republican refusal to consent to debate and vote on nominations.

At a time when judicial vacancies remain above 90 throughout this country, these needless delays perpetuate the judicial vacancy crisis that Chief Justice Roberts, a Republican appointee, wrote of last December and that the President, the Attorney General, bar associations and chief judges around the country have urged us to join together to end. Imagine the example we set to litigants by saying: ''Well, we can't hear your litigation, no matter how important it is. You are going to have to wait year after year after year because we don't have a judge. We can't get one confirmed.'' The Senate can do a better job working to ensure the ability of our Federal courts to provide justice to our fellow Americans around the country.

Recently, Chief Judge Moreno of the Southern District of Florida wrote to the Senate leaders urging that they expedite action on two nominations to fill judicial emergency vacancies in that district. Both Kathleen Williams and Robert Scola are among the many judicial nominees who were reported unanimously by the Judiciary Committee, yet both are being delayed for no good reason.

Chief Judge Moreno writes:

> [T]he judicial shortage with three vacancies in our district is becoming acute. For this reason, I ask your assistance in expediting both confirmations. The Judiciary Committee has found the nominees qualified and the people of South Florida eagerly await their service.

Both of these nominees have the support of their home State Senators—Senator NELSON, a Democrat, and Senator RUBIO, a Republican. The two Senators have set aside partisan actions, and the Senate Judiciary Committee has set aside partisan actions by voting for the nominees unanimously. Why should they be held up because of partisan actions on this floor?

Kathleen Williams and Robert Scola are among the 27 judicial nominees reviewed by the Judiciary Committee and reported favorably to the Senate for final action who are being stalled. I am glad that we are finally being allowed to consider the 2 nominees who will be confirmed today, but they have been waiting since early April. This is not traditional, and there are still 25 who languish.

This is not how the Senate has acted in years past with other Presidents' judicial nominees. It is not accurate to pretend that real progress is being made in these circumstances. After we have these two votes, we will still have 25 nominees sitting on the calendar who could be disposed of within an hour, yet they are blocked week after week after week. That is not progress. We may be making progress in the committee, but if the nominees are blocked on the floor, it is not progress. Vacancies are being kept high, consensus nominees are being delayed, and it is the American people—Republicans, Democrats, and Independents alike—that are being made to suffer.

This is another area in which we must come together for the American people. Let us do something for the American people, and not just for our political parties. There is no reason Senators cannot join together to finally bring down the excessive number of vacancies that have persisted in our Federal courts throughout the Nation for far too long. It is not a Republican or Democratic issue, it is an American issue.

Between now and the August recess the Senate should consider all of the judicial nominees ready for a final vote, including those desperately needed in southern Florida backed by Senator NELSON and Senator RUBIO.

I expect the two nominations we are going to consider today will be confirmed overwhelmingly. They are examples of the almost two dozen consensus nominees who are being stalled for no good reason. Mr. Engelmayer is a nominee with unassailable credentials. After receiving his undergraduate and law school degrees with honors from Harvard Law School, Mr. Engelmayer served as a law clerk to Judge Patricia Wald of the United States Court of Appeals for the District of Columbia and then to Justice Thurgood Marshall on the Supreme Court. He worked as a Federal prosecutor in the Southern District of New York for 9 years, where he climbed the ranks from a young lawyer to become Chief of the Major Crimes Unit. Mr. Engelmayer served for 2 years as an Assistant Solicitor General for the United States. Since 2000, he has been a partner in the law firm WilmerHale, where he practices civil and criminal litigation and regularly dedicates himself to pro bono work. The ABA's

Standing Committee on the Federal Judiciary unanimously rated him well qualified to serve, its highest rating. He is supported by his home state Senators.

Ramona Villagomez Manglona is currently an Associate Judge on the Superior Court for the Commonwealth of the Northern Mariana Islands (CNMI), having previously served as a Justice Pro Tempore on the Guam Supreme Court and a Judge Pro Tempore on the Guam Superior Court. From 1998 to 2003, she worked in the CNMI Office of the Attorney General is several capacities, including a term as Attorney General. Born in Saipan, Northern Mariana Islands, Judge Manglona earned her B.A. from the University of California, Berkeley and her J.D. from the University of New Mexico. When confirmed, Judge Manglona will be the first indigenous person to serve as a U.S. District Court Judge in the Commonwealth of the Northern Mariana Islands. Her confirmation should also save money and help ease the burden on judges who have had to travel to the Pacific from the mainland to provide judicial resources.

I, again, thank Senator GRASSLEY for his cooperation in working with me to make progress in the committee concerning judicial nominations in regular order. We have made progress in the committee, but it goes for naught if we cannot get nominees confirmed on the floor. Our work in the committee has not been matched in the Senate, where agreements to debate and vote on judicial nominations are too few and too far between. These are only the sixth and seventh nominations the Senate has considered in the last 2 months, at a time when vacancies have remained at or above 90, and despite the many consensus nominees that have been voted on in a bipartisan fashion by the committee and are now waiting for a vote on the Senate floor.

These will be only the 13th and 14th nominees confirmed this year who had their hearings this year. The other confirmations were all from the group considered by the Judiciary Committee last year, but were renominated after having had their confirmations delayed unnecessarily last year. Ignoring the words of the Chief Justice and others concerned with the continuing high number of judicial vacancies, Senate Republicans have continued the pattern and practice of delay for virtually all judicial nominees.

In addition to the 2 nominations we consider today, there are currently 25 judicial nominations that have been fully considered by the Judiciary Committee and sent to the Senate for final action. Of them, 20 were unanimously reported, by Republicans and Democrats, without a single negative vote. At the very least, we ought to take up those 20. The two nominations we consider today were reported in April. There remain 13 judicial nominations on the calendar reported favorably by the committee way back in May or earlier, 11 of which were reported unanimously. When I urged the Senate to take up and vote on the many judicial nominations that were on the calendar and ready for action before the Memorial Day recess, Republican Senators would not agree to consider a single one. With almost a score of judicial nominees available to the Senate for final action, only one was considered before the July 4 recess. That is not the way to make real progress.

Regrettably, the Senate has not reduced vacancies as dramatically as we did during the Bush administration. Federal judicial vacancies around the country still number too many, and they have persisted for far too long. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first two years, Senate Republicans' insistence on objections and delays have resulted in judicial vacancies still numbering more than 90 two and a half years into President Obama's term. By now, judicial vacancies should have been reduced to similar levels, but we have barely kept up with attrition.

In fact, the Senate has reversed course during the Obama administration given Republican objections, and the slow pace of confirmations are keeping judicial vacancies at crisis levels. Over the eight years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies staying near or above 90 for the last two years. The vacancy rate—which we reduced from 10 percent to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008—is back above 10 percent.

By this time in the third year of the Bush administration, the Senate had confirmed 136 judges. That is over 40 percent more than the number of President Obama's nominees we have been allowed to process to confirmation. We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations. The Senate confirmed 100 of those judicial nominations during the 17 months I was Chairman during President Bush's first 2 years in office. In the other 31 months, Republicans were able to do another 105. So again, we demonstrated we are ready to work faster with President Bush than even his Republican Senators were—and we certainly worked a lot faster than we have been able to work now. President Obama is now in his 30th month in office and we have only been allowed to consider and confirm 91 of his Federal Circuit and District Court nominees. Compare that to the 100 I did in 17 months for President Bush.

The delays continue, despite the needs of the Federal judiciary, as evidenced by Chief Judge Moreno's recent letter, which I ask unanimous consent to be made part of the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. I would note that the delays in confirmation of President Obama's consensus nominees, nominees agreed to by both Republicans and Democrats, are to the detriment of all Americans. Most people, when they go into court, do not go in as a Republican or Democrat. They are just an American seeking justice. But the courts' doors are now being closed; closed because the Senate will not allow confirmation of the judges who could open those doors. That is wrong. It is a stain on the judiciary, and it is a stain on this body.

EXHIBIT 1

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF FLORIDA,
Miami, FL, July 21, 2011.

Re Nominations of Kathleen Williams and Robert Scola to the U.S. District Court for the Southern District of Florida.

Senator MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: As Chief Judge of the United States District Court for the Southern District of Florida, I urge you to expedite the Senate's confirmation of Kathleen Williams and Robert Scola to the positions of district judges in our district. I understand that the Judiciary Committee has sent both nominations by unanimous voice vote and is awaiting a vote by the full Senate. Ms. Williams, our district's Federal Public Defender, has been awaiting confirmation for the longest period of any present nominee to the district court in the entire country. State Judge Robert Scola's nomination is of a more recent vintage but the litigants are eagerly awaiting his confirmation.

The judgeship Ms. Williams has been nominated to fill has been vacant for two years! At the present time, our district has three vacancies. Unfilled positions in our Court present an undue hardship on the citizens residing in the Southern District of Florida, particularly those with cases pending in the affected division of the Court. Our district is huge and heavily populated. It includes the most populous counties in Florida, Miami-Dade, Broward (where Fort Lauderdale is located) and Palm Beach Counties. The district also includes Monroe, St. Lucie, Highlands, Okeechobee, Martin, and Indian River Counties.

We have been laboring under a judicial shortage for quite some time. The Judicial Conference of the United States has for the past several years annually recommended to Congress three additional permanent judgeships and to convert one temporary judgeship into a permanent one.

This shortage is exacerbated by the fact that we are one of the busiest district courts in the nation. Our district had 10,556 new filings in both criminal and civil cases in 2010, an increase of 6.7% over the year 2000. The latest national statistics (FY 2010) are attached and show that our district is first in ''weighted filings'' in the Eleventh Circuit.

In sum, the judicial shortage with three vacancies in our district is becoming acute. For this reason, I ask your assistance in expediting both confirmations. The Judiciary Committee has found the nominees qualified and the people of South Florida eagerly await their service.

Please call me if I can provide any additional information. I thank you in advance

for your consideration of this important matter.

Sincerely,

FEDERICO A. MORENO,
Chief U.S. District Judge.

