NAYS—187

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—14

Bachmann
Buchanan
Coble
Diaz-Balart
Filner
Giffords
Gingrey (GA)
Hanna
Johnson, E. B.
Olver
Paul
Platts
Schrader
Woolsey

□ 1110

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GINGREY of Georgia. Mr. Speaker, on rollcall No. 945 on adoption of H. Res. 502, I am not recorded because I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 945, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

MOTION TO GO TO CONFERENCE ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 502, I call up the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, with Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—TEMPORARY PAYROLL TAX RELIEF

Sec. 101. Extension of payroll tax holiday.

TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

Sec. 201. Temporary extension of unemployment compensation provisions.
Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. Medicare physician payment update.
Sec. 302. 2-month extension of MMA section 508 reclassifications.
Sec. 303. Extension of Medicare work geographic adjustment floor.
Sec. 304. Extension of exceptions process for Medicare therapy caps.
Sec. 305. Extension of payment for technical component of certain physician pathology services.
Sec. 306. Extension of ambulance add-ons.
Sec. 307. Extension of physician fee schedule mental health add-on payment.
Sec. 308. Extension of outpatient hold harmless provision.
Sec. 309. Extending minimum payment for bone mass measurement.
Sec. 310. Extension of the qualifying individual (QI) program.
Sec. 311. Extension of Transitional Medical Assistance (TMA).
Sec. 312. Extension of the temporary assistance for needy families program.

TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. Guarantee Fees.
Sec. 402. FHA guarantee fees.

TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

Sec. 501. Permit for Keystone XL pipeline.

Subtitle B—Budgetary Provisions

Sec. 511. Senate point of order against an emergency designation.
Sec. 512. PAYGO scorecard estimates.

TITLE I—TEMPORARY PAYROLL TAX RELIEF

SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

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

''(c) PAYROLL TAX HOLIDAY PERIOD.—The term 'payroll tax holiday period' means—

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

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

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

''(f) SPECIAL RULES FOR 2012.—

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

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

''(i) $18,350, over

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

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

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

'' ''(A) the sum of—

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking ''and 2011'' and inserting ''2011, and the first two months of 2012''.

SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.

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

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

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

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

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

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

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

SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

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

(1) in subclause (II)—

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

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

(2) in subclause (III)—

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

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

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

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

(1) in subsection (b)—

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

(B) in paragraph (6)—

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

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

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

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

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

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

(1) in paragraph (2)—

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

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

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

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

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

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–

6(f)) are each amended by striking ''December 31, 2011'' and inserting ''February 29, 2012''.

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

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

TITLE IV—MORTGAGE FEES AND PREMIUMS

SEC. 401. GUARANTEE FEES.

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

''SEC. 1327. ENTERPRISE GUARANTEE FEES.

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

''(1) GUARANTEE FEE.—The term 'guarantee fee'—

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

''(B) includes—

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

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

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

''(b) INCREASE.—

''(1) IN GENERAL.—

''(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

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

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

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

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

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

''(c) PHASE-IN.—

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

''(A) provide for uniform pricing among lenders;

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

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

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

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

''(1) a description of—

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

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

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

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

''(e) ENFORCEMENT.—

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

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

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

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

SEC. 402. FHA GUARANTEE FEES.

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

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

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

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

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

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

(1) explains the basis for the determination; and

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

TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

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

(b) EXCEPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) the President—

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

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

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

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

Subtitle B—Budgetary Provisions

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

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

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

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

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

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

''(2) SUPERMAJORITY WAIVER AND APPEALS.—

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

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

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

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

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

SEC. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

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

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Camp moves that the House disagree to the Senate amendments to H.R. 3630 and request a conference with the Senate.

The SPEAKER pro tempore. Pursuant to House Resolution 502, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

The differences between the bipartisan, House-passed Middle Class Tax Relief and Job Creation Act and what the Senate did so it could go on vacation could not be clearer. The House bill puts the American people first. It provided certainty for middle class families struggling to make ends meet by extending the middle class holiday; it provided certainty for those left behind in this economy by extending not only unemployment benefits for 1 year but also the Nation's welfare program; it provided certainty to seniors by ensuring their doctors would not see reimbursement rates slashed by nearly 30 percent; and it provided incentives for job creators looking for ways to hire more workers by extending tax relief.

The Senate decided not to do any of this. Worse yet, in a rush to get home for the holidays, the Senate passed something that is totally unworkable. Yesterday, the Congress received a letter from the National Payroll Reporting Consortium, a nonprofit trading association whose members cover more than one-third of the private-sector workforce. Their letter says the Senate bill ''could create substantial problems, confusion, and costs affecting a significant percentage of U.S. employers and employees.''

The National Federation of Independent Business, the largest small business advocacy group in the Nation, representing 350,000 small business owners nationwide and in every State, has issued a statement on the Senate bill. They say:

''The 2-month payroll tax holiday would present a number of complications and costs that would disproportionately affect small businesses. In addition, many small employers do payroll processing in-house by hand, and this would require them to spend time to make these changes.''

With more than 5 million people working in the construction industry, this is what the Associated General Contractors have said about the Senate bill:

''This legislation will extend the payroll tax holiday in the most complex way possible, at the busiest time possible, provide little benefit to taxpayers and unfairly hit the small member companies of the Associated General Contractors of America the hardest.''

As the Associated General Contractors say, this legislation will provide little benefit to taxpayers and unfairly hit the small member companies of the

organization the hardest. This legislation will add more uncertainty, more confusion for employers and employees, and more complexity, especially for small employers.

''Any economic benefit derived from the law would likely be eaten up by the inefficiency and confusion surrounding the bill's implementation.''

Mr. Speaker, I ask unanimous consent that these letters, along with letters in opposition to the Senate bill from the National Roofing Contractors Association, which has over 4,000 members and is represented in every State; the Associated Builders and Contractors, which represent over 2 million American workers; and the Small Business Entrepreneurship Council, with over 100,000 members, be entered into the RECORD.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Michigan?

Mr. RANGEL. Reserving the right to object, and I probably won't object, but if the chairman is asking to put in the RECORD the people that support the awkward position that the majority has taken, my question would be, would we be allowed to put in the RECORD those people who are going through such economic pain and who so badly want to make certain that they don't get a raise in their taxes, would we be able to insert the letters that we get saying please don't come home unless you give us a tax break? I'm asking, maybe, the Parliamentarian whether or not I would be in order if I asked that.

I certainly think the chairman is in order, but then we all have received so many letters from our constituents, it's painful, and I just wanted some equality in terms of how the RECORD would look years from now as to how we treated those people who are the most vulnerable. And I know we all are concerned about that, even though the 2 months may be inconvenient for the electronic way they do these things, but I think the pain will be far more severe for those people who would have a tax increase.

Mr. CAMP. Regular order, Mr. Speaker.

□ 1120

The SPEAKER pro tempore (Mr. YODER). Regular order has been demanded.

Does the gentleman from New York object to the request?

Mr. RANGEL. I said I reserved it. Maybe I didn't make it clear what my position was. I was reserving the right to object.

The SPEAKER pro tempore. Regular order has been demanded. Unless the unanimous-consent request is withdrawn, the gentleman from New York must either object or withdraw his reservation.

Mr. RANGEL. Well, with all respect to my chairman, I withdraw my reservation.

The SPEAKER pro tempore. The gentleman from New York withdraws his reservation of objection.

Without objection, the request is granted.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CAMP. I thank the gentleman from New York for withdrawing.

These letters, many of them were written to both parties, both leaders. I think Mr. LEVIN and I both received these letters. They were written to the Congress. It's routine that we do these. And on his own time the gentleman may do as he wishes.

I would say, Mr. Speaker, our economy is too weak and the American people have been struggling for far too long for Congress not to work out our differences. America is not on vacation, nor should the Senate be. We have 2 weeks to find a solution and send something to the President for his signature. That is what House Republicans are proposing today.

Let's look at the differences between the House and the Senate.

The House extended unemployment for 13 months. The Senate bill extended unemployment benefits for only 2 months, meaning an estimated 4 million Americans could lose the extended unemployment benefits next year they would get under the House bill.

The House reformed the unemployment program to focus it more on getting people the training and education they need to get back to work, not just handing out checks. The Senate did not.

The House protected seniors' health care for the next 2 years by ensuring doctors in the Medicare program don't have their reimbursements cut by more than 27 percent. The Senate did this for only 2 months.

The House provided a 1-year extension of the payroll tax holiday, ensuring a worker earning $50,000 next year has $1,000 more in their pocket. The Senate did this for only 2 months, meaning that same worker would have less than $200 in their pocket, or $800 less in take-home pay than under the House-passed bill.

The House included a pay freeze for Members of Congress and civilian Federal workers. The Senate did not.

The House put an end to welfare benefits being accessed at ATMs located in casinos, liquor stores, and strip clubs. The Senate did not.

The House protected Social Security by reducing overpayments. The Senate did not.

The House included a provision that saves taxpayers $9 billion by cracking down on fraud and abuse that is known to exist in a refundable tax credit program. The Senate did not.

The House provided for economic growth and job creation in the high-tech industry through spectrum auctions. The Senate did not.

The House cut taxes to promote business investment and hiring. The Senate did not.

Mr. Speaker, while it may sound like there are great differences between the House and Senate bill, it's not a difference over policy. It's simply a difference between the House deciding to act and the Senate deciding not to act on so many items.

The House bill includes commonsense reforms the American people want, and it adopts a number of the President's legislative initiatives which represent the bipartisan cooperation the American people are demanding. All told, 90 percent of the House bill is paid for with policies the President has endorsed in one form or another.

So what's really standing in our way? I've heard the President's people say that this breaks the agreement over the discretionary caps in the Budget Control Act, but look at that talking point. Those caps are adjusted only because we are proposing, as the President has before, to freeze the pay of Members of Congress and other Federal workers. Do the President and the Senate really want to risk unemployment benefits, a middle class tax cut, and reimbursement to doctors treating seniors and those with disabilities because they don't want to freeze the pay for Members of Congress and Federal workers?

Mr. Speaker, it's not too late. I urge all of my colleagues to support a 1-year extension of the payroll tax holiday, 1 year of unemployment benefits with critical reforms, and a 2-year extension of reimbursements for Medicare doctors.