Mr. LEAHY. I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged to both parties.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of Paul Engelmayer to be United States District Judge for the Southern District of New York and Ramona Villagomez Manglona to be Judge for the District Court for the Northern Mariana Islands. The seat to which Mr. Engelmayer is being considered has been deemed a judicial emergency. With this vote, we will have confirmed 29 article III judicial nominees. Eighteen have been for such judicial emergencies. Ms. Manglona's confirmation vote marks the second article IV judicial confirmation this year. I am pleased we are moving forward with filling two more vacancies.

We continue to make great progress in processing President Obama's judicial nominees. As of today, the Senate has confirmed 60 percent of President Obama's nominees since the beginning of his Presidency. That is not including the two Supreme Court Justices nominated by President Obama. As I am sure my colleagues recall, those nominations consumed a considerable amount of time in the committee and on the Senate floor.

During this Congress, the Judiciary Committee has held hearings on more than 72 percent of the President's nominees. Another hearing is scheduled to take place this Wednesday. During the comparable time period for President Bush, only 64 percent of President Bush's nominees had hearings by this time. We have also reported 64 percent of the judicial nominees, compared to only 56 percent of President Bush's nominees.

Let me say just a few words about Mr. Engelmayer and then Judge Manglona. Mr. Engelmayer graduated summa cum laude from Harvard University in 1983. He then graduated magna cum laude from Harvard Law School in 1987. Following law school, the nominee clerked for Judge Patricia Wald on the U.S. Court of Appeals for the District of Columbia and then for Justice Thurgood Marshall of the Supreme Court of the United States.

After his clerkships, Mr. Engelmayer joined the U.S. Attorney's Office for the Southern District of New York as an assistant U.S. attorney. In 1994, he became an assistant to the Solicitor General of the United States. In 2000, the nominee entered private practice with Wilmer Hale and was later named Partner-in-Charge of the New York office.

The ABA Standing Committee on the Federal Judiciary has given Mr. Engelmayer a unanimous ''Well Qualified'' rating. I support this nomination and congratulate him on his professional accomplishments.

Now I have a few words about Judge Manglona. Judge Manglona received her bachelor off arts degree from the University of California at Berkeley in 1990. In 1996, she graduated from the University of New Mexico School of Law. Following law school, the nominee clerked for the Superior Court of the Commonwealth of the Northern Mariana Islands. She then worked in the Attorney General's Office and in 2002, the Governor appointed her attorney general for the Northern Mariana Islands. In 2003, she was appointed to serve as an associate judge for the Northern Mariana Islands Superior Court. During her time on the superior court, she has also served as a judge pro tem on the Guam Superior Court and the Guam Supreme Court.

The ABA Standing Committee on the Federal Judiciary has rated Judge Manglona unanimously ''Qualified.'' I also support this nomination and congratulate her on her professional accomplishments.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. We have an unusual situation. It looks nice outside today. The Sun is shining. But earlier today, if someone looked out the window, we had some violent storms. They are all over the area. We have Senators stuck in airplanes trying to get out of New York. We have one Senator traveling from the Midwest stuck in Richmond, VA, now. I think it would be in everyone's interest—and I apologize to people who worked hard to get back here today—but I think it is in everyone's interest that we not have a vote tonight. We have a lot of people who simply would miss the vote unless we keep it open for a matter of hours. I again apologize to people who came here to vote, but I think this is the best thing to do. I have spoken to the Republican leader and this is what we should do.

I ask unanimous consent the votes scheduled for tonight be vitiated, and that on Tuesday, July 26, at 12:15 p.m., the Senate proceed to executive session and resume consideration of the nominations, Calendar Nos. 83 and 84, that there be 2 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 83 and 84, in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each. We will be in morning business until 7 o'clock tonight.

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

DEBT CEILING EXTENSION

Mr. WICKER. Mr. President, I ask to speak as in morning business. I certainly will not take 10 minutes that the majority leader has requested because I know the Senator from Alabama is eager to speak. I wish to make sure I understand where we are with regard to the debt ceiling.

I have an article from The Hill, dated yesterday. It points out—it heard the same thing in the speech the rest of the Nation heard when the President spoke—the President said he would be willing to work on any plans lawmakers brought to him over the weekend. The President went on to say:

> The only bottom line I have is that we have to extend this debt ceiling through the next election, into 2013.

I ask my colleagues what does the election of 2012 have to do with the debt ceiling? What does it have to do with deciding to pay our obligations after August 2? What does it have to do with avoiding the calamity we have all heard about from both sides of the aisle and certainly from the administration? It strikes me as very odd that most debt ceiling extensions have been about 7 months during a decade-long period, and for some reason because of the election of 2012, the President of the United States wants to extend the deadline past that election into 2013. I think it makes Americans wonder if the President is playing politics with this very important issue.

The President went on to say in the press conference that we all listened to that he wondered if the Republicans were able to say yes to any agreement. That was the President on Friday evening. Now we come to Washington, DC today with the clock ticking, 8 days away from a supposed debacle, and I read in today's Wall Street Journal

this report by Jamie Dupree, President Obama last night rejected a bipartisan deal offered to him by congressional leaders of both parties which would have provided for a short-term extension of the debt limit in order to avoid a U.S. Government default. The agreement involved Speaker BOEHNER, Senate Majority Leader REID, and Senate GOP Leader MCCONNELL. In fact, according to this Wall Street Journal article, staffers from Senator REID and Senator MCCONNELL's offices were working on the legislative language together on Sunday. When REID took the bipartisan, bicameral plan down to the White House, it was rejected by the President.

I ask my colleagues: Who is unable to say yes? The Democratic majority leader of this body said yes to a bipartisan agreement. The Republican Speaker of the House of Representatives, the leader of that majority in the other body, said yes to an agreement. Senator REID's colleague and friend, the Republican leader, Senator MCCONNELL, said yes to a bipartisan agreement, and then Senator REID was given the task of taking it to the President of the United States and the President rejected it.

I think Americans have a right to ask who is unable to say yes to a bipartisan deal that gets us out of this box. Who is playing politics with this issue? The public debt is $14.2 trillion. We meet the deadline a week from tomorrow. The clock is ticking. The President had an opportunity to say yes to a bipartisan agreement endorsed by the leadership of this Congress and yet he said no. I am calling on this President, on my President, to do the right thing by the American people and to do the right thing for our country and for our economy and ask this bipartisan group of leaders to come back to the White House and say yes to the agreement which they offered him last night.

I thank the President. I thank the Senator from Alabama for allowing me to go in front of him.

I yield the floor.

Mr. SESSIONS. Mr. President, I know we have talked about having an opportunity to digest and analyze and score any kind of proposal. I understand this afternoon the majority leader, Senator REID, said he would propose legislation tonight and file cloture tonight, and that would, according to the rules of the Senate, move this vote up to early Wednesday morning. That would give us only tomorrow, 1 day, to digest a bill that would impact our spending trajectory for the next decade. I would ask my experienced colleague, who was a distinguished Member of the House and now in the Senate, does that cause him concern?

Mr. WICKER. I think absolutely it should cause concern and this is something both parties have campaigned on in the past, the lack of transparency, the lack of time, things being rushed through at the last minute. But my larger point is that on Friday afternoon the President was calling for a plan, any plan. He said there was only one condition: We must be political about it. We must get past the presidential reelection in 2012. Then on Sunday night not just any plan was presented to the President but a bipartisan plan by both leaders in this body on behalf of their membership and the Republican Speaker of the House who said, we believe we can get this through, and the President rejected it out of hand. That is the larger point.

The point of the Senator from Alabama is well taken. The legislative language is important. The agreement in concept is one thing, but as he is pointing out, the legislative language is also important. As ranking member of the Budget Committee, he knows full well Members need time to see if the language actually reduced the concepts into writing that can be enforced and work long term to get us out of this horrendous debt crisis we are in. I appreciate the Senator's point.

Mr. SESSIONS. I thank the Senator. I appreciate that. The point the Senator made is tremendously important. All year we have conducted Senate business, with regard to the financial future of our country, in the most troubling way. It is unlike anything we have done in our history. I would say from a structural, systemic circumstance, this Nation has never had a more serious debt problem. We are borrowing 40 cents of every dollar we spend. Yes, we do have a war going on that is costing $150 billion this year. But the deficit this year will be $1.5 trillion. It is not the war. That is only about 10 percent of our deficit, unfortunately.

Back in World War II, we could see our way out of the war and into our victory, and we saw great growth in the future. But the deficits we are now accruing every day, every week, every month are significant because they are going to be hard to change. We are spending more than we take in and we have got to change. We can change. If we do change we will get this country back on a growth path.

I have repeatedly warned against avoiding the normal budget process this year, a process required by law but that this Senate under the Democratic leadership explicitly refused to do—the majority leader said it would be foolish to produce a budget. We are now about 820 days or so without a budget. For over 2 years we have not had a budget for the United States of America, and they never even attempted to move a budget even though a law says we should pass one by April 15. Well, it doesn't put anybody in jail. Maybe that is what it should have done. Maybe a bunch of people would be in jail today. Maybe we would have a budget if we had some teeth in the axe. It is the statute of the United States that requires we have a budget and we do not have one.

Then we begin to hear the warnings 6 months ago that we would reach a point where we would need to raise the debt limit, the debt ceiling we have. Congress has said: Mr. President, you can borrow money, but only so much. You cannot borrow more than the amount, $14-some-odd trillion, that is all. If you need to borrow more, Congress will have to approve it. We have the power of the purse under the Constitution.

This has been brewing for some time. I have been warning about this, since we have not done our job, since the Budget Committee has not met about these issues, the Appropriations Committee has not met about these issues, the Finance Committee has not met about the tax and mandatory entitlement programs that are under their jurisdiction. No work has been done all year. None. We are told not to worry, our leaders are going to meet a few times in secret. This little group failed, and this group with the Vice President met and that didn't work. Then they are going to meet with the President, and that didn't work. Finally, last night, as Senator WICKER said, it did appear an agreement was reached between the Democratic leadership and the Republican leadership on a bill that at least would get us past this debt crisis. They had the leadership agreement. I have not read it. I do not know what is in it. I am going to know what is in the bill. I have a constitutional responsibility, as do the other 99 Senators here, to make a good judgment on it.

It is odd that after all of that a bipartisan agreement was reached, and the President walked away from it. Now he is going to blame Speaker BOEHNER, who produced a budget. The Republican House produced a far-reaching, historic budget that would actually change the debt trajectory of our country and put us on the right path, the path to restoring prosperity and the creation of jobs. This debt is so large it is a wet blanket, as Speaker BOEHNER said. I called it an anchor, a weight that is pulling down the economy, as expert economists have told us. Not just me. Experts tell us that when you have this much debt, you lose 1 million jobs a year that would otherwise be created.

We have a serious problem, and I am not pleased about it. I felt all along that this is exactly what was going to happen. Somewhere in the back of the minds of the President or the leaders or somebody was the idea that they would bring up a plan at the eleventh hour, fiftieth minute, bring it to the floor of the Senate, and say: If you don't vote it, Members of the Senate, if you don't vote for it, Members of the House, we are going to have a debt crisis and it will all be your fault. Well, I am not interested in that. I am not going to vote for any kind of significant legislation, as this is, until I have had a chance to read it and think about it. Majority Leader REID told us of his plan this afternoon and he told us not to worry, he has a 1-page summary. Trust us. He is going to introduce legislation tonight and we will vote

Wednesday morning, and it will be good for America. Just do what I tell you and go along and mind your manners and we will get this thing taken care of. Trust me.

Well, the American people have been trusting Washington too long. The American people know there is no justification whatsoever in this country for spending so much money that 40 percent of every dollar we spend has to be borrowed. They know better. They know we have no business spending $3,700 billion when we take in only $2,200 billion. That is what happened in this last election. They said: Oh, these tea party people, they are not good Americans. They are angry. They are mad. That is not good. You are bad people. Well, give me a break. Why shouldn't they be? If we had a recall election, we all ought to be voted out of office, I suppose. There is no way we should ever have been in this situation.

Now under the pressure of the American people and fear of the next election, why did the President reject this bipartisan agreement? Well, it would require us to meet again next year. We will need to talk about more cuts because the cuts they are talking about are clearly insufficient to meet the challenge we are facing today—clearly insufficient. We have to do more.

So if a person runs up their credit card too much and they hit the limit and they want the limit raised, the person who is loaning the money—the American people—would like to know, have you changed your habits? Are you going to do better? Let's see a plan—a budget—a plan that gets us out of this fix. That has been steadfastly rejected by the leadership in this Senate all year, and we knew we were heading to this date. So Senator REID is throwing something out there. Let's talk a little bit about what appears to be in it.

The President has had a friendly press on most of the things he has proposed. He proposed a budget—the Democratic Senate never produced one, but by law the President has to produce one. Every President has to produce one every year. So the President produced one this year. The lowest annual deficit in that budget would be $740 billion. The highest deficit President Bush ever had was $450 billion, and he was criticized for that. The lowest he would have in 10 years was $750 billion, and in the 10th year it was back over $1 trillion, according to the Congressional Budget Office's analysis of his budget. So that is where we are heading. That is the kind of thing the President has submitted to us.

Do my colleagues know what he said about it? He said: I am proud of my budget. It will have America living within its means.

Can we believe the President of the United States said that—that a budget with a lowest annual deficit of over $700 billion was living within our means?

He also said, ''It would add no more to our debt.'' And his budget director, Mr. Jack Lew, said the same thing. He actually testified to that effect before the Budget Committee. It was breathtaking.

So forgive me if I am not buying into a proposal based on one page. It was produced this afternoon. It said we are going to reduce the deficit by $2.7 trillion. Forgive me if I am not buying into that until I see it and it has been scored. That is what I think ought to happen here today.

By the way, we have heard the debates—and Speaker BOEHNER used this phrase and others have used it: we want to have dollar for dollar spending reduction to debt limit increase. What that means is that if we increase the debt ceiling and allow the government to borrow another $1 trillion, we should cut spending by $1 trillion. That is just a rough idea. I don't know how they came up with that. That is what they came up with.

Remember, the debt is still going up every year because we are still spending more than we take in. This is like Wimpy in the old ''Popeye'' cartoon. Wimpy said: Give me a hamburger today, and I will pay you tomorrow. So we are going to get the immediate ability to borrow $1 trillion, $2 trillion more, raising the debt limit that much, on a promise that we will reduce spending by that amount over 10 years—not 1 year but 10 years.

This is a dangerous process. This is the kind of rhetoric that has put us in the position we are in today, which is that 40 cents of every dollar we spend is borrowed. It is what is threatening the financial future of our country, this kind of thinking in Washington, and we have to change that. We have to be honest about our numbers. As the ranking Republican on the Budget Committee, I feel an obligation. And our staff is eager to see the legislative language, not a one-page outline, about what will actually happen with our spending. We want to be sure the promises made with this bill are more accurate than the ones President Obama made when he said his budget would call for us to live within our means when it plainly does not.

I will mention a couple of things at this point that jump out at me from the one-page outline we have seen.

Majority Leader REID says his plan would produce savings of $2.7 trillion, but really it appears to represent a $1.2 trillion or so reduction in discretionary spending, and the rest of it is accrued in other ways. Speaker BOEHNER's proposal has discretionary spending reductions of about the same, but what is obvious is that Speaker BOEHNER's commission would reduce spending more and has a target, a goal to reach an additional $1.8 trillion. The one produced by Senator REID, on the other hand, mentions a commission, but has no reduction in spending as a requirement of that commission. They don't have any obligation to produce a reduction in spending.

What else is in there? Another factor is that we are now drawing down the cost of our military efforts in Afghanistan and Iraq. Last year, we spent a little over $150 billion. This year, we will spend a little over $100 billion. The plan is to at least be down to $50 billion in 2 or 3 years. So over the 10-year period, there will be about 8 years, nearly, at $50 billion or so spent on the war instead of $150 billion. That is part of the plan we have been operating on for a long time. So $150 billion for the war is not a baseline projection of the United States. It was never projected to continue at that level. So hopefully we can bring it below $50 billion. Maybe we won't get to $50 billion; I don't know. But what is the reasonable estimate? I think the House Republicans and the President said it would drop to $50 billion, so that should be the baseline projection for the rest of the time. That is $1 trillion total. So if we take $1 trillion out of the $2.7 trillion in savings, we are down to $1.7 trillion in savings.

Another thing is that since the $1 trillion is war-related spending, as Mr. REID wants it, it is not a real reduction from baseline spending. It is always considered to be extra, war-related emergency spending. And he claims interest savings on this money as another $200 billion. So now we have about $1.2 trillion right there, overstating his cuts through the elimination of the war. Speaker BOEHNER does not do that. His numbers are far more accurate and honest and realistic.

I also would like to point out that when we talk about spending and how we measure it, we have to know what the baseline is. One reason this country is broke and is in financial crisis is because we claim we are cutting spending when we are actually increasing spending.

The way it works is the Congressional Budget Office produces an assumption that we will increase spending at the rate of inflation or some other rate over a period of years. Then, if we reduce that rate of spending increase a little bit, politicians claim they have produced savings, that they have cut spending. But spending is not really reduced. Spending is still going up. There are various baselines out there that are used to calculate this, and it is very significant over 10 years and even more so over 20 years. So we hear people saying: We are cutting spending under this plan. So for Speaker BOEHNER or Senator REID, either one of those plans, I am confident will show we are spending a good bit more money in the 10th year than we are spending today.

This is confusing to the American people. I am really convinced the only way we can honestly compare the plans is to go back to basics—the way families do it: Do you increase your spending or not, based on what you spent last year? You take a flat level, and how much do you increase it over the next year, 2 years, 10 years? How much does it go up? That is the way to do it. Then we can compare plans. Then we

can see what Speaker BOEHNER has, what Congressman RYAN has in his budget plan for 10 years. Senator TOOMEY proposed a very thoughtful 10-year budget plan that balanced our budget in 10 years. That was not easy to do, but he did it. We need to be thinking like that and get away from this confusing mishmash, which we use to claim that we are saving $1 trillion when really nobody plans for us to be spending $150-plus billion on the war in Iraq and Afghanistan for the next 10 years. That money has never been projected to be spent in that fashion.

So we are in a situation where it is important for the country to reach an agreement and we need to pass something that raises the debt ceiling for America. I hate to say that, but it is a fact. It would be too disruptive not to do that. But, in exchange for that, as a part of that process, we truly need to start bringing our house into financial order. We are in disarray and discord, but if we were to do that, we could leave this a better country for our children and grandchildren.

I know some just want to increase spending and then raise taxes to pay for it. The Defense Department last year got about a 2-percent increase, a 3-percent increase. Next year, there is projected to be a 2-percent increase in some of the budget numbers. It might not happen because we don't have even that much money.

But we know how much nondefense discretionary spending increased during this time of record deficits under President Obama's leadership, not counting the almost $900 billion in stimulus money. Baseline, nondefense discretionary spending increased 24 percent between 2008 and 2010, and now we are seeing the biggest deficits ever. President Bush never had any increases in baseline spending like that—never. It is just stunning.

There was a huge Democratic majority in the Senate and in the House, and the President wanted his investments, and he got these huge increases, and now they want to raise taxes to pay for it and keep it up there and maintain it. We can't afford to maintain that level. We have to bring it back down to 2009, 2008, 2007 levels. The country is not going to go bankrupt—broke—and people are not going to be thrown into the streets if we return to those levels of spending. If we make some tough choices, the same way cities and counties and families are doing all over America, we can get this house in order. That is what we are going to have to do.

I look forward to studying plans put forward by the majority leader and to studying the plan put forward by Speaker BOEHNER. The American people need time to know what is in them and what they mean to us in terms of taxing and spending, deficits, and interest payments. And then Congress needs to have time to vote on it.