I urge my Democrat colleagues to name conference committee members to resolve the differences between the two bills. Conference committees are a Jeffersonian concept, and we would be wise to follow the model laid out by our Founding Fathers. If the Senate agrees to work together, we will help get the American people back to work and get those struggling in this economy the help they need.

ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Arlington, VA, December 19, 2011.

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

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS: On behalf of Associated Builders and Contractors (ABC), a national association with 75 chapters representing more than 23,000 merit shop construction and construction-related firms with nearly two million employees, I am writing to express our opposition to H.R. 3630 as amended by the Senate last week.

Whether Congress ultimately chooses to extend these various provisions, the proposed two month stop-gap measure merely serves to delay the inevitable tough decisions, compounding the climate of uncertainty that continues to impact small businesses. This sort of temporary fix underscores Congress' uneven, ad hoc approach toward the economy and causes more harm than good for America's job creators.

Moreover, a two month extension of the payroll tax holiday creates an untenable administrative burden for employers in the construction industry and beyond. In a letter sent today to leaders of the tax writing committees, the National Payroll Reporting

Consortium warned of ''substantial problems, confusion and costs'' associated with the extension's implementation.

America's small businesses should not be punished for Congress' inability to do its job. Instead of passing the buck for another two months, the House and Senate must work together to determine their policies for the full year and provide some semblance of certainty for the companies driving our economy.

Sincerely,

GEOFFREY BURR,
Vice President, Federal Affairs.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Arlington, VA, December 19, 2011.

Re Oppose the two-month payroll tax holiday provision in H.R. 3630

Hon. DAVE CAMP,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CAMP: Please oppose the two-month payroll tax holiday provision in H.R. 3630. This legislation will extend the payroll tax holiday in the most complex way possible, at the busiest time possible, provide little benefit to taxpayers and unfairly hit the small member companies of the Associated General Contractors of America (AGC) the hardest. This legislation will add more uncertainty, more confusion (for employers and employees), more complexity (especially for small employers) and provide a maximum tax reduction of only $367. Any economic benefit derived from the law would likely be eaten up by the inefficiency and confusion surrounding the bill's implementation.

There are more than five million people employed in the construction industry. Members of the AGC tend to be small businesses. Many of them prepare their own payroll using programs that will need to be modified by the software vendors and then updated software must be installed on the contractors systems to ensure proper withholding is taken. If they are lucky enough to have a payroll company that handles their payroll processing, then the payroll companies will have to modify their programs to account for the new changes. Construction companies and payroll companies are not idle this time of year. They are doing year-end financials and producing the W–2 forms that construction employees rely on to file their tax returns. If companies are not lucky enough, big enough or profitable enough to have a payroll company, they will be forced to manually modify payroll for all employees, check their work and remit the appropriate amount to the IRS, which can impose hefty penalties for errors in withholding. Again, this is during the holidays, while finalizing their financials and preparing W–2s for their employees.

The IRS will have to issue guidance on this change. That guidance will lead to delays in implementing the law and could add additional complexity above and beyond what is in the statute. The taxable wage limit of $18,350 and a two-month payroll tax holiday appears needlessly arbitrary. It will complicate coordination of the IRS Form 941 that employers have to file quarterly and will likely require that it be redesigned in the first quarter of the year.

Congress had a full year to reach agreement on whether to extend the payroll tax holiday. Congress seems to be ready to extend the holiday for a full year. The two-month extension is an arbitrary and complicated, half-baked, solution to the problem of Congress not getting its act together in a timely fashion. If everyone agrees that the economy needs rational and decisive decision-making to revive it, why would you deliver just the opposite in H.R. 3630? Please oppose the two-month payroll tax holiday. Give employers and employees the certainty they need to make sound personal and business decisions for the entire year.

Sincerely,

JEFFREY D. SHOAF,
Senior Executive Director Government Affairs.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, Dec. 19, 2011.

NFIB EXPRESSES SIGNIFICANT CONCERN ABOUT PAYROLL TAX IMPACT ON SMALL BUSINESS

''The two month payroll tax holiday would present a number of complications and costs that would disproportionately affect small businesses,'' said Brad Close, NFIB Vice President for Public Policy. ''Programming and software to support the new taxable wage limit may not be available for small businesses at the beginning of the year and could present challenges for payroll processors. In addition, many small employers do payroll processing in-house by hand, and this would require them to spend time to make these changes. Employers that do not have correct withholding calculations would need to figure out how much more to collect from employees and amend employment tax returns later in the year, which may also increase their chances for an audit.''

The cost of tax compliance falls heavily on small business. On average, small businesses spend more than $74 per hour on meeting their compliance obligations, which represents the most expensive paperwork burden that the federal government imposes on small business owners.''

NATIONAL ROOFING CONTRACTORS ASSOCIATION
Washington, DC, Dec. 19, 2011.

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

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER BOEHNER AND LEADER REID: The National Roofing Contractors Association (NRCA) strongly urges the House and Senate to work together to enact a full one-year extension of the payroll tax rate reduction, like that originally passed by the House on December 13, 2011 (H.R. 3630). The much-needed reforms and short-term tax relief provided in that legislation is important to employees and employers during these tough economic times.

As was asserted in the letter sent today to the House Ways and Means and Senate Finance Committees by the National Payroll Reporting Consortium (NPRC), NRCA is concerned that the proposed two-month extension would cause ''substantial problems, confusion and costs'' for employers. As the NPRC states, many payroll systems would simply not be able to make the programming changes that the proposed two-month extension would require. This would impose an undue burden on employers in the form of logistical difficulties and costs.

Rather than enacting a two-month extension, NRCA urges Congress to instead follow the traditional and appropriate procedures and allow the House and Senate to enact policies that will last the full year so that businesses have predictable, certain policies with which to deal.

NRCA commends you for your leadership and continued efforts on this important issue. Thank you for your consideration.

Sincerely,

KENT TOLLEY,
Quality Tile Roofing, Inc.,
President, NRCA.

SMALL BUSINESS & ENTREPRENEURSHIP COUNCIL,
Oakton, VA, Dec. 19, 2011.

Hon. JOHN BOEHNER,
Speaker, United States House of Representatives, Washington, DC.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER BOEHNER AND MAJORITY LEADER REID: politically expedient solutions that address legislative emergencies often end up having unintended or costly consequences. Such is the case with the proposed two-month extension of the reduced payroll tax rate and its potential impact on America's small employers and the economy at large.

On behalf of the Small Business & Entrepreneurship Council (SBE Council) and its 100,000 members, we urge the House and Senate to agree on a full year extension of the payroll tax reduction. While SBE Council believes that the payroll tax cut itself is doing very little to stimulate the economy and supports solutions that permanently reform the tax system through lower rates on entrepreneurs and investment, we need to proactively protect our members against potentially higher payroll costs and the uncertainty that the two-month extension would generate.

In a letter to the House Ways and Means and Senate Finance Committees, the National Payroll Reporting Consortium wrote that ''insufficient lead time'' to implement changes mandated by H.R. 3630 ''could create substantial problems, confusion and costs affecting a significant percentage of U.S. employers and employees.'' SBE Council agrees with this assessment. Unfortunately, small businesses would bear the costs of the uncertainties and complex changes that face payroll processors given a two-month extension. Small businesses that don't use payroll companies also face complexity and a significant cost burden.

The confusion that the two-month extension would impose on employers or their payroll providers will inevitably divert resources away from productive activities. Indeed, the uncertainty regarding what happens next following the two-month expiration date will serve as additional fuel to currently low business confidence levels.

Already, small business owners are frustrated by one and two-year extensions of various tax measures. Individual Americans and entrepreneurs need to plan, and they are tired of these short-term fixes. The two-month extension is unacceptable. SBE Council urges the House and Senate to enact a solution that will allow businesses and individuals to properly plan.

Sincerely,

KAREN KERRIGAN,
President & CEO.

NATIONAL PAYROLL REPORTING CONSORTIUM,
Henrietta, NY, Dec. 19, 2011.

Re. H.R. 3630 Payroll Tax Relief Proposals

Representative DAVE CAMP,
Chairman, Committee on Ways and Means, United States House of Representatives, Longworth House Office Building, Washington, DC.

Senator MAX BAUCUS,
Chairman, Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

Representative SANDER LEVIN,
Ranking Member, Committee on Ways and Means, United States House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP, CHAIRMAN BAUCUS, RANKING MEMBER LEVIN AND RANKING MEMBER HATCH: we are writing to express concerns regarding Section 101 of H.R. 3630,

which would establish a new Social Security Taxable Wage limit of $18,350, to which a reduced 4.2% rate would apply through February 29, 2012. Wages over $18,350 paid during the first two months of 2012 would be subject to a 6.2% Social Security tax rate.

The National Payroll Reporting Consortium (NPRC) is a non-profit trade association whose member organizations provide payroll processing and related services, including electronic payment and filing of employment taxes, and related information returns, to over 1.5 million employers nationwide, covering over one-third of the private sector work force. Payroll service providers serve an important role in our nation's tax collection system as a conduit between employers and government authorities, improving the efficiency of tax collection through electronic filing and improving compliance.

As mentioned in our correspondence to the tax-writing committees in July, the NPRC is strictly neutral on virtually all policy matters, such as whether a reduced Social Security tax rate is necessary or desirable. The organization serves largely to advise policymakers as to the administrative implications of proposals affecting payroll and payroll tax administration.

NPRC

Accordingly, NPRC advises policymakers that we believe there is insufficient lead time to accommodate the proposal embodied in H.R. 3630. In our opinion enactment of H.R. 3630 as written could create substantial problems, confusion and costs affecting a significant percentage of U.S. employers and employees.

The difficulty is in establishing a new Social Security Taxable Wage limit of $18,350 for the two-month extension period. More than ten percent of the workforce is likely to meet that limit, and would be subject to the higher 6.2% tax rate for earnings over that amount. However, many payroll systems are not likely to be able to make such a substantial programming change before January or even February. The systems affected tend to be highly complex, normally requiring at least ninety days for a change of this magnitude for software testing alone; not to mention analysis, design, coding and implementation.