Again, I repeat my deep frustration that we have not conducted this in open, public debate for months now, utilizing the established Senate procedure of regular order. Instead, we have attempted to solve this big problem in secret, behind closed doors, with just a few people. I believe that is contrary to the historical understanding of the role of Congress, and I am not happy about it. I oppose it, I object to it, and I expect to have an appropriate amount of time to consider whatever plan comes forward.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, this weekend, driving around the Twin Cities, I was listening to public radio. The host of the program introduced a Republican member of the House Budget Committee. The member, whom I will not name to spare him or her a great deal of embarrassment, was asked about the consequences of not raising the debt ceiling.

The member assured the host and listeners that failing to raise the debt ceiling would not create a default for a number of reasons. Among them was, according to this member, we can pay out all the Social Security checks to seniors because—and I quote—''the money is in the trust fund.''

Well, of course, there is $2.6 trillion of assets in the trust fund, but the Social Security trust fund is composed entirely of Treasury notes. Allow me to quote from the Congressional Research Service:

> By law, Social Security revenues credited to the trust fund . . . are invested in non-marketable U.S. government obligations. These obligations are physical (paper) documents issued to the trust fund and held by the Social Security Administration. When the obligations are redeemed, the Treasury must issue a check (a physical document) to the Social Security trust fund for the interest earned on the obligations.

CRS continues:

> However, unlike a private trust that may hold a variety of assets and obligations of different borrowers, the Social Security trust fund can hold only non-marketable U.S. government obligations. The sale of these obligations by the U.S. government to the Social Security trust fund is federal government borrowing (from itself) and counts against the federal debt limit.

Now, I have no idea what this Republican member of the House Budget Committee believes is in the Social Security trust fund. Stacks of hundred-dollar bills? Gold bricks? Warehouses of freezers with steaks in them?

To me, it is shocking—shocking—that a Member of Congress—let lone a member of the House Budget Committee—can be so wildly ignorant of the basic workings of our government. We come to Washington to work together to solve our Nation's problems. How are we to do that if Members are unwilling or unable to come to even the most rudimentary understanding of our government?

None of us is immune to making mistakes. Yet we find ourselves in this moment of existential crisis, with the full faith and credit of the United States being held hostage by a menagerie of ideologues who invent their own realities and are only too happy to share these fantasies with an unsuspecting public.

We are playing with disaster. Can we please just stick to the facts? The fact is, if we do not act immediately, we will see a downgrade of our credit rating and possibly even default on our debt. Both would be entirely counterproductive to our goal of shrinking our deficits and growing our economy. We cannot control the fantasies of clueless ideologues, but we must act responsibly and do our jobs. And we must do it now.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 6 p.m., recessed subject to the call of the Chair and reassembled at 7:21 p.m. when called to order by the Presiding Officer (Mr. BLUMENTHAL).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, thank you very much for your patience and also for being willing to be here when most are doing other things.

SHARED SACRIFICE IN RESOLVING THE BUDGET DEFICIT—Resumed

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

> A bill (S. 1323) to express the sense of the Senate on shared sacrifice in resolving the budget deficit.

Pending:

> Reid amendment No. 529, to change the enactment date.
>
> Reid amendment No. 530 (to amendment No. 529), of a perfecting nature.
>
> Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 531, of a perfecting nature.
>
> Reid amendment No. 532 (to the instructions (amendment No. 531) of the motion to commit), of a perfecting nature.
>
> Reid amendment No. 533 (to amendment No. 532), of a perfecting nature.

Mr. REID. Mr. President, I ask unanimous consent to vitiate the action with respect to the pending amendments and motion to commit relative to S. 1323.

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

Mr. REID. Mr. President, I now withdraw the pending motion to commit.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I now withdraw the pending first-degree amendment No. 529.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 581

(Purpose: To cut spending, maintain existing commitments, and for other purposes)

Mr. REID. Mr. President, I have an amendment at the desk which is a perfecting amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 581.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. The yeas and nays are ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays are ordered.

AMENDMENT NO. 582 TO AMENDMENT NO. 581

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 582 to amendment No. 581.

The amendment is as follows:

At the end, add the following new section:

SECTION XXX. EFFECTIVE DATE

The provisions of this Act shall become effective 1 day after enactment.

MOTION TO COMMIT WITH AMENDMENT NO. 583

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 1323) to the Committee on Finance with instructions to report back forthwith with the following amendment numbered 583.

The amendment is as follows:

At the end, add the following new section:

SECTION EFFECTIVE DATE.

The provisions of this Act shall become effective 3 days after enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I am sorry. I may not have been listening closely enough. Did the Chair order the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have been ordered.

AMENDMENT NO. 584

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 584 to the instructions of the motion to commit.

The amendment is as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 585 TO AMENDMENT NO. 584

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 585 to amendment No. 584.

The amendment is as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

Mr. REID. Mr. President, what we have done is put in the process our efforts, sound legislation to end the budget crisis we are in. It, in effect, does everything the Republicans have asked. It is dollar-for-dollar; that is, it increases the amount of spending cuts we make to arrive at $2.7 trillion, which, in effect, would carry the country into sometime in 2013.

It consists of, as I indicated, what Republicans have agreed upon: discretionary spending, $1.2 trillion; mandatory, $100 billion; something called the Overseas Contingency Fund, which is warfighting, that is scored both by CBO and the Office of Management and Budget to the tune of about $1 trillion. That saves about $400 billion in interest. That is $2.7 trillion.

There are other issues in this matter, including it allows us to finish our appropriations bills for the next 2 years. We have a joint committee that will allow us to work to do more for the long term. So it is a sound piece of legislation.

As I indicated, virtually everything we have in there has been suggested by the Republicans, and now they need to take ''yes'' for an answer. We have given them ''yes.''

For example, the Overseas Contingency Fund—this passed the House of Representatives with 5 Republicans voting no; 230, approximately, Republicans voted yes. Over here in the Senate, the same thing came up. Forty Republicans voted for it.

So we should move on. But the sad part is it appears my friends in the House of Representatives are being led by a very determined group to have us default on our debt. They are driven by probably 80 Republicans who seem to be calling the shots. It is unfortunate.

We cannot have a short-term extension. That is what their legislation is that the Speaker indicated he was going to send to us today. Every Democrat—not virtually every Democrat—every Democrat will vote against that legislation. The President, if there was some way it passed—which it will not—would veto it. They are wasting the time of the American people. Now is the time to do what legislators must do, and that is compromise. But my friends in the House, they do not even have to compromise. All they have to do is say ''yes'' because we have given them what they have asked for.

HONORING OUR ARMED FORCES

STAFF SERGEANT LEX LEWIS

Mr. JOHNSON of South Dakota. Mr. President, I rise today to pay tribute to SSG Lex Lewis and his heroic service to our country. As a cavalry scout in the B Troop, 1st Squadron, 10th Cavalry Regiment, 4th Infantry Division, of Fort Carson, CO, Staff Sergeant Lewis was serving in support of Operation Enduring Freedom. On July 15, 2011, he died of injuries sustained when his dismounted patrol received small arms fire in Farah Province, Afghanistan.

A graduate of Rapid City Central High School, Staff Sergeant Lewis began his military career in the Navy, where he was stationed in Japan. He joined the Army in 1999 and was on his third deployment, having previously served two tours in Iraq. From 2006–2007 Staff Sergeant Lewis served in Rapid City as a member of the South Dakota Army National Guard. During his military career, his awards and decorations included two Army Commendation Medals and five Army Achievement Medals. He was posthumously promoted to the rank of Staff Sergeant and awarded a Bronze Star Medal and a Purple Heart.

Staff Sergeant Lewis will be remembered as a dedicated soldier and a good friend. He demonstrated professionalism in his job and was known as a reliable man who you could count on. Former colleague Sgt. Dwayne Graves recalls, ''He was just a real likeable guy. He'd do anything for you. You definitely want him watching your back.'' As a young man, Staff Sergeant Lewis knew he wanted to serve his country. His mother remembers his childhood spent playing soldier. He will be deeply missed by those who survive him: his wife Molly, step-daughter Ariel, stepbrother Frank, half-sister, Lacy, and his mother, Betty.

Staff Sergeant Lewis gave his all for his soldiers and his country. Our Nation owes him a debt of gratitude, and the best way to honor his life is to

emulate his commitment to our country. Mr. President, I join with all South Dakotans in expressing my deepest sympathy to the family and friends of SSG Lex Lewis. He will be missed, but his service to our Nation will never be forgotten.

ADDITIONAL STATEMENTS

REMEMBERING BOB STENEHJEM

• Mr. HOEVEN. Mr. President, today I honor the life and exemplary service of North Dakota's late Senate majority leader Bob Stenehjem. Bob died last week in a car accident in Alaska on his way back from doing one of the things he loved best when not working: fishing in the great outdoors.

During the 10 years he served as majority leader of the North Dakota Senate and the nearly 20 years he served as a State senator, I counted Bob as a friend, a colleague, and a partner in the important work we were doing to build a stronger, more dynamic North Dakota.

It has been said many times by many people that Bob had the ability to see all sides of an issue and appreciate everyone's interest. That is an invaluable quality for a leader and essential to a good legislator. He worked well with others and considered among his dearest friends many on the opposite side of the aisle who held a different philosophical viewpoint. Bob could disagree without being disagreeable and always respected the opinions of others. It was that ability that helped him to forge good legislation for the people of North Dakota.

As a public servant, as a citizen, Bob's deep love of North Dakota informed every decision he made in the legislature, and his legacy today is a more vibrant and secure State than it was when he was first elected to represent District 30 in 1993. His remarkable service and devotion to North Dakota benefited our State and our people in countless ways over the years, helping to bridge differences and improve the quality of life for all North Dakotans.

Mikey and I extend our deepest sympathy to his wife Kathy and the entire Stenehjem family on this tragic loss. Our thoughts and prayers go out to them, and we pray that they will take comfort in knowing that he served his State and his fellow North Dakotans well.•

TRIBUTE TO DR. MAX HARRY WEIL

• Mr. NELSON of Nebraska. Mr. President, today I wish to note the golden anniversary of an event that has saved thousands and thousands of lives.

It was 50 years ago this year that the Institute of Critical Care Medicine was founded as a nonprofit public foundation at the University of Southern California School of Medicine.

Thus was born the concept that life-threatened patients have a substantially better chance of survival if minute-to-minute care is provided by highly trained physicians and nurses in emergency rooms and in special intensive care, coronary care, and post-operative care units.

This concept that dangerously ill patients have a better chance at recovery under the care of specially trained physicians and nurses in emergency rooms and intensive care units is standard today but it was revolutionary in 1961.

Considered one of the fathers of critical care medicine who founded the Institute of Critical Care Medicine a half century ago, Dr. Max Harry Weil is also the founding president of the Weil Institute of Critical Care Medicine that continues to operate in Rancho Mirage, CA.

My colleague, Senator BARBARA BOXER would like to join me in recognizing Dr. Weil and his institute and offer our congratulations on a half century of medical success and best wishes on many more successful years to come.

Mrs. BOXER. Mr. President, I am pleased to join my colleague, Senator NELSON, in recognizing an extraordinary Californian who has done so much, not just to save lives in his community but to advance the practice of medicine in order to save lives around the world.

Recognized as one of the fathers of critical care medicine, 50 years ago Dr. Weil cofounded the Weil Institute of Critical Care Medicine, an international center for clinical education and research in Rancho Mirage, CA.

The institute is renowned for conducting groundbreaking research into finding new ways of monitoring and dealing with life-threatening circulatory shock, heart failure, acute lung failure and infections.

In addition to this impressive record, Dr. Weil led the institute's work in training members of the community in CPR, giving thousands of Californians the basic training they need to help save lives.

I know that I join thousands of Californians and patients who have benefitted from Dr. Weil's work many of them without even knowing it in thanking him for his dedication and his service to our Nation.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT DECLARING A NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report and papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') declaring a national emergency with respect to the unusual and extraordinary threat that significant transnational criminal organizations pose to the national security, foreign policy, and economy of the United States.

Organized crime is no longer a local or regional problem; it has become a danger to international stability. Significant transnational criminal organizations have become increasingly sophisticated and dangerous to the United States, and their activities have reached such scope and gravity that they destabilize the international system. These groups have taken advantage of globalization and other factors to diversify their geographic scope and range of activities. They have increased and deepened their ties to governments and the international financial system, relying not only on bribery and violence, but also more and more on the ability to exploit differences among countries and to create and maintain legal facades to hide illicit activities.

The specific harms that significant transnational criminal organizations threaten today are many. They corrupt—and in some cases co-opt—governments, thereby destabilizing them and weakening democratic institutions and the rule of law. They threaten U.S. economic interests by subverting, exploiting, and distorting legitimate markets, and could gain influence in strategic sectors of the world economy.

Significant transnational criminal organizations that engage in cybercrime threaten sensitive public and private computer networks, undermine the integrity of the international financial system, and impose costs on the American consumer. Those that engage in the theft of intellectual property not only erode U.S. competitiveness, but also endanger the public health and safety through the distribution of tainted and counterfeit goods. Many of them also engage in drug trafficking.

Finally, significant transnational criminal organizations increasingly support the activities of other dangerous persons. Some of these organizations are involved in arms smuggling, which can facilitate and aggravate violent civil conflicts. Others are

involved in human smuggling, exacerbating the problem of forced labor. There is also evidence of growing ties between significant transnational criminal organizations and terrorists.

The Executive Order I have issued today is one part of a comprehensive strategy to address the growing threat of transnational organized crime. The order targets significant transnational criminal organizations and the networks that support them, striking at the core of those networks—their ability and need to move money. It does this by blocking the property and interests in property of four transnational criminal organizations, listed in the Annex to the order, that currently pose significant threats to U.S. domestic and foreign economic interests, as well as to U.S. promotion of transparency and stability in the international political and financial systems. The order provides criteria for the further blocking of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State:

to be a foreign person that constitutes a significant transnational criminal organization;

to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to the order; or

to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Attorney General and the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order.

The order is effective at 12:01 a.m. eastern daylight time on July 25, 2011. All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *July 24, 2011*.

MESSAGE FROM THE HOUSE

At 2:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 1309) to extend the authorization of the national flood insurance program, to achieve reforms to improve the financial integrity and stability of the program, and to increase the role of private markets in the management of flood insurance risk, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2619. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Identification of Critical Safety Items'' ((RIN0750–AH92) (DFARS Case 2010–D022)) received in the Office of the President of the Senate on July 21, 2011; to the Committee on Armed Services.

EC–2620. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Defense Advanced Research Projects Agency (DARPA), Strategic Plan, February 2011''; to the Committee on Armed Services.

EC–2621. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''2011 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–2622. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–2623. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Stability Oversight Council Secured Creditor Haircut Study; to the Committee on Banking, Housing, and Urban Affairs.

EC–2624. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Real Estate Settlement Procedures Act (RESPA): Technical Corrections and Clarifying Amendments'' (RIN2502–AH85) received in the Office of the President of the Senate on July 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2625. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Retail Foreign Exchange Transactions'' (RIN3064–AD81) received in the Office of the President of the Senate on July 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2626. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Office of Thrift Supervision Integration; Dodd-Frank Act Implementation'' (RIN1557–AD41) received in the Office of the President of the Senate on July 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2627. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States'' (RIN0694–AF21) received in the Office of the President of the Senate on July 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2628. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, a report relative to the Dodd-Frank Wall Street Reform and Consumer Protection Act and regulations issued by the Department that require the use of an assessment of the credit-worthiness of a security or money market instrument; to the Committee on Energy and Natural Resources.

EC–2629. A communication from the Deputy Assistant Administrator for Operations, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for the Largetooth Sawfish'' (RIN0648–XQ03) received in the Office of the President of the Senate on July 21, 2011; to the Committee on Environment and Public Works.

EC–2630. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for 2010; to the Committee on Foreign Relations.

EC–2631. A joint communication from the Secretary of Agriculture and the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Thefts, Losses, or Releases of Select Agents or Toxins for Calendar Year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–2632. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to implementation of menu and vending machine labeling; to the Committee on Health, Education, Labor, and Pensions.

EC–2633. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, ''Annual Report to the Congress on the Information Sharing Environment''; to the Select Committee on Intelligence.

EC–2634. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report related to Delayed-Notice Search Warrants and Extensions during fiscal year 2010; to the Committee on the Judiciary.

EC–2635. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a legislative proposal relative to violence against Native women; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 1410. A bill to amend the Internal Revenue Code of 1986 to provide incentives for life sciences research; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. COBURN):

S. 1411. A bill to require the Public Printer to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes; to the Committee on Rules and Administration.

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. 1412. A bill to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1413. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 202

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 371

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 371, a bill to improve the efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 401

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 401, a bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

S. 497

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 497, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 543

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 570

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 609

At the request of Mr. INHOFE, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Louisiana (Mr. VITTER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), the Senator from Texas (Mr. CORNYN), the Senator from Mississippi (Mr. WICKER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. LEE), the Senator from Kentucky (Mr. PAUL), the Senator from Arizona (Mr. MCCAIN), the Senator from Wyoming (Mr. BARRASSO) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 609, a bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

S. 658

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 829

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 834

At the request of Mr. CASEY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 979, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1228

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1228, a bill to prohibit trafficking in counterfeit military goods or services.

S. 1294

At the request of Mr. MERKLEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1294, a bill to promote the oil independence of the United States, and for other purposes.

S. 1346

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1346, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1370

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1370, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1395

At the request of Mr. BARRASSO, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 1395, a bill to ensure that all Americans have access to waivers from the Patient Protection and Affordable Care Act.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 199

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 199, a resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. 1412. A bill to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, last December, in the middle of a New England blizzard, armed robbers descended on the Kohl's department store in Woburn, MA. They threatened the employees of the store and fled with money and jewelry. Officer John ''Jack'' Maguire, on duty that night, rushed to the scene in his cruiser. Responding to his fellow officer's call for assistance in a foot chase, Officer Maguire blocked the gunman's path with his cruiser and got out of his vehicle to confront the gunman. The two exchanged gunfire, which killed the gunman and left Officer Maguire mortally wounded. Officer Maguire's death marks the first officer killed in the line of duty in Woburn, MA, since the department was established back in 1847.

On behalf of the Maguire family, Woburn Mayor Scott Galvin, Woburn Chief of Police Richard Kelley, and the residents of Woburn, I am introducing legislation to rename the U.S. Post Office on Washington Street in Woburn the Officer John Maguire Post Office.

This post office is only a few hundred yards from the spot where Officer Maguire was killed. I believe it is a fitting honor to a public servant who gave his life protecting the city of Woburn. It is my hope that when people pass by the Post Office on Washington Street, they will be reminded of the sacrifices made by both Officer John ''Jack'' Maguire and his family.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1413. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am pleased to join with my colleague from Idaho, Sen. MIKE CRAPO, in introducing the Geothermal Tax Parity Act of 2011. This legislation will modify an existing investment tax credit for geothermal energy authorized under Section 48 of the Federal tax code. Although both solar energy and geothermal energy projects are eligible for an investment tax credit under Section 48, they are not equal. While I am a strong supporter of solar energy technology and support the solar energy tax credit, I am also a strong advocate for having a level playing field when it comes to government incentives. That is why this bill is called the Geothermal Tax Parity Act, because it will create parity in the tax code for these two important renewable energy resources.

This bill would provide geothermal energy with the same 30 percent investment tax credit that is now available to solar energy and fuel cell technologies in Section 48 and extend this 30 percent tax credit for geothermal through December 31, 2016, as it is for these other technologies. Without this legislation, new geothermal energy projects would be allowed only a 10 percent investment tax credit under Section 48. This legislation will create a more level playing field among clean, renewable energy technologies and help stimulate investment in geothermal energy projects.