As we commented to the Treasury Department concerning the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111–312), which was enacted December 17, 2010 and effective on January 1, 2011, payroll service providers are probably the best equipped of those affected to handle last-minute tax law changes. However, programming to support the new taxable wage limit might not be available to employers that do not use a payroll service provider until well after the effective date. Affected employees could be confused by payroll adjustments seeking to collect additional taxes late in the year for wages paid in January or February.

Given a two month extension, policymakers may feel they have no alternative than to establish a new Social Security Taxable Wage limit of $18,350; i.e., to do otherwise may invite criticism because highly compensated employees could meet their entire 2012 Social Security obligation at the reduced 4.2% tax rate, whereas others would (assuming the reduced rate is not further extended by subsequent legislation) enjoy the 4.2% rate only in the first two months.

PRC understands Congress' concern that highly compensated employees not enjoy the full benefit of the 2% tax break because of bonuses or other high compensation falling into the first two months of the year. Nevertheless with the first of January now only two weeks away and payroll departments trying to meet year-end compliance mandates and reconciliation, there simply is insufficient time to implement this major change in withholding requirements. It would also be necessary to await IRS regulatory guidance for further details concerning the change.

If the 4.2% rate is later extended for the full year, the $18,350 taxable limit for the first two months would be unnecessary. However, even if subsequent legislation extends the 4.2% rate for the full year, employers would still have to make costly programming changes to accommodate the 6.2% tax rate on wages in excess of $18,350 paid prior to March.

RECOMMENDATIONS

1. We recommend that Congress omit Section 101 from H.R. 3630 and not prospectively extend the reduced tax rate for the first two months of 2012. Instead, we would suggest that the Congress enact the reduced tax rate at a later date, but make the change retroactive to January 1. For example, a 4.2% employee Social Security tax rate enacted on February 15, 2012 should still be retroactively effective on January 1, 2012. Virtually all payroll systems are built to self-correct Social Security taxes, so employers would automatically accommodate a late but retroactive change, automatically refunding to each employee any over-withholding from early 2012 payrolls. The same tax rate and taxable wage limit should apply for the full calendar year.

If this is not feasible, we recommend that the Social Security Taxable Wage limit of $18,350 be removed from H.R. 3630. If the reduced tax rate is later extended through 2012, this would likely avoid the substantial reprogramming of payroll systems that would otherwise be necessary. If the reduced tax rate is not subsequently extended, the proposed taxable wage limit of $18,350 could be established in later legislation. This would require a recalculation and collection of additional tax later in the year, but given the lack of time permitted for reprogramming systems, most employers will already need to collect any additional tax through adjustments later in the year.

If neither of the options is feasible, it would mitigate the difficulty moderately to apply the reduced rate to the entire calendar quarter; i.e., through March 31. We recognize that this would represent a substantial change, and its impact in facilitating programming would be relatively minor.

A more detailed explanation of the difficulties inherent in the current Section 101 is attached. Please contact me if you have any questions or if we can be of service. We appreciate this opportunity to advise congressional policymakers as to the impact of H.R. 3630.

Sincerely,

PETE ISBERG,
President
National Payroll Reporting Consortium, Inc.

TAXPAYER IMPACT

As a ballpark number, according to IRS Statistics of Income, over 18 million returns were filed for Tax Year 2008 with more than $100,000 in Adjusted Gross Income, or about 13 percent of all returns. Individuals earning over $110,100 annually are likely to be affected by the 6.2% Social Security rate for January and February.

Taxpayers who are paid more than $18,350 in the first two months of the year could be confused or upset by application of the higher tax rate. For example, an individual who is laid off in January may receive a lump-sum severance payout of $50,000, which may be the bulk of their income in 2012. Nevertheless, they would pay $633 more in Social Security taxes than had they simply received the same income over a six month period, or later in the year.

If the OASDI rate of 4.2% is ultimately extended through 2012, those who are paid over $18,350 prior to March will have paid at the higher rate due to the timing of their compensation, whereas someone who earns the same amount for 2012 but receives less than $18,350 in the first two months of the year would pay at the 4.2% rate through 2012.

TIMING OF COMPENSATION

The limitation creates new incentives for employers and employees to shift compensation earlier or later in the year (depending on their guess as to whether the 4.2% OASDI rate may be extended for the full year). Some taxpayers receive significant bonuses, commissions or other lump-sum compensation in January. Some employers and/or employees may have discretion over when such compensation is paid (e.g., exercise of stock options).

If employers and/or taxpayers believe that a reduced OASDI rate of 4.2% will ultimately be extended, they may defer wages over $18,350 until after February. If the IRS sought to challenge such a result, they would need to ask the employer for details as to the timing of wages paid.

EMPLOYER IMPACT

To accommodate a new Social Security Taxable Wage limit of $18,350, to which a reduced 4.2% rate would apply through February 29, 2012, payroll systems would need to be modified to calculate, withhold and store separately:

Social Security Wages paid through February 29 up to $18,350

Social Security Wages paid through February 29 over $18,350 but less than $110,100

Social Security Wages paid after February 29 up to $110,100

Social Security tax on wages paid through February 29 up to $18,350 (× 4.2%)

Social Security, tax on wages paid through February 29 over $18,350 but less than $110,100 (× 6.2%)

Social Security tax on wages paid after February 29 up to $110,100 (× TBD%)

ISSUES

The separate reporting implied would require businesses to expand payroll databases and modify programs with insufficient lead time. January 2012 payrolls are already being processed in late December. It is likely that many software developers, service providers and employers would not be able to modify payroll software in time for January or February payrolls. This could lead to difficult situations later in the year as employers sort out what should have been collected, and in some cases collect additional taxes, and determine how to amend employment tax returns.

Employers might not be able to collect additional taxes from workers who have subsequently changed jobs, and could also be subject to substantial IRS underpayment penalties if they are unable to calculate, withhold and pay the higher OASDI amounts in January and February.

IMPACT TO THE INTERNAL REVENUE SERVICE AND THE SOCIAL SECURITY ADMINISTRATION

The IRS may not be able to quickly produce guidance necessary to enable appropriate design of such systems. Businesses and software developers may have to guess as to what the IRS may require in terms of recordkeeping and reporting. It would be very costly if developers made assumptions as to what reporting the IRS might require, and the IRS announced something different. The IRS would likely need to change Forms 941 and W–2 to require separate reporting of the same information:

Social Security Wages paid through February 29 up to $18,350

Social Security Wages paid through February 29 over $18,350 but less than $110,100

Social Security Wages paid after February 29 up to $110,100

Social Security tax on wages paid through February 29 up to $18,350 (×4.2%)

Social Security tax on wages paid through February 29 over $18,350 but less than $110,100 (×6.2%)

Social Security tax on wages paid after February 29 up to $110,100 (×TBD%)

ISSUES

The IRS may not be able to change Form 941 for the quarter ended March 31 in time. If this occurs, businesses may need to amend their returns, or the IRS may need to modify subsequent tax forms to permit adjustments, further complicating tax forms and reconciliation systems.

There is also insufficient space on Form W–2 for such information. Consequently, Form W–2 would need to be significantly expanded, complicating the 2012 tax season (in 2013) for taxpayers and tax preparers.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Let me put this very simply: this is a dishonest procedure. This is a ruse to avoid a straight up-or-down vote on the Senate bill and the 2-month extension.

Why not hold a straight vote, as indeed called for under regular order? That's the regular order. Because the Republican majority is afraid of a straight vote. They're afraid some Republicans would vote ''yes,'' and the Senate bill would pass and the President would sign it, and it would become law today. And they don't want other Republicans on record voting against a payroll tax cut. That is the epitome of a ruse.

Thirty-nine Republican Senators—39, all but a handful—voted for the bill before us. But what has happened since Saturday's bipartisan Senate bill that Speaker BOEHNER said was a good deal? Well, the sailors staged a mutiny and the captain decided to surrender. He decided to join the mutiny to keep the ship from coming to port. But the problem is that on board are millions of passengers waiting to dock.

This chart shows the number of passengers: 160 million Americans would see their taxes increased; 2.3 million Americans on board looking for work would lose their critical unemployment benefits; and 48 million seniors—Americans on Medicare—will have access to their doctors they know and they trust jeopardized.

So I want it clear for these people, all of these people: the Republican vote today is a vote to nowhere. DICK LUGAR said that. I'm hopeful that there are a majority of Republicans and Democrats today who will proceed because it seems to me it is the best for the country, as well as for all the individuals who are affected.

Another Republican Senator from Massachusetts: ''The House Republicans' plan to scuttle''—that's the correct word—''the deal to help middle class families is irresponsible and wrong. The refusal to compromise now threatens to increase taxes on hard-working Americans and stop unemployment benefits for those out of work. We cannot allow rigid partisan ideology and unwillingness to compromise stand in the way of working together for the good of the American people.''

And a third Republican Senator, Senator HELLER, a former colleague here of Nevada: ''There's no reason to hold up the short-term extension while a more comprehensive deal is worked out.''

And I want to quote a statement from Treasury about the notion that the 2-month extension cannot be implemented:

''While any short-term extension is bound to create some administrative complexities, it is feasible to implement the bipartisan Senate bill''—this is Treasury that is in charge of implementation of this—''and the Treasury Department will work with employers to ensure the smoothest possible implementation. In the current economic situation, any such complications will be outweighed by the economic benefits of ensuring that taxes do not go up on 160 million Americans starting on January 1.''

I would like to place the entire statement in the RECORD.

Statement from Jenni LeCompte, Assistant Secretary for Public Affairs, United States Treasury Department: ''Everyone agrees that a full-year extension of the payroll tax cut would have been preferable, which is why the Administration has long advocated an extension for the entirety of 2012. Unfortunately, in the waning days of this session of Congress, Members were unable to reach agreement on the details of a year-long extension that could generate strong bipartisan support. The best they could do was the two-month extension passed by a vote of 89–10 in the Senate on Saturday.

''While any short-term extension is bound to create some administative complications, it is feasible to implement the bipartisan Senate bill, and the Treasury Department will work with employers to ensure the smoothest possible implementation. In the current economic situation, any such complications will be outweighed by the economic benefits of ensuring that taxes do not go up on 160 million Americans starting on January 1st.''