Geothermal energy can provide a continuous supply of renewable energy with very few environmental impacts. Although the United States has more geothermal capacity than any other country, this potential energy resource has not been widely developed. This is due in large part to the high initial cost and risk involved in locating and developing geothermal resources. Extending the 30 percent tax credit through 2016 will help geothermal developers obtain the financing they need to make investments in exploration and development.

This legislation is identical to a bipartisan companion bill, H.R. 2408, that our colleagues from the Pacific Northwest, Rep. DAVID REICHERT from Washington and Rep. EARL BLUMENAUER from Oregon have sponsored in the House.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1413

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Geothermal Tax Parity Act of 2011''.

SEC. 2. TEMPORARY INCREASE IN INVESTMENT TAX CREDIT FOR GEOTHERMAL ENERGY PROPERTY.

(a) IN GENERAL.—Subclause (II) of section 48(a)(2)(A)(i) of the Internal Revenue Code of 1986 is amended by striking ''paragraph (3)(A)(i)'' and inserting ''clause (i) or (iii) of paragraph (3)(A)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 581. Mr. REID proposed an amendment to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit.

SA 582. Mr. REID proposed an amendment to amendment SA 581 proposed by Mr. REID to the bill S. 1323, supra.

SA 583. Mr. REID proposed an amendment to the bill S. 1323, supra.

SA 584. Mr. REID submitted an amendment intended to be proposed to amendment SA 583 proposed by Mr. REID to the bill S. 1323, supra.

SA 585. Mr. REID proposed an amendment to amendment SA 584 submitted by Mr. REID to the amendment SA 583 proposed by Mr. REID to the bill S. 1323, supra.

TEXT OF AMENDMENTS

SA 581. Mr. REID proposed an amendment to the bill S. 1323, to express the

sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

Strike all after ''Section'' and insert the following:

1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Budget Control Act of 2011''.

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

Sec. 1. Short title and table of contents.

TITLE I—DISCRETIONARY SPENDING CAPS AND ENFORCEMENT

Sec. 101. Discretionary spending limits.
Sec. 102. Senate budget enforcement.

TITLE II—OTHER SPENDING CUTS

Subtitle A—Spectrum Auction Proposals and Public Safety Broadband Network

Sec. 211. Definitions.

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

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

PART II—PUBLIC SAFETY BROADBAND NETWORK

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

Subtitle B—Federal Pell Grant and Student Loan Program Changes

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

Subtitle C—Farm Programs

Sec. 261. Definition of payment acres.

TITLE III—JOINT SELECT COMMITTEE ON DEFICIT REDUCTION

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

TITLE IV—PUBLIC DEBT

Sec. 401. Public debt.

TITLE I—DISCRETIONARY SPENDING CAPS AND ENFORCEMENT

SEC. 101. DISCRETIONARY SPENDING LIMITS.

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

(b) LIMITS.—

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

(A) For fiscal year 2012—

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

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

(B) For fiscal year 2013—

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

(ii) for the nonsecurity category $440,000,000,000 in budget authority.

(C) For fiscal year 2014, $1,068,000,000,000 in budget authority.

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

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

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

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

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

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

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

(2) AUTHORIZED ADJUSTMENT TO LIMITS.—

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

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

(c) ESTIMATES AND OTHER ADJUSTMENTS.—

(1) IN GENERAL.—

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

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

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

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

(C) ESTIMATES.—

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

(ii) OMB ESTIMATES AND EXPLANATION OF DIFFERENCES.—

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

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

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

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

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

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of the amount specified in clause (ii) for continuing disability reviews and Supplemental Security Income redeterminations under the heading ''Limitation on Administrative Expenses'' for the Social Security Administration, and provides an additional appropriation for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, or one or more initiatives that the Office of the Chief Actuary determines would be at least as cost effective as a redetermination of eligibility under the heading ''Limitation on Administrative Expenses'' for the Social Security Administration of an amount further specified in clause (ii), then the discretionary spending limits, allocation

to the Committees on Appropriations of each House, and aggregates for that year may be adjusted by the amount in budget authority not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year

(ii) AMOUNTS SPECIFIED.—The amounts specified are

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

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

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

(IV) or fiscal year 2015, an appropriation of $799,000,000, and an additional appropriation of $774,000,000;

(V) for fiscal year 2016, an appropriation of $822,000,000, and an additional appropriation of $778,000,000;

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

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

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

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

(X) for fiscal year 2021, an appropriation of $963,000,000, and an additional appropriation of $924,000,000.

(iii) DEFINITIONS.—As used in this subparagraph, the terms ''continuing disability reviews'' and ''Supplemental Security Income redeterminations'' mean continuing disability reviews under titles II and XVI of the Social Security Act and redeterminations of eligibility under title XVI of the Social Security Act.

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

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

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

(III) the estimated savings over the short-, medium-, and long-term to the old-age, survivors, and disability insurance, supplemental security income, Medicare, and medicaid programs from continuing disability reviews and Supplemental Security Income redeterminations which result in cessations of benefits and the estimated present value of such savings.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

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

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year for program integrity or fraud and abuse activities under the heading ''Health Care Fraud and Abuse Control Account'' program for the Department of Health and Human Services of up to the amount specified in clause (ii), then the discretionary spending limits, allocation to the Committees on Appropriations of each House, and aggregates for that year may be adjusted in an amount not to exceed the amount in budget authority provided for that program for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

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

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

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

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

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

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

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

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

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

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

(iii) DEFINITION.—As used in this subparagraph the term ''program integrity or fraud and abuse activities'' means—

(I) those activities authorized by section 1817(k)(3) of the Social Security Act; and

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

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

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—

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

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2012, an appropriation of $60,000,000, and an additional appropriation of $10,000,000;

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

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

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

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

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

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

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

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

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

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

(3) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—

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

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

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

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

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

(B) LEVELS.—

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

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

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

(ii) LEVELS FOR CONGRESSIONAL ENFORCEMENT.—For each fiscal year after fiscal year 2012, Congress shall adopt in the concurrent resolution on the budget for that fiscal year an adjustment for overseas deployments and related activities, provided that Congress may not adopt an adjustment for any fiscal year that would cause the total adjustments for fiscal years 2013-2021 to exceed the amount authorized in subclause (II).

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

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

(4) ADJUSTMENTS FOR DISASTER FUNDING.—

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

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

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

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

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

(e) WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsections (a) through (d) shall be waived or suspended only—

(A) by the affirmative vote of three-fifths of the Members, duly chosen and sworn; or

(B) if the provisions of section (f)(8) are in effect.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) END-OF-YEAR SEQUESTER FOR EXCEEDING DISCRETIONARY CAPS.—

(1) SEQUESTRATION.—

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

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

(C) EMERGENCY SPENDING.—

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

(ii) DESIGNATION IN THE HOUSE OF REPRESENTATIVES.—If an appropriations act includes a provision expressly designated as an emergency for the purposes of this section, the Chair shall put the question of consideration with respect thereto.

(iii) POINT OF ORDER IN THE SENATE.—

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

(II) SUPERMAJORITY WAIVER AND APPEALS.—

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

(bb) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any 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.

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

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

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

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

(3) MILITARY PERSONNEL.—

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

(B) REDUCTIONS.—If the President uses the authority to exempt any military personnel from sequestration under paragraph (7)(A)(ii), each account within subfunctional

category 051 (other than those military personnel accounts for which the authority provided under clause (i) has been exercised) shall be further reduced by a dollar amount calculated by multiplying the enacted level of non-exempt budgetary resources in that account at that time by the uniform percentage necessary to offset the total dollar amount by which budget authority is not reduced in military personnel accounts by reason of the use of such authority.

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

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

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

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

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

(7) REPORTS.—

(A) SEQUESTRATION PREVIEW REPORT.—

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

(ii) NOTIFICATION REGARDING MILITARY PERSONNEL.—On or before the date of the sequestration preview report, the President shall notify the Congress of the manner in which he intends to exercise flexibility with respect to military personnel accounts under subsection (f)(3).

(iii) EXPLANATION OF DIFFERENCES.—The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

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

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

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

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

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

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

(8) SUSPENSION IN THE EVENT OF LOW GROWTH.—Section 254(i) and subsections (a), (b)(1), and (c) of section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 with respect to suspension of this section for low growth only shall apply to this section, provided that those sections are deemed not to apply to titles III and IV of the Congressional Budget Act of 1974 and section 1103 of title 31, United States Code.

(g) DEFINITIONS.—

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

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

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

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

(5) DISCRETIONARY SPENDING LIMITS.—The term ''discretionary spending limits'' means the amounts specified in section 101 of this Act.

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

(h) SEQUESTRATION RULES.—

(1) IN GENERAL.—Subsections (g) and (k) of section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall apply to sequestration under this Act.

(2) INTERGOVERNMENTAL FUNDS.—For purposes of sequestration under this section, budgetary resources shall not include activities financed by voluntary payments to the Government for goods and services to be provided for such payments, intragovernmental funds paid in from other Government accounts, and unobligated balances of prior year appropriations.

SEC. 102. SENATE BUDGET ENFORCEMENT.

(a) IN GENERAL.—

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

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

(b) COMMITTEE ALLOCATIONS, AGGREGATES AND LEVELS.—

(1) As soon as practicable after the date of enactment of this section, the Chairman of the Committee on the Budget shall file—

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

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

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

(D) levels of Social Security revenues and outlays for fiscal years 2011, 2012, 2012–2016, and 2012–2021 consistent with the Congressional Budget Office's March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office's March 2011 baseline, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

(2) Not later than April 15, 2012, the Chairman of the Committee on the Budget shall file—

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

(B) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2012, 2013, 2013–2017, and 2013–2022 consistent with the Congressional

Budget Office's March 2012 baseline for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

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

(D) levels of Social Security revenues and outlays for fiscal years 2012 and 2013, 2013–2017, and 2013–2022 consistent with the Congressional Budget Office's March 2012 baseline budget for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

(c) SENATE PAY-AS-YOU-GO SCORECARD.—

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

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

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

(d) FURTHER ADJUSTMENTS.—

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

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

(e) EXPIRATION.—

(1) Sections (a)(1), (b)(1), and (c)(1) shall expire if a concurrent resolution on the budget for fiscal year 2012 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

(2) Sections (a)(2), (b)(2), and (c)(2) shall expire if a concurrent resolution on the budget for fiscal year 2013 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

TITLE II—OTHER SPENDING CUTS

Subtitle A—Spectrum Auction Proposals and Public Safety Broadband Network

SEC. 211. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) 700 MHZ BAND.—The term ''700 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) 700 MHZ D BLOCK SPECTRUM.—The term ''700 MHz D block spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 758 megahertz to 763 megahertz and between the frequencies from 788 megahertz to 793 megahertz.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term ''appropriate committees of Congress'' means—

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

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

(4) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(5) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(6) CORPORATION.—The term ''Corporation'' means the Public Safety Broadband Corporation established under section 244.

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

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

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

(9) NARROWBAND SPECTRUM.—The term ''narrowband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(10) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

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

(12) PUBLIC SAFETY ENTITY.—The term ''public safety entity'' means an entity that provides public safety services.

(13) PUBLIC SAFETY SERVICES.—The term ''public safety services''—

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

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

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

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

(a) ELIGIBLE FEDERAL ENTITIES.—Section 113(g)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended to read as follows:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies, or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use, or shared Federal and non-Federal use shall receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.''.

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

''(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use, whether for licensed or unlicensed use, after January 1, 2003, that is assigned—

''(i) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

''(ii) as a result of an Act of Congress or any other administrative or executive direction.''.

(c) DEFINITION OF RELOCATION AND SHARING COSTS.—Section 113(g)(3) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended to read as follows:

''(3) DEFINITION OF RELOCATION AND SHARING COSTS.—For purposes of this subsection, the terms 'relocation costs' and 'sharing costs' mean the costs incurred by a Federal entity to plan for a potential or planned auction or sharing of spectrum frequencies and to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment, relocating a Federal Government station to a different geographic location, modifying Federal Government equipment to mitigate interference or use less spectrum, in terms of bandwidth, 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. Comparable capability of systems includes the acquisition of state-of-the art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality. Such costs include—

''(A) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

''(B) the costs of all engineering, equipment, software, site acquisition, and construction costs, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary to carry out the relocation activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs above recurring costs of the system before relocation for the remaining estimated life of the system being relocated;

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

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

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

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

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

''(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure

the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

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

(d) SPECTRUM SHARING.—Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)) is amended by adding at the end the following:

''(7) SPECTRUM SHARING.—A Federal entity is permitted to allow access to its frequency assignments by a non-Federal entity upon approval of NTIA, in consultation with the Director of the Office of Management and Budget. Such non-Federal entities shall comply with all applicable rules of the Commission and the NTIA, including any regulations promulgated pursuant to this section. Any remuneration associated with such access shall be deposited into the Spectrum Relocation Fund established under section 118. A Federal entity that incurs costs as a result of such access is eligible for payment from the Fund for the purposes specified in paragraph (3) of this section. The revenue associated with such access shall be at least 110 percent of the estimated Federal costs.''.

(e) SPECTRUM RELOCATION FUND.—Section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) is amended—

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

(2) by amending subsection (c) to read as follows:

''(c) USE OF FUNDS.—

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

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

''(3) TRANSFER OF FUNDS.—

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

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

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

(3) in subsection (d)—

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

(B) in paragraph (2)(B)—

(i) by inserting ''and sharing'' before ''costs''; and

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

(C) by amending paragraph (3) to read as follows:

''(3) REVERSION OF UNUSED FUNDS.—

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

''(B) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means

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

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

''(iii) the Committee on Appropriations of the House of Representatives; and

''(iv) the Committee on Energy and Commerce of the House of Representatives.'';

(4) in subsection (e)(2)—

(A) by inserting ''and sharing'' before ''costs'';

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

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

(5) by adding at the end the following:

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

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

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

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

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

(f) COMPETITIVE BIDDING; TREATMENT OF REVENUES.—Subparagraph (D) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended by inserting ''excluding frequencies identified by the Federal Communications Commission to be auctioned in conjunction with eligible frequencies described in section 113(g)(2)'' before ''shall be deposited''.

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

SEC. 222. INCENTIVE AUCTION AUTHORITY.

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

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

(2) by adding at the end the following:

''(F) INCENTIVE AUCTION AUTHORITY.—

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

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

''(iii) UNLICENSED SPECTRUM.—

''(I) IN GENERAL.—With respect to frequency bands between 54 and 72 MHz, 76 and 88 MHz, 174 and 216 MHz, 470 and 698 MHz, 84 MHz (referred to in this clause as the 'specified bands') shall be assigned via a competitive bidding process until the winning bidders for licenses covering 90 megahertz from the specified bands deposit the full amount of their bids in accordance with the instructions of the Commission. In addition, if more than 90 megahertz of spectrum from the

specified bands is made available for alternative use utilizing payments under this subsection, and such spectrum is assigned via competitive bidding, a portion of the proceeds may be disbursed to licensees of other frequency bands for the purpose of making additional spectrum available.

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

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

''(G) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Incentive Auction Relocation Fund'.

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

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

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

''(I) without fiscal year limitation;

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

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

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

''(III) without further appropriation.

''(v) USE OF FUNDS.—Amounts in the Incentive Auction Relocation Fund may only be used by the NTIA, in consultation with the Commission, to cover—

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

''(II) the costs incurred by multichannel video programming distributors for new equipment, installation, and construction related to the carriage of such relocated stations or the carriage of stations that voluntarily elect to share a channel, but retain their existing rights to carriage pursuant to sections 338, 614, and 615.''.

SEC. 223. INCENTIVE AUCTIONS TO REPURPOSE CERTAIN MOBILE SATELLITE SERVICES SPECTRUM FOR TERRESTRIAL BROADBAND USE.

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

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

SEC. 224. PERMANENT EXTENSION OF AUCTION AUTHORITY.

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

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

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

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

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

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

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

SEC. 226. AUCTION OF SPECTRUM.

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

(b) AUCTION.—

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

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

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

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

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

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

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

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

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

(A)(i) such spectrum should not be reallocated due to the need to protect incumbent Federal operations; or

(ii) reallocation must be delayed or progressed in phases to ensure protection or continuity of Federal operations; and

(B) allocation of other spectrum—

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

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

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

(d) FURTHER REALLOCATION OF CERTAIN OTHER SPECTRUM.—

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

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

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

(B) allocation of other spectrum—

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

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

(3) ACTIONS REQUIRED IF COVERED SPECTRUM CANNOT BE REALLOCATED.—

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

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

(ii) report to the President and appropriate committees of Congress and the Commission an identification of such alternative spectrum for assignment by competitive bidding; and

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

(B) AUCTION.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, the Commission shall commence the bidding of the alternative spectrum identified pursuant to subparagraph (A) within 3 years of the date of enactment of this Act.

(4) ACTIONS REQUIRED IF COVERED SPECTRUM CAN BE REALLOCATED.—If the President does not make a determination under paragraph

(1) that the covered spectrum cannot be reallocated, the Commission shall commence the competitive bidding for the covered spectrum within 3 years of the date of enactment of this Act.

(e) AMENDMENTS TO DESIGN REQUIREMENTS RELATED TO COMPETITIVE BIDDING.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in paragraph (3)—

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

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

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

''(i) the deposits—

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

''(II) of successful bidders of any other auction shall be paid to the Treasury;''.

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

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

PART II—PUBLIC SAFETY BROADBAND NETWORK

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

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

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

(1) by striking ''24'' in paragraph (1) and inserting ''34''; and

(2) by striking ''36'' in paragraph (2) and inserting ''26''.

SEC. 242. FLEXIBLE USE OF NARROWBAND SPECTRUM.

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

SEC. 243. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Public Safety Trust Fund''.

(2) CREDITING OF RECEIPTS.—

(A) IN GENERAL.—There shall be deposited into or credited to the Public Safety Trust Fund the proceeds from the auction of spectrum carried out pursuant to—

(i) section 102 of this Act; and

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

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

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

SEC. 244. PUBLIC SAFETY RESEARCH AND DEVELOPMENT.

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

SEC. 245. INCENTIVE AUCTION RELOCATION FUND.

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

SEC. 246. FEDERAL INFRASTRUCTURE SHARING.

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

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

(c) PAYMENT ABOVE FULL INCREMENTAL COST.—The Administrator may adopt rules to charge more than the full incremental cost of using the Federal infrastructure if demand for use of a component of Federal infrastructure by non-Federal entities is greater than can be accommodated, as determined by the Administrator. However, the rules established by the Administrator shall prioritize use by Federal agencies over public safety entities and prioritize use by public safety entities over commercial or other non-Federal entities.

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

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

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

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

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

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

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

Subtitle B—Federal Pell Grant and Student Loan Program Changes

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

(a) FEDERAL PELL GRANTS.—Section 401(b)(7)(A)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)) is amended—

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

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

(b) TERMINATION OF AUTHORITY TO MAKE INTEREST SUBSIDIZED LOANS TO GRADUATE AND PROFESSIONAL STUDENTS.—Section 455(a) of the Higher Education Act of 1965 (20 U.S.C. 1087e(a)) is amended by adding at the end the following:

''(3) TERMINATION OF AUTHORITY TO MAKE INTEREST SUBSIDIZED LOANS TO GRADUATE AND PROFESSIONAL STUDENTS.—Notwithstanding any provision of this part or part B, for any period of instruction beginning on or after July 1, 2012—

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

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

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

(c) INAPPLICABILITY OF TITLE IV NEGOTIATED RULEMAKING AND MASTER CALENDAR EXCEPTION.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section, or to any regulations promulgated under those amendments.

Subtitle C—Farm Programs

SEC. 261. DEFINITION OF PAYMENT ACRES.

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

(1) in subparagraph (A)—

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

(B) by striking ''and'' at the end;

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

(3) by adding at the end the following:

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

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

(1) in subparagraph (A)—

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

(B) by striking ''and'' at the end;

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

(3) by adding at the end the following:

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

TITLE III—JOINT SELECT COMMITTEE ON DEFICIT REDUCTION

SEC. 301. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) DEFINITIONS.—In this title:

(1) JOINT COMMITTEE.—The term ''joint committee'' means the Joint Select Committee on Deficit Reduction established under subsection (b)(1).