□ 1130

I want to close with what HARRY REID said. Take it seriously. This is on what 39 Republicans and 50 Democrats voted for, the bill you will not let us vote on:

''I have always sought a yearlong extension. I've been trying to forge one for weeks.'' He could have said for months. ''And I'm happy to continue negotiating one once we have made sure middle class families will not wake up to a tax increase on January 1. So, before we reopen negotiations on a yearlong extension, the House of Representatives must protect middle class families by passing the overwhelmingly bipartisan compromise that Republicans negotiated and was approved by 90 percent of the Senate.''

You are snubbing a bipartisan compromise. You are jeopardizing the lives of millions of taxpayers, millions of the unemployed, and millions of seniors. To keep harmony within your ranks, you are creating the possibility of immense discord within the United States of America. We're not going to let you do it.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, taxpayers, small businesses, and health care providers need certainty and predictability to plan for the future. Unfortunately, the bill that's come back to us from the other Chamber makes our usual habit of only 1-year long extensions look responsible by comparison.

The Senate bill extends a number of key policies, including the patch preventing a steep cut to doctors' Medicare payments, for just 2 months.

Mr. Speaker, we've been down this road before. Last year, under the previous majority, Congress passed five separate extensions of Medicare physician payments, mostly for just a month or two. Several times these patches missed the deadline, meaning payment cuts took effect and then had to be reversed.

The failure to responsibly address the SGR created an unprecedented amount of chaos and confusion, both for doctors and the Medicare agency. House Republicans have been determined not to let this happen again. That's why we passed a fully paid-for 2-year fix.

The American people are tired of Congress wasting time on political stunts and waiting till the last minute to cobble together half measures.

Mr. Speaker, we still have 2 weeks before the end of the year to get this right, and there's no reason to think we'll do better in 2 months. I urge my colleagues to support the motion to go to conference so we can get a responsible solution.

Mr. LEVIN. I yield 2 minutes to a very senior member of our committee, the very distinguished gentleman from New York (Mr. RANGEL).

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. I am amazed at the ability of the majority to change its position so fast. Sometimes I wish Democrats had the ability to do this. It wasn't too long ago that there was objection for the taxpayers holiday because of the impact on Social Security. Then there was objection to the unemployment insurance because people on the other side said that people wouldn't go look for a job, that they would just stay home and watch television and receive the check. And of

course, no one can deny that the doctors that give care to 48 million people deserve compensation for what they do.

But, being here as long as I have, I can see how, in the majority, a handful of people will try to prove to their constituents that they're not marching in line with regular order; that they didn't come down here just to go along with the Senate or their leadership. And it's kind of rough to be a part of a party that is so widely split.

I had only hoped that they could come up with a better excuse than the fact that 2 months is not enough time to prevent an increase in the taxes of so many, 160 million people. And I know that everyone in this Chamber knows that if the American people that will suffer such a painful, insensitive act were to be asked, would you want it for 2 months, and then have the Congress to extend it? Would you take that? Or would you want it to be for 1 year and the possibility of getting absolutely nothing?

That is such a fearful, such a cruel thing to do, to gamble with other people's ability to be able to enjoy this holiday season as best they can. And so, I don't think that there will be any winners in what's going on today. But I hope that the regular Republicans would be able to see their way clear.

I thank the gentleman for yielding.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. WEST).

Mr. WEST. Thank you, Mr. Chairman.

You know, last week we voted to have a 1-year extension of a payroll tax holiday. Last week we voted to have a 1-year extension of unemployment insurance with reforms. Last week we voted to have a 2-year extension of the Sustained Growth Rate for Medicare recipients and the doctors that provide that care.

Last week we voted for certainty, and we voted to restore confidence. We voted for a measure that was paid for, that will have no detriment or negative outcomes to Social Security. Last week we voted for job-creating policies and a bill that had 10 to 12 Obama-approved provisions.

We are not afraid to vote. And if you don't want to accept this measure, then continue to vote ''no,'' just the same as our colleagues from across the aisle last week voted ''no.'' They voted ''no'' against what President Obama wanted; they voted ''no'' against what Senator HARRY REID said he wanted; they voted ''no'' against what Senator CHUCK SCHUMER said he wanted.

The Senate sent us back a 2-month extension which is irresponsible and cannot be implemented, and it reflects abject incompetence.

I urge all of my House colleagues to vote ''yes'' on this motion to disagree with the irresponsible Senate amendment and move to conference. Or do we just want to continue to see the American people suffer?

Mr. LEVIN. I yield a minute and a half to the distinguished gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, a famous speech started, ''We will little note or long remember what we say here today.'' But the Bible says, ''By your deeds ye shall know them.''

Now, the Republicans have said that it's Christmastime. Kids are hanging their socks all over the world. And they're all getting up and hoping there will be something in that sock on Christmas Day. And the Republicans have something to put in it. They have a lump of coal.

They're going to say to 160 million people, we're going to boost your taxes. Here's your Christmas gift, right?

They're going to say to 2.5 million unemployed people, no unemployment benefits because it's only for 2 months and we can't—there's every excuse in the book you can give, but when they get up on Christmas there's going to be coal in their socks.

The working poor of this country are counting on that tax break. They've gone out and bought gifts for their kids, and they think they're going to pay for them because they have this tax reduction. And you're taking it away from them after they've spent the money on the Christmas gifts. That's your lump of coal to the middle class.

Now, for the seniors, the lump of coal is, we're not going to pay the doctors. We're going to cut the doctors by 25 percent. And doctors are going to say, I'm going to limit the number of seniors.

Remember the lump of coal in November of 2012, folks. They gave it to you.

□ 1140

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Michigan.

Mr. Speaker, tonight's the first night of Chanukah and Christmas is fast approaching for families across America.

And what do families see coming out of Washington? Dysfunction and half of Congress unwilling to do its job. Mr. Speaker, we were elected to work for the best interests of the American people. In this tough economy, middle class Americans and working families need to know that their taxes won't be going up at any point next year.

So far the House has passed a bipartisan year-long plan to ensure that taxes do not go up. The Senate, on the other hand, has passed a 2-month plan. According to experts, the 2-month plan is simply unworkable. Families, employers, and workers can't live their lives month-to-month. Washington needs to stop adding confusion and more uncertainty to people's lives.

I think we can all agree that the 2-month concept doesn't make a whole lot of sense. Mr. Speaker, bottom line, a 2-month patch is irresponsible. That's why the House is taking a stand. We believe all Americans deserve certainty. We want a year-long extension of the payroll tax cut which will prevent a tax increase on every American with a job.

Luckily, Mr. Speaker, everyone claims to agree. In fact, the President himself said it would be inexcusable not to extend the payroll tax cut for a year. The leader of the Senate says that we should be working on extending the payroll tax for a year, but only after the new year.

Mr. Speaker, a great Virginian once said, ''Never put off to tomorrow what you can do today.'' That man was Thomas Jefferson.

Let us dedicate ourselves to that spirit. People across our great country are tired of hearing why Washington cannot do things. They're seeing day in and day out that Washington is not working together, but we have the ability to give them some hope. Let's show the American people that there's a reason to believe that we can work together and deliver results.

Truth is, we're not far apart on this issue. The negotiators got extremely close. We owe some stability and good tax policy to the hardworking people of this country, not more gimmicks and political games.

Today, this House will vote to go to conference and work these differences out in regular order. We need to come together in a responsible manner to find common ground where we can accomplish everyone's goal of a year-long payroll tax extension.

Mr. Speaker, there is no reason why the House, the Senate, and the President cannot spend the next 2 weeks working to get that done. America will be waiting.

Mr. LEVIN. I yield 2 minutes to another distinguished member of our committee, the gentleman from the great State of Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, we would be very happy in this institution if just the Speaker of the House and the majority leader could work together.

There was a deal over the weekend. The Speaker of the House accepted the Senate's version of that agreement only to discover in a conference call that he had to back down. The chairman of the Ways and Mean Committee, my friend, he doesn't believe what they're doing here for one moment. They're courting disaster.

This is the season of Advent and Christmas for Christians. Chanukah begins today. It is the quest for light in our lives, to enlighten the American people as to what is taking place here today; 160 million Americans are going to lose this tax cut. Organized labor and management, they do this all the time. You have a cooling-off period. You get to a more benign time, and you negotiate in good faith.

You've seen what's happened here. A radical element has seized the Republican Party. The Senator from Massachusetts, Senator BROWN, is on the

front page of the Boston Globe today criticizing his own party. DEAN HELLER criticizing his own party. RICHARD LUGAR criticizing his own party.

We're arguing today about unemployment benefits in this season for members of the American family who are going to lose those benefits. We're arguing about a tax cut for middle-income Americans today, 160 million strong; for doctors who care for the most vulnerable amongst us, the Medicare patients over their reimbursement rates.

When you consider what Republicans did during the Bush years with those tax cuts for wealthy people, they never flinched for one moment. The rich were rich, and they weren't going to take it anymore. And they were going to reinforce that idea—cut taxes 10 times in 10 years for the wealthiest among us. We should be voting on what the Senate did. No chicanery.

Put that motion in front of us today, and let's have an up-or-down vote and then explain it to the American people.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. President, Senate Democrat leaders, don't vacation until you finish your job. Families and small businesses need tax relief for a full year, not just for 2 months.

The House, we've already done our job. We've already passed a full 1-year extension of the payroll tax holiday. We've included unemployment reforms for those who are out of work, paying our local doctors fairly in Medicare for a full 2 years, unlocking the Keystone pipeline, and cutting spending to completely pay for it.

We've done our job.

But the Democrat-led Senate shortchanged the American public by rushing through a partial 2-month extension and then hurrying home for their Christmas vacations. That's irresponsible. Families and small businesses need to be able to plan with confidence for a full year, not just 2 measly months.

You said, Mr. President, just last week, that the American people deserve a 1-year bill. Our Democratic friends said a 1-year bill. The Democrats in the Senate said a 1-year bill. Well, House Republicans are going to hold you to your word by moving forward today to a conference committee to work out the differences. We're going to work it out—not next year, not when you get around to it, but now. That's the next step in the constitutional process, and we House Republicans are willing to work through the holidays to make sure we get the job done for the American public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. LEVIN. I yield 1 minute to the gentleman from Georgia, a very distinguished member of our committee, Mr. LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, Mr. LEVIN, for yielding.

If we go home without passing the bipartisan Senate bill, we disgrace ourselves and this Congress. We are out of time. We cannot go into this holiday season without helping our unemployed brothers and sisters. We cannot keep our seniors from seeing their doctors. We cannot allow taxes to go up for millions of Americans.

What is happening here today is shameful, it is a disgrace, it is unreal, it is unbelievable. We can do better.

If we fail today, how will you face your neighbor, your family, who are suffering? Where is your compassion? Where is your heart? Where is your soul? I, sir, vote ''no'' on this motion and pass the Senate bipartisan bill.

□ 1150

Mr. CAMP. I yield 4 minutes to the distinguished Conference chairman, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, we all need to be reminded of why we're here in the first place.

We're here because the President's economic policies have failed. They've failed this Nation. Ever since he was elected, unemployment has been at, near, or above 9 percent. And the people suffer. So that's why I believe almost every Member of this body believes that we must extend the payroll tax holiday.

That's not the debate, Mr. Speaker.

What is most curious, though, is our President. Our President has said it would be inexcusable for Congress not to further extend this middle class tax cut for the rest of the year. He didn't say 60 days. He said the rest of the year. The Democratic leader has said that she intends to fight to extend these provisions for a full year.

So, Mr. Speaker, I guess I'm confused.

I hear my friends on the other side of the aisle say they want to do this for a year. They say they want to do it for a year, but they're just not willing to vote to do it for a year. That's most curious, Mr. Speaker. I don't think I understand it. That's what the President asked for. It's what the American people deserve. They don't want us to punt the ball. They want us to do our job. So there is no point of contention on whether or not this should be extended.

But the question is: Are we going to do it for a full year, or are we going to punt the ball down the field and, once again, disappoint the American people?

Here is the next point of contention:

We stand ready to work over the holidays to get this done. That's the question. Are you willing to work over the holidays, or are you not willing to work over the holidays? The American people, most of them, are going to have to work over the holidays. Why shouldn't we be willing to do this?

Mr. Speaker, I guess it's just curious how many people seem to be unaware that there is this thing called a ''conference committee.'' Since the dawn of the Republic, these are how differences are settled between the House and the Senate. If you don't remember your Civics 101, and maybe if you have small children like I do, you can go back and watch the Schoolhouse Rock video. It's very clear. All we're asking is that the Democrats appoint conferees and negotiate in good faith—except the Senate Democrat leader said he wouldn't do it, and the House Democrat leader said she wouldn't do it.

So it kind of begs the question, Mr. Speaker: Do they want to make laws that benefit the American people in a time of need, or do they want to perpetuate a campaign issue that maybe they believe helps their campaigns? That's really the question.

Then last but not least, we ought to pass laws that actually work around here. ABC News reported last night: ''Holiday Passed by Senate, Pushed by President, Cannot Be Implemented Properly, Experts Say.''

Well, isn't that interesting.

The National Payroll Reporting Consortium that handles payroll for about a third of the private economy said that this ''could create substantial problems, confusion and cost, affecting a significant percentage of U.S. employers and employees.''

The Associated Builders and Contractors, the people who actually go out and build things in America, have said: ''This sort of temporary fix underscores Congress' uneven, ad hoc approach toward the economy, and causes more harm than good for America's job creators.'' The leading building trade association in the Nation said the Senate's 60-day plan will cause more harm than good.

Mr. Speaker, House Republicans have passed a good and reasonable bill. It's for 1 year. It does what the President asks us to do. It does what the American people ask us to do. It's actually paid for. It doesn't increase the deficit, and it blocks tax increases. I don't know how my friends on the other side of the aisle think we're going to create jobs with temporary tax increases with permanent tax increases. It doesn't happen.

Mr. LEVIN. It is now my privilege to yield 2 minutes to another member of our committee, the distinguished gentleman from California, XAVIER BECERRA.

Mr. BECERRA. I thank the gentleman for yielding.

My friends, we've seen this movie before. House Republicans, once again, are driving our government and our economy to the edge of the cliff, and this time they've placed 160 million workers and 48 million seniors in the front seat of that car.

House Republican leaders are refusing to allow 435 Members of this House

to vote on a bipartisan proposal that was passed by 89 out of 100 Senators next door. My Republican colleagues know that this bipartisan bill passed by the Senate would pass on this floor and that it would save working Americans from having their taxes increased during the holidays.

The truth is the Republicans are feuding amongst themselves. House Republicans are fighting with Senate Republicans, and quite frankly, they're fighting with Republicans throughout this country, because a majority of them supports the President's payroll tax cut.

Mr. Speaker, once again, the people—Republicans and Democrats alike—are way ahead of the politicians. They want us to get our work done and get it done now. Let's stop showing the American people B-rated movies on the floor of the House, and let's pass the Senate bipartisan legislation.

Mr. CAMP. I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank Chairman CAMP for yielding time to me.

Mr. Speaker, before I came to Congress, I was a practicing cardiovascular surgeon with many years of experience, and it was not unusual to get called out in the middle of the night or on a holiday to an emergency. Just like doctors all over this country, we're there 24/7 to deal with problems.

Now, I remember distinctly one night—Christmas Eve, in fact. I was getting ready to sit down for dinner with my family when I got called to see an 85-year-old Cajun gentleman, with a very large family, who had a ruptured aneurysm, and he was in shock. I spent the entire night operating on this man. We saved his life, long story short.

We have a duty, an obligation, to our patients. By God, to put physicians in a position of seeing a 27, 28 percent cut in reimbursement is just untenable. Why? It's not because of the physicians. It's because of patients who are going to lose access. Medicare beneficiaries, seniors, those with disabilities will lose access to care during a situation in which we're already seeing eroding access. We have an obligation to act because the consequences are not good with regard to all of these provisions we're trying to extend.

This House passed a bill last week. It was a very responsible bill with good reforms, and it gave a 2-year stability period for physicians and for those patients who desperately need this care. And what did the Senate do? The Senate capitulated. The Senate caved. The Senate basically just gave up with contempt for the American people.

That's what it comes down to.

They're basically content with allowing confusion and disruption and chaos and uncertainty for patients who deserve good, high-quality care. They did the same thing to those who depend on these unemployment benefits, and they did the same for those who depend on this payroll tax cut during this holiday season.

We're going to pass a bill today that basically says we want to go to conference to resolve these differences, and the Senate has an obligation to the American people to stand with us and to follow its constitutional duty to go to conference in order to resolve these disputes, these differences, in a time-honored way.

Mr. Speaker, the Senate has an obligation to the American people. The Senate has an obligation to carry out its duty to the American people. We can get this right. Let's do it and be done with it, but let's get it done and let's get it done right.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 10½ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 15½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished member of our committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding.

Some say that the House Republican leadership pulled the plug on the Senate bipartisan bill because they were afraid of their Republican Tea Party freshmen.

Perhaps.

But what is clear is that we're not being allowed by the Republican leadership to vote on the Senate bill because the Republicans are afraid of their moderates, of their independents, of their reasonable ''unhardliners.''

□ 1200

The measure of this Congress is that the House Republicans won't act until they are forced to as a result of self-imposed, crisis-inducing deadlines. Then if they can't get their own way on an agenda that could never be passed through regular order in both Chambers and signed by the President, they throw a tantrum. And what we're dealing with today: a legislative tantrum.

Now, I don't like the 2-month extension. It has some difficulties and uncertainties. But there would be far more uncertainty and difficulty if there were a 2-week gap or a 2-month gap where 700,000 people in early January will lose their unemployment benefits, 2 million in the next 2 months. If we simply would follow regular order, allow a vote on the Senate amendment, we could build on this glimmer of bipartisanship from the other body. Allow your Members to vote. Who knows where it could lead? We actually may be able to solve some of these long-term problems.

Mr. CAMP. I would ask if the gentleman from Michigan would like to yield again so that we can even up the time.

Mr. LEVIN. I thank the gentleman.

I now yield 2 minutes to another distinguished member of our committee, the gentleman from the great State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Good afternoon, Mr. Speaker.

This is not a fraternity house. This is the House of Representatives. Yet what have we wrought? I heard someone, two people say on this floor, quoting the President of the United States—they should apologize to him immediately—that the President was urging us to vote a 1-year plan. He wasn't asking us to vote on your plan for a year. You know what he thinks about what you proposed. And it didn't even come up in the Senate. In fact, 39 Republicans—that's 82 percent of the entire delegation of a Republican Senate—and 89 percent of the total Senate voted for this compromise.

I know you hate the word. ''Compromise'' does not mean that you surrender your values or your principles. Compromise is what was the basis of the Founding Fathers. That's how we got a Constitution. Nobody was happy with that Constitution. They didn't get everything they wanted, and you're not going to get everything you want. So you'd better get it out of your head right now.

The majority leader—wonderful cliches—he forgets that only 2 years ago a Republican Member of the House sponsored a 2-month payroll tax holiday and had 59 cosponsors. We have amnesia, selective amnesia. He changed his tune this Saturday. He was against the idea of a short-term gimmick. This Saturday he said it's a good deal. ''It's a victory,'' he said. He claimed victory. That reminds me of another victory I heard a couple of years ago. Once the same Members of this party, in this caucus rebelled, the Speaker reversed his course.

Keeping the payroll tax cut in place as we figure out a way to extend it for the year reduces uncertainty among employers, workers, and families in my district. And I ask that we reconsider what we're doing today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Speaker, folks are mad out there. They're mad because what Congress is doing—or not doing, in many cases—makes absolutely no sense.

As a CPA, I'll tell you that handling tax policy on a month-to-month basis isn't just irresponsible; it's downright crazy. According to the nonpartisan National Payroll Reporting Consortium, the cost of complying with the 2-month extension proposed by the Senate may actually harm many small businesses. In fact, implementing the cuts on this short timeline may not even be possible.

In addition to being a CPA, I'm also a mom, and I would do just about anything to be working out of our Topeka office at this time of year so that I could spend evenings with my kids. But agreeing to a tax policy that is so short-lived that it costs not just our government but also our small businesses big bucks is not one of them.

The American people are exhausted. They are sick and tired of Congress kicking the can down the road on hard decisions. So I ask our leaders in the Senate, Are your vacation plans more important than good policy? Why will it be easier to negotiate a deal in February than it is today? Come back. We still have time. Work with us to do the job we were elected to do. Let's make the hard decisions today. Let's extend the payroll tax cuts for the entire year, and let's not do it on the backs of a generation more focused on Santa right now than they are on tax policy.