(2) JOINT COMMITTEE BILL.—The term ''joint committee bill'' means a bill consisting of the proposed legislative language of the joint committee recommended under subsection (b)(3)(B) and introduced under section 302(a).

(b) ESTABLISHMENT OF JOINT SELECT COMMITTEE.—

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

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

(3) DUTIES.—

(A) IN GENERAL.—

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

(ii) CONSIDERATION OF OTHER BIPARTISAN PLANS.—As a part of developing the joint committee's recommendations and legislation, the joint committee shall consider existing bipartisan plans to reduce the deficit, including plans developed jointly by Senators or Members of the House.

(iii) RECOMMENDATIONS OF HOUSE AND SENATE COMMITTEES.—Not later than October 14, 2011, each committee of the House and Senate may transmit to the joint committee its recommendations for changes in law to reduce the deficit consistent with the goals described in paragraph (2) for the joint committee's consideration.

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

(i) IN GENERAL.—Not later than November 23, 2011, the joint committee shall vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the joint committee and CBO and the Joint Committee on Taxation estimate required by paragraph (5)(D)(ii); and

(II) proposed legislative language to carry out such recommendations as described in subclause (I).

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

(iii) ADDITIONAL VIEWS.—A member of the joint committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final joint committee vote on the approval of the report and legislative language under clause (ii), shall be entitled to 3 calendar days in which to file such views in writing with the staff director of the joint committee. Such views shall then be included in the joint committee report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the joint committee report may be printed and transmitted immediately without such views.

(iv) TRANSMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If the report and legislative language are approved by the joint committee pursuant to clause (ii), then not later than December 2, 2011, the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House, and the Majority and Minority Leaders of both Houses.

(v) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval or disapproval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of the vote, available to the public.

(4) MEMBERSHIP.—

(A) IN GENERAL.—The joint committee shall be composed of 12 members appointment pursuant to subparagraph (B).

(B) APPOINTMENT.—Members of the joint committee shall be appointed as follows:

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

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

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

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

(C) CO-CHAIRS.—

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

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

(D) DATE.—Members of the joint committee shall be appointed not later than 14 calendar days after the date of enactment of this section.

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

(5) ADMINISTRATION.—

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

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

(C) QUORUM.—7 members of the joint committee shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(D) VOTING.—

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

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

(E) MEETINGS.—

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

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

(F) HEARINGS.—

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

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

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

(II) WRITTEN STATEMENT.—A witness appearing before the joint committee shall file a written statement of proposed testimony

at least 2 calendar days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

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

(c) STAFF OF JOINT COMMITTEE.—

(1) IN GENERAL.—The Co-Chairs of the joint committee may jointly appoint and fix the compensation of staff as they deem necessary, within the guidelines for Senate employees and following all applicable Senate rules and employment requirements.

(2) ETHICAL STANDARDS.—Members on the joint committee who serve in the House of Representatives shall be governed by the House ethics rules and requirements. Members of the Senate who serve on the joint committee and staff of the joint committee shall comply with Senate ethics rules.

(d) TERMINATION.—The joint committee shall terminate on January 13, 2012.

SEC. 302. EXPEDITED CONSIDERATION OF JOINT COMMITTEE RECOMMENDATIONS.

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

(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

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

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

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

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

(c) EXPEDITED PROCEDURE IN THE SENATE.—

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

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

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

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

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

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

(d) AMENDMENT.—The joint committee bill shall not be subject to amendment in either the House of Representatives or the Senate.

(e) CONSIDERATION BY THE OTHER HOUSE.—

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

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

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

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

(f) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(1) TREATMENT OF JOINT COMMITTEE BILL OF OTHER HOUSE.—If the Senate fails to introduce or consider a joint committee bill under this section, the joint committee bill of the House shall be entitled to expedited floor procedures under this section.

(2) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the joint committee bill in the Senate, the Senate then receives the joint committee bill from the House of Representatives, the House-passed joint committee bill shall not be debatable. The vote on passage of the joint committee bill in the Senate shall be considered to be the vote on passage of the joint committee bill received from the House of Representatives.

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

(g) LOSS OF PRIVILEGE.—The provisions of this section shall cease to apply to the joint committee bill if—

(1) the joint committee fails to vote on the report or proposed legislative language required under section 201(b)(3)(B)(i) by November 23, 2011; or

(2) the joint committee bill does not pass both Houses by December 23, 2011.

SEC. 303. FUNDING.

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

SEC. 304. RULEMAKING.

The provisions of this title are enacted by Congress—

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

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

TITLE IV—PUBLIC DEBT

SEC. 401. PUBLIC DEBT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking

the dollar limitation contained in that subsection and inserting ''$16,994,000,000,000''.

SA 582. Mr. REID proposed an amendment to amendment SA 581 proposed by Mr. REID to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

At the end, add the following new section:

SECTION XXX. EFFECTIVE DATE.

The provisions of this Act shall become effective 1 day after enactment.

SA 583. Mr. REID proposed an amendment to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

At the end, add the following new section:

SECTION EFFECTIVE DATE.

The provisions of this Act shall become effective 3 days after enactment.

SA 584. Mr. REID submitted an amendment intended to be proposed to amendment SA 583 proposed by Mr. REID to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

In the amendment, strike ''3 days'' and insert ''2 days''.

SA 585. Mr. REID proposed an amendment to amendment SA. 584 submitted by Mr. REID to the amendment SA 583 proposed by Mr. REID to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

In the amendment, strike ''2 days'' and insert ''1 day''.

ORDERS FOR TUESDAY, JULY 26, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Tuesday, July 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 12:15 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; that following morning business, the Senate proceed to executive session under the previous order; and that the Senate recess following the rollcall vote on the Engelmayer nomination until 2:15 p.m. to allow for the weekly caucus meetings; finally, I ask that at 2:15 the Senate resume consideration of S. 1323, which is the legislative vehicle for the debt limit increase.

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

PROGRAM

Mr. REID. Mr. President, there will be a rollcall vote on the confirmation of the Engelmayer nomination tomorrow at approximately 12:15.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Tuesday, July 26, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL TRULAN A. EYRE
BRIGADIER GENERAL MARK R. JOHNSON
BRIGADIER GENERAL BRUCE W. PRUNK
BRIGADIER GENERAL HAROLD E. REED
BRIGADIER GENERAL ROY E. UPTEGRAFF III

To be brigadier general

COLONEL PATRICK D. AIELLO
COLONEL AARON J. BOOHER
COLONEL KEVIN W. BRADLEY
COLONEL DAVID T. BUCKALEW
COLONEL PETER J. BYRNE
COLONEL PAUL D. CUMMINGS
COLONEL VYAS DESHPANDE
COLONEL BRIAN T. DRAVIS
COLONEL BRENT J. FEICK
COLONEL MARK K. FOREMAN
COLONEL DAVID R. FOUNTAIN
COLONEL TIMOTHY L. FRYE
COLONEL PAUL D. GRUVER
COLONEL MICHAEL A. HUDSON
COLONEL SALVATORE J. LOMBARDI
COLONEL STEPHEN E. MARKOVICH
COLONEL RICHARD L. MARTIN
COLONEL BRIAN A. MILLER
COLONEL WILLIAM W. POND
COLONEL JONATHAN T. WALL
COLONEL JENNIFER L. WALTER

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL DAVID B. ENYEART

To be brigadier general

COLONEL RANDY A. ALEWEL
COLONEL KAREN D. GATTIS
COLONEL CATHERINE F. JORGENSEN
COLONEL BLAKE C. ORTNER
COLONEL TIMOTHY P. WILLIAMS
COLONEL DAVID E. WILMOT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL STEPHEN E. BOGLE
BRIGADIER GENERAL DOMINIC A. CARIELLO
BRIGADIER GENERAL DAVID J. ELICERIO
BRIGADIER GENERAL SHERYL E. GORDON
BRIGADIER GENERAL RONALD W. HUFF
BRIGADIER GENERAL GERALD W. KETCHUM
BRIGADIER GENERAL WILLIAM L. SEEKINS
BRIGADIER GENERAL RICHARD E. SWAN
BRIGADIER GENERAL JOE M. WELLS

To be brigadier general

COLONEL MATTHEW P. BEEVERS
COLONEL JOEL E. BEST
COLONEL MICHAEL E. BOBECK
COLONEL JOSEPH M. BONGIOVANNI
COLONEL BRENT E. BRACEWELL
COLONEL ALLEN E. BREWER
COLONEL LEON M. BRIDGES
COLONEL ERIC C. BUSH
COLONEL SCOTT A. CAMPBELL
COLONEL WILLIAM R. COATS
COLONEL ALBERT L. COX
COLONEL SYLVIA R. CROCKETT
COLONEL TERRY A. ETHRIDGE
COLONEL KEVIN R. GRIESE
COLONEL JOHN J. JANSEN
COLONEL DONALD O. LAGACE, JR.
COLONEL LOUIS J. LANDRETH
COLONEL WILLIAM S. LEE
COLONEL JERRY H. MARTIN
COLONEL ROBERT A. MASON
COLONEL CRAIG M. MCGALLIARD
COLONEL CHRISTOPHER J. MORGAN
COLONEL TODD M. NEHLS
COLONEL KEVIN L. NEUMANN
COLONEL MICHAEL J. OSBURN
COLONEL LANNIE D. RUNCK
COLONEL GEORGE M. SCHWARTZ
COLONEL DAVID O. SMITH
COLONEL TERENCE P. SULLIVAN
COLONEL ALICIA A. TATE-NADEAU
COLONEL THOMAS P. WILKINSON
COLONEL WILBUR E. WOLF III
COLONEL DAVID C. WOOD

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

To be vice admiral

VICE ADM. SCOTT R. VAN BUSKIRK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES H. JACOBY, JR.