Mr. LEVIN. I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN) who is the ranking member on the Budget Committee.

Mr. VAN HOLLEN. I thank the gentleman from Michigan.

The American people should understand very clearly what's going on here right now, and that is that the Republican majority in this House of Representatives is refusing to allow a vote in this House on the Senate bipartisan compromise. They are refusing to even allow a vote on a bill that received 89 of 100 votes in the Senate, including 85 percent of the Senate Republicans. What are they so afraid of? It's very clear that the Republican leadership is afraid that that same bipartisanship that took place in the Senate will take place right here in the House because they don't want a bipartisan bill; otherwise, we would have a vote on it.

What we are witnessing today, Mr. Speaker, is the triumph of Tea Party extremism over the good of the country. The sad part is, we probably shouldn't be surprised because it was just a few months ago that the Republican leadership was opposed to extending the payroll tax cut at all. They originally said that raising taxes on 160 million Americans would be okay, no problem. I have a long list of statements from Republican House leaders to that effect.

Then two things happened: A whole lot of economists told us what was common sense; that, in fact, if you raise taxes on 160 million Americans, it will hurt the economy. And it also began to sound a little strange for our Republican colleagues to be zealously protecting tax breaks for special interests and for millionaires while allowing tax increases on 160 million Americans. So they changed their story. Then it was, We couldn't do this because it was going to hurt the Social Security trust fund—that coming from the party that wanted to privatize Social Security. And then the Social Security actuary told us and the country that it wouldn't take 1 cent from the Social Security trust fund. So now we have a whole different story today. Now the same folks who were opposed to any continuation of the payroll tax cut say they oppose the bipartisan Senate bill because it is only for 2 months, and now they are preventing a vote on that bill.

The consequence is going to be very clear: On January 1, 160 million Americans are going to see their payroll taxes increased. At the end of the day, the Republican majority here in the House is going to go home. They're going to go home. But you know what will remain here? The Senate bipartisan bill, because we will never have voted on it. So, at any time in the next several weeks, we can all come right back here and in a matter of 5 minutes, send that bill to the President's desk, which he said he will sign, and make sure that we avoid a payroll tax increase on 160 million Americans. Make sure that folks who are unemployed through no fault of their own get unemployment compensation; make sure that doctors will continue to be paid when they treat Medicare patients, so they can serve those patients. It will be sitting right here for 3 weeks. Why? Because the Republican majority won't let us vote on it.

I would be happy to yield 30 seconds to my friend, the chairman of the Ways and Means Committee, to tell us why you refuse to allow a vote on the Senate bipartisan bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say that if Minority Leader PELOSI and Senator REID appoint conferees, there's no reason for taxes to go up.

With that, I would yield——

Mr. VAN HOLLEN. You didn't answer my question. The question is, Why can't we have a vote?

Mr. CAMP. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan controls the time. The gentleman from Maryland is not recognized. The gentleman from Maryland shall suspend.

The Chair recognizes the gentleman from Michigan.

Mr. CAMP. I can see why the gentleman is a little bit defensive about that.

With that, I would yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

□ 1210

Mrs. BLACK. Fixing something for 2 months is not fixing something. It's a Band-Aid and it's bad policy. I've been a nurse for over 40 years, and I'm going to use a medical analogy to illustrate this point.

If someone were to come into the emergency room where I'm working with a medical issue and I said to them: I'll give you a choice; we can either fix your problem for 2 months or we can fix your problem for a year, I have no doubt that the patient would choose certainty of 1 year over 2 months.

For the past 10 months, I have been visiting individuals and businesses in my district, and what I continually hear from them is uncertainty is hurting them and it's hurting our economy. Now, the House sent a bill to the Senate that contains some certainty, and we get back a 2-month Band-Aid.

In this bill, we have certainty for businesses, certainty for doctors, certainty for individual taxpayers, and certainty for our seniors. There is a need for a 2-year extension on the Medicare reimbursement for our doctors to ensure that seniors receive access to care. There is a need for a 1-year payroll holiday for individuals and businesses.

As has already been said, the National Payroll Reporting Consortium, which is a nonpartisan group, has expressed concerns to Members of Congress that the 2-month payroll tax holiday passed by the Senate and supported by the President cannot be implemented properly. We also need a 2-year extension or a fix for our unemployment benefits to give certainty to businesses and also to individuals.

Mr. Speaker, I am frustrated that the Senate kicked the can down the road one more time for only 2 months after we sent them a bill that was not only bipartisan—yes, a bipartisan bill passed by this House—but also had good job policies. I came back to D.C. yesterday to do something better, a package that creates certainty rather than a 2-month patch.

Mr. LEVIN. I yield 2 minutes to a very distinguished Member, the gentlelady from Illinois, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

Don't blame Congress for not working together; blame the House Republicans who can't even work with each other. The one and only reason this House of Representatives is not voting for the bipartisan Senate bill to provide relief to middle class taxpayers, seniors, and disabled people on Medicare and jobless Americans is because it would pass. That's right. The Republican scam was to bring up the bill supported by 90 percent of the Senate and then kill it. But on the way to this slaughter, a funny thing happened. Sensible Republicans basically said: You want me to vote to abandon millions of middle class Americans without the help they need this holiday season? No way.

So the sanctimonious rhetoric you hear today from the Republicans is nothing but talk, baby talk. If they don't get their way exactly, then they won't play.

What they're saying to millions of Americans, saying, Happy Hanukkah to middle class Americans who are lighting the first candle tonight and won't get their $1,000 tax break; Happy

New Year to our seniors and people with disabilities who may lose their doctor; Merry Christmas to the jobless Americans desperate for work, looking for work, who barely survive on their unemployment checks.

The House Republicans are the grinches who stole your Christmas.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. To my colleagues on the other side of the aisle, it's not a $1,000 payroll tax reduction, just as was quoted by my colleague who just spoke. The Senate bill is 2 months. It is $160. So let's be clear and honest with the American people.

What we're talking about here in the House of Representatives on our side of the aisle today is that we want to do our work. Yes, we want to be with our families for Christmas and we want to be home ringing in the new year with our family and friends. But you know what, the American people deserve better. We are willing to stay here and do the work, not do Band-Aid type of policy. Tax policy on a 2-month basis, are you kidding me? That is ridiculous.

We need long-term solutions to our problems in America. We need to put the political bickering aside. Two months is not a solution. It's dodging responsibility in the Senate.

And so where I'm at today is I support the underlying bill that we stand and rise to support today, and it is a vote. We will have a vote to reject the Senate's position with its amendments and its Band-Aid policy, and we will send a clear message to the American people that we in the House of Representatives are about finding solutions long term—1, 2 years at a minimum—and we're willing to do the work.

I call on the Senate to come back to D.C. and finish the job. Hardworking taxpayers of America deserve no less than for us to honor our oath and our responsibility to govern through solutions, not political games.

Mr. LEVIN. Could the Speaker please verify how much time each side has.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 7½ minutes, and the gentleman from Michigan (Mr. CAMP) has 5 minutes remaining.

Mr. LEVIN. I now yield 2½ minutes to the very distinguished colleague from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in firm opposition to this motion to go to conference without a vote on the Senate bill to extend the payroll tax cut and unemployment benefits. It is deeply disappointing and troubling that we'll be denied the opportunity to vote on the Senate's overwhelmingly bipartisan compromise that would bring relief to millions of America's working families.

Now, my Republican colleagues have said: Pass the 1-year bill that passed the House last week.

Well, talk to your Republican colleagues in the Senate. Four times the Senate Democrats tried to bring up your bill, and four times a Senate Republican objected. Facts are hard.

If we do not pass this bill, 160 million Americans will face a $1,000 tax increase as we go into the new year. If we do not act, in my home State, 9 million Floridians will see this tax increase next year. If we do not act, 2.2 million unemployed Americans will lose their unemployment benefits. And if we do not act, 48 million seniors will face the specter of having to find new doctors due to cuts to Medicare reimbursement rates.

Like many of my colleagues, I have received countless constituent calls, letters, and emails, many of them very personal and emotional.

Just this morning, I was especially moved by a note from a single mom, Christine, with a 3-year-old daughter, from my congressional district. She wrote: I am pleading my case to you out of desperation to extend unemployment insurance.

These benefits help her provide food and necessities for her daughter. Too many of my colleagues like to paint unemployment beneficiaries with one insensitive and cruel brush. This young woman is not someone sitting around just collecting government checks. She was laid off from her job this fall and has only been on unemployment for a couple of months while she looks for another job.

My constituent's story, while personal and moving, is, unfortunately, not a unique one. My Republican colleagues who callously ignore the needs of middle class Americans by refusing to vote on the payroll tax extension and unemployment benefits are sending the message to millions of working families that, despite their efforts to look for and find work in this delicate economy, they simply don't care.

The House Republican leadership needs to allow a straight up-or-down vote on the Senate bill which passed 89–10 with strong bipartisan support. Clearly, they are afraid it might pass.

I urge you to listen to the plight of constituents like Christine who said: I'm asking that they give people more time to find work by pushing these dates back further. I'm having a very hard time trying to find work that will accommodate my living expenses for myself and 3-year-old daughter.

Christine has only been on unemployment since September. She needs our help. Millions of Americans need our help. Pass this bill and stop playing politics with people's lives.

Mr. CAMP. Mr. Speaker, I yield a minute and a half to the distinguished gentleman from Louisiana (Mr. SCALISE).

□ 1220

Mr. SCALISE. I thank the gentleman from Michigan for yielding.

What we're talking about here today, Mr. Speaker, is the difference between passing a tax policy that would only last 2 months or passing a tax policy that lasts the entire year. During this next week and a half, while families are sitting at home doing their budget for next year, they're going to be making their budget for the entire year 2012, not for just 2 months. And yet what the Senate sent over is a plan that only kicks the can down road, and we'd be right back here again having this same debate in 2 months.

People are sick and tired of this kind of absurd action from Congress. If you look at early civics courses, anybody that takes their first civics course knows that when there's a difference between the House and the Senate—as there is here—then the two sides appoint conferees, they get together and they work out those differences. That's what the legislative process is about. And clearly we have a difference.

We think the policy should be for an entire year, as even the President has said, and the Senate sent us over a 2-month patch that doesn't even fix the problem. In fact, outside groups like the National Federation of Independent Businesses said this would hurt small businesses. And yet what do we get from the other side? Minority Leader PELOSI, Mr. Speaker, said she will not appoint any House Democrats to participate in the negotiations. She just said this last night. So in the spirit of Christmas, you've got the minority leader saying she's just going to take her toys and go home. That's not the responsible thing to do.

Let's stay here, let's get the policy right, let's do our work, and let's have the Senate do their work, too, for the American people.

Mr. LEVIN. I yield 1 minute to the distinguished gentleman from Georgia, Mr. DAVID SCOTT.

Mr. DAVID SCOTT of Georgia. Thank you very much, and I appreciate the opportunity to come down and to say a few words on this.

Ladies and gentlemen, I'm so glad that the people of this country are tuning into what's happening on the floor of this House of Representatives. What we are seeing is a great dysfunction in the Republican Party in the House of Representatives.

Here is this situation: the American people are hurting, and 160 million American people do not need their taxes to go up. There are 2.2 million American people who are without unemployment benefits who will have those unemployment benefits not extended. And there are seniors, 48 million of them, who will not be able to go and visit their doctors. America is hurting, and what does the Republican Party in the House of Representatives want to do? They want to hurt them some more by not even allowing a vote on a compromise bill that was passed by the Senate with 89 votes, 39 of them members of the Senate Republican Party.

Ladies and gentlemen, what's at stake here is a failure to compromise.

That is the key. When Hamilton and Jefferson failed to compromise, it was John Adams that brought them together. Where would this country be if that had not happened? Ladies and gentlemen of America, wake up and realize that this is not a party just of Tea Party people, or Republicans or Democrats, it's a party of all of us.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman.

The President of the United States has said it would be inexcusable not to extend the payroll tax cut for 1 year. Ms. PELOSI and Mr. HOYER have said the same thing, as have dozens of other leading Democrats. I agree with them and so does a bipartisan majority of the House who last week voted to extend the tax cut for 1 year.

Now why do we support it for 1 year? Because 2 months only gives uncertainty to this fragile economy. Uncertainty. Families can't plan, businesses can't plan, and jobs can't be created. So why do the Democrats want the 2 months? Sadly, because like their Democrat colleagues in the Senate, they want to go home. But do you know what? There is a 200-year-old mechanism for ironing out Senate and House agreements. It's called ''conference committee.''

Now your leader has decided not to appoint people to this conference committee. You want to compromise, that's what this vote is all about. We want to compromise. We know we can't get everything we want. But unlike the Senate, we're not saying it's our way or the highway. We're saying compromise. Vote ''yes'' on this vote. Let's compromise, and let's get this done.

Mr. LEVIN. I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, tax cuts delayed are tax cuts denied. Last year, just before the holidays, the House Republicans extended the Bush tax cuts for millionaires and billionaires, no strings attached. And this year, Republicans won't even allow a vote to extend middle class tax cuts. Republicans want to procrastinate. Democrats want to legislate.

When it comes to millionaires, the Republicans are Santa Claus. For the middle class, they are the Grinch. This isn't ''Mission Impossible,'' Mr. Speaker. We don't need Tom Cruise to save seniors, the middle class and the unemployed. We just need to pass the Senate compromise right now. By not allowing an up-or-down vote on this bipartisan compromise, the Republicans are raising the curtain on their real priorities: millionaires and billionaires.

Americans don't need any more meetings, and they don't need any more debate. They just need us to make sure their taxes do not go up on New Year's Day. Today, we can protect the middle class, the seniors, and the unemployed by passing this bipartisan compromise right now. Do it now.

Mr. CAMP. I yield 1 minute to the distinguished chairman of the Select Revenue Measures Subcommittee, the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, this debate is in many ways surreal—surreal. I learned in Civics 101 that the House is a coequal branch to the Senate. Members on the other side say, well, this is a compromise. It's a compromise in the Senate, not the House. The House has spoken. The Senate says, my way or the highway.

Now, I understand that that's how it's kind of become around here, and I know there are friends on the other side of the aisle who are upset with the Senate when they've done it on other bills when they were in the majority.

This is enough. The American people deserve better. We need to get back to regular order. We need to compromise between the House-passed bill and the Senate-passed bill. That's the way the Founding Fathers wanted it: compromise between the House and the Senate, not between the Senate and the Senate. Two months for the American people, that's outrageous. They deserve a year, a full year to have a payroll tax holiday, not 2 months.

Come on, ladies and gentlemen, let's send the Senate a message: come back to Washington and do your work. Give the American people a year, not 2 months.

Mr. CAMP. Mr. Speaker, I would advise my colleague that I have no further speakers and am prepared to close.

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

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3 minutes.

Mr. LEVIN. I remember when I was doing arguments before a court and the judge would ask me a very salient question that would get to the heart of the matter. And that's where we are today. There's this question to the Republican majority: If you're so sure of your arguments, why not allow a vote on the Senate bill? Otherwise, everything you've said is a smoke screen. It's because you're afraid you'd lose it, or you don't want some people voting ''no'' on the RECORD. That's really what this is about.

And there's a second question: If you believe in bipartisanship, why not allow a vote on a bipartisan bill in the Senate? I quoted three Senators, and three more now have spoken out, Senators SNOWE, WICKER and GRASSLEY. Senator GRASSLEY says, if it doesn't pass the House today, there's a chance the payroll tax holiday will be lost. And Senator WICKER says, I'm surprised the House isn't willing to take a 2-month time-out to do something more lasting.

So I think the answer is, again, your talk about bipartisanship is totally shallow. The previous speaker said that the Senate said, it's my way or the highway. No, that isn't accurate. The Speaker of the House said to the Senate, get on the road and pass a bill. He never said don't do it. He said do it.

□ 1230

No, the problem is that many people in the House never wanted to extend the payroll tax in the first place. And you sent over a bill that deleted 40 weeks of unemployment insurance for the millions who are looking for work and can't find a job. So today we have no choice but to vote ''no'' and insist that this obligation be met in this House of Representatives.

Vote. Vote. Vote on the bill that the Senate passed. Your denial of allowing us a vote is a denial to the people of this country who are uninsured as of December 1 for unemployment, who need Medicare, and also those who need the continuation of the payroll tax cut. That's what all of this is about. And anything else is a pure smoke screen that all the American people will see through.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 1½ minutes.

Mr. CAMP. What we're voting on today is to disagree with what the Senate did to our bill. We're voting to disagree to the Senate amendments. Once that's adopted, the House message on this bill goes back to the Senate, and the Senate then is the only body in possession of the bill. And we cannot move forward to resolve the differences between the House and the Senate until Leader REID and Representative PELOSI appoint conferees. So we're voting to disagree with the Senate.

And let me just say, 2 months isn't long enough. You've heard a lot of people talk today in this debate. It's embarrassing that we're doing tax policy for 2 months. But it's not just House Republicans who think we need a longer term extension, it's supporters, including many of our Nation's Democratic Governors.

I received a letter, a letter that actually went to our leaders last week, from 16 of the Nation's Governors, Democratic Governors, after we approved H.R. 3630. They called for a swift passage of a 1-year extension—not 2 months, 1 year. That's what the House bill does. And what's more, that's what the Senate bill specifically rejects.

I urge that we vote to disagree with the Senate amendments and let's get on to a conference. Let's resolve this this year so we can make certainty in our Code, certainty for all of those people who are out of work, and certainty for those seniors who need to see a physician—for more than 2 months, but for 2 years.

DECEMBER 15, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER BOEHNER, AND REPRESENTATIVE PELOSI: We write to urge you to swiftly pass a one-year extension of the Emergency Unemployment Compensation Program (''EUC'') and 100% federal funding of the Extended Benefits (''EB'') Program before they expire on December 31.

We are extremely concerned about the potential impact of the expiration of these programs on families and our economic recovery as a whole. Unless Congress extends these programs before adjourning for the holidays, nearly 2 million unemployed workers will lose this critical support in January 2012 alone. Now is not the time to turn our backs on hard-working Americans. Individuals who are laid off through no fault of their own rely on these funds to support their families.

Extending unemployment insurance is a critical part of our ability to speed up the economic recovery process. Unemployment insurance benefits are immediately injected back into the economy. According to the Congressional Budget Office, federally extended unemployment insurance benefits provide one of the best bangs for the buck in terms of stimulating economic growth.

Congress has never failed to act on extending federal unemployment insurance benefits when the unemployment rate has exceeded 7.2%, and we must not fail our citizens now.

We urge immediate action to extend Emergency Unemployment Compensation and 100% federal funds for the Extended Benefits program through the end of 2012.

Sincerely,

Governor Pat Quinn, Illinois; Governor John Hickenlooper, Colorado; Governor Jack Markell, Delaware; Governor Steven L. Beshear, Kentucky; Governor Deval Patrick, Massachusetts; Governor Andrew Cuomo, New York; Governor Edmund Gerald Brown, California; Governor Dannel P. Malloy, Connecticut; Governor Neil Abercrombie, Hawaii; Governor Martin O'Malley, Maryland; Governor Mark Dayton, Minnesota; Governor Bev Perdue, North Carolina; Governor John A. Kitzhaber, M.D., Oregon; Governor John deJongh, Jr., Virgin Islands; Governor Peter Shumlin, Vermont; Governor Chris Gregoire, Washington.

Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I rise today in support of the Senate Amendment to H.R. 3630, the Temporary Payroll Tax Cut Continuation Act of 2011.

Unfortunately, this isn't the legislation we will be voting on today. The Majority has decided to side-step that bill, which passed the Senate this weekend on a bipartisan 89–10 vote.

Instead, the House Majority's aim is to reopen negotiations in an attempt to force the Senate to include in the bill many poison pill provisions, like requiring a high school diploma to receive unemployment benefits.

President Obama has said that the Senate's compromise bill is ''the only viable way to prevent a tax hike on January 1.''

The legislation the Senate passed this weekend, and that we should be considering today, would provide for a two-month extension of several measures that will help keep our economy moving in the right direction. These include extending unemployment benefits, the payroll tax cut, the temporary assistance for needy families (TANF) program, and preserving the rate of Medicare payments to doctors.

Let me be clear Mr. Speaker, the Senate bill is a modest proposal at best. However, extending these vital measures are necessary to keep our economy moving forward and growing.

Failure to reach agreement is unacceptable. If we fail to pass the Senate bill, 700,000 workers in Hawaii will see their paychecks shrink and taxes increase in January. Nearly 3,000 people in Hawaii will lose their unemployment benefits in January. Some 27,000 Hawaii families will lose access to assistance that helps feed their children while they seek new jobs. And we will unnecessarily be making it harder for doctors to provide the care our seniors deserve.

Failing to extend the payroll tax and unemployment benefits wouldn't just be irresponsible for workers and families—it would actually do serious damage to our nation's economic growth.

In fact, independent economists forecast that failing to extend these two measures could cost 1.3 million jobs.

Of course, the Senate's legislation is far from perfect. I regret that we were unable to reach an agreement that would have extended these measures for the entire year.

I also regret the House Majority's insistence on attempting to tie these vital provisions to unnecessary and controversial ones.

I am glad the Senate has sent us a bill that removes some of the most offensive poison pills—like slashing extended unemployment benefits to 40 weeks and ridiculous and probably unconstitutional changes to eligibility requirements for those benefits—that passed the House last week.

Despite these changes the Senate bill is very much a compromise. It still includes a provision that would unnecessarily rush the Administration's review and approval of the controversial 1,700 mile long Keystone XL pipeline project.

I fail to see the benefit of rushing this decision. The President has committed to ensuring that the State Department conducts a thorough review of this project in order to determine the economic, environmental, and public health impact it could have on our nation.

This is particularly prudent because the proposed route runs from Canada to the Gulf Coast—directly through the center of our nation. Its proposed route passes through the sensitive Sand Hills in Nebraska and over the Ogallala aquifer. This aquifer provides 30 percent of all groundwater used for irrigation in the U.S., as well as drinking water for millions of Americans.

The State Department has indicated that the earliest these necessary reviews will be completed is 2013. Expediting this review process is short-sighted, unwise, and could have serious negative implications for future generations and media reports indicate that the Administration will not approve the project under this tight timeline.

So despite this troublesome provision, I had intended to support the Senate's bill.

The Majority's attempt to renegotiate this entire package is a waste of time. We should come together to extend the relief that our workers and their families deserve and return next year with a new focus on how to move our economy forward.

With the holidays just days away, we owe families in Hawaii and the American people at least that much.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the Motion to Concur on H.R. 3630 ''Middle Class Tax Relief and Job Creation Act of 2011.'' This legislation sends the right message at a critical time for Americans.

The Senate passed a measure this past Saturday that, while not perfect, will grant the American people the certainty they need as we head into a new year. The Senate Amendment to H.R. 3630 received overwhelming bipartisan support in the Senate. It passed by a margin of 89 to 10.

The Senate version would allow employees to continue to pay a 4.2 percent tax on wages, and the self-employed would only pay 10.4 percent; which represents a 2 percentage point tax cut.

This tax cut would provide a much-needed boost to the economy as these tax savings could be used for investment, savings accounts, and for the purchase of both goods and services. This kind of commercial activity is what will keep the economy moving.

The Senate version would remove provisions in the bill that implies that would stigmatize the unemployed by implying they use illegal substances and penalizes those who must choose between paying rent or taking job training courses. The Senate Amendment removes the onerous unemployment provisions from H.R. 3630. Namely, the provisions that would allow states to test those who apply for unemployment benefits for illegal drugs and one that would require a GED, a high school diploma, or attendance in a course to attain a GED prior to being able to qualify for unemployment benefits.

In addition, the Senate amendment to H.R. 3630 removes a $300 million on a special interest provision. The provision, which had passed the House, would only help a handful of specialty hospitals while resulting in billions of dollars in cuts from community hospitals. The Senate Amendment removes this poison pill. In effect, the Senate rejected this assault on the elderly, the unemployed, and the middle class.

RULES COMMITTEE'S LAST MINUTE CHANGE TO THEIR AGENDA

Last evening the Rules Committee was originally scheduled to convene an emergency meeting at 7:05 p.m. The purpose of their meeting was to discuss a motion to concur with the Senate amendment to H.R. 3630. I arrived at the Rules Committee prepared to give testimony to buttress my two amendments to the measure and to give my support to the Senate Amendment to H.R. 3630.

The Committee would not accept my amendments and refused to accept testimony; to add insult to injury they delayed the meeting from 7:05 p.m. to 9:15 p.m. Again, I was prepared to speak on the measure and my amendments. To my surprise, the Rules Committee failed to discuss or bring up the motion

to concur with the Senate Amendment to H.R. 3630.

It is my belief that something must have occurred prior to and immediately after the 7:05 p.m. meeting that would drastically change Republicans' agenda. Because at 9:15 p.m. they brought up a completely different agenda. I am both surprised and disappointed that the Committee failed to address this issue head on and rather bent to whatever pressures they received prior to meeting on the Senate amendment.

My amendments would have made it clear that hedge fund managers would finally be required to pay their due share of carried interest; they would be required at minimum to pay the same amount in taxes, as their house keepers.

In addition my second amendment would have ensured that millionaires would also pay their fair share of taxes. Because of the actions of the Rules Committee I never got the opportunity to express my support for these important amendments, nor did I have the opportunity to support the Senate amendment because of the drastic changes made to the Rules Committee Agenda.

CERTAIN REPUBLICANS NEVER INTENDED TO SUPPORT A PAYROLL TAX CUT

There is little doubt that there have been factions within the Republican party who have never intended to support a payroll tax cut for middle class Americans. When the idea of a payroll tax cut began to surface there was an instantaneous reaction against the idea among certain conservative Republicans. The behavior of the Rules Committee, which changed the agenda at the last minute, is a probable example of these internal disagreements.

Less than two weeks ago a Tea Party Republican made it clear that he did not support a payroll tax cut. In order to convince him to support H.R. 3630 it seems that other provisions had to be added, provisions like the keystone pipeline. This Tea Party Republican made it clear "[Republican Leadership] certainly seems to be dragging me kicking and screaming to the 'yes' line". Such is the comment of a Member of Congress who wants us all to believe that he was undecided on a payroll tax cut. I wonder how many promises had to be given before the American middle class could be cut a break.

This position was also shared by a Senator, who is part of Senate Republican Leadership. He voted four times against proposals to keep the tax holiday. According to this Republican Leader "We get paid to vote . . ." and he certainly did his duty and voted, he voted against payroll tax cuts for the middle class. This would not be an example of a person who was less than two weeks ago ready to be swayed.

Washington Republicans in general found themselves in a quandary. Should they support a measure that would have protected provisions in Medicare, extended unemployment, and provided a payroll tax cut or stick to partisan politics. Washington Republicans apparently did not believe that a break, which would have lowered the payroll tax from 6.2 percent to 4.3 percent would help job growth next year. Then there are those who are more concerned with not giving the President a victory. The victory would not be for the President, the victory who would be for the American people. For the moms and dads who as a result of the payroll cut would be able to buy their child a new pair of shoes, place an additional meal on the table, or pay their rent.

It is not a surprise that those Republicans, who dug their heels into the ground, long before today, are the very Republicans who are allowing the American people to bear the brunt of this stalemate.

As passed in the House, H.R. 3630 had a list of poison pills which would have harmed not only the health of Americans but the health of the American economy.

UNEMPLOYMENT

Republicans had targeted the unemployed by slashing 40 weeks of unemployment insurance. Such an action would have negatively impacted the lives of millions of families. These are the very families who are still struggling under the weight of the worst economic downturn since the Great Depression. The Senate rejected this assault on the elderly too.

Our failure to act on the Senate amendment to H.R. 3630 would result in twenty-two jurisdictions with the highest unemployment rates being the hardest hit these states are: My home state of Texas, Alabama, California, Connecticut, DC, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee and Washington.

According to a report released by the Department of Labor just two weeks ago, 3.3 million Americans would lose unemployment benefits as a result of H.R. 3630 compared to a continuation of current law. In my home state of Texas alone, 227,381 people will lose their sole source of income by the end of January.

There is nothing normal about this recession. Republicans seem to want to blame the unemployed for unemployment. But the truth is there are over four unemployed workers for every available job, and there are nearly 1 million fewer jobs in the economy today compared to when the recession started in December 2007. In our nation's history there has never been so many unemployed Americans without work for such a long period of time. Republicans are clearly out of touch.

We must act now to extend unemployment insurance and remove dastardly provisions related to drugs and education that do nothing more than insult the integrity of the jobless. Currently, 9.8 million people are receiving unemployment insurance in some form. We have 11 days to act. On Dec. 31, federal unemployment insurance benefits are set to expire, which means nearly 2 million will be cut off from unemployment insurance early next year if Congress doesn't act now. Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

For every dollar spent on unemployment insurance, a study found an increase in economic activity of two dollars. According to the Economic Policy Institute that extending unemployment benefits could prevent the loss of over 500,000 jobs. Further, a study by IMP AQ International and the Urban Institute found unemployment insurance benefits reduced the fall in GDP by 18.3%. This resulted in nominal GDP being $175 billion higher in 2009 than it would have been without unemployment insurance benefits.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

THE IMPACT ON AMERICANS POISON PILLS IN H.R. 3630

The reforms to unemployment and other provisions that we sent over to the Senate, sweeping as they were, may have been lost amid other features of the Republican package.

DRUG TESTING

Under current law, states are not allowed to deny workers unemployment insurance for reasons other than on-the-job misconduct, fraud or earning too much money from part-time work. The drug testing requirement in H.R. 3630 is burdensome and onerous. Unemployment is at its highest in twenty-five years, the economy is in a downward spiral, millions of people are just getting by and government wants to further degrade them.

A worker advocacy group recently described the drug testing Element in the House-passed bill, the "most disturbing" part of the Republican unemployment reforms. "Devising new ways to insult the unemployed only distracts from the current debate over how to best restore the nation's economy to strong footing and the discussion over how to best support the unemployed and get them back to work"

There is no evidence to support that the average person who applies for unemployment insurance is an illegal drug user. The inference that those who need this benefit must be screened for drugs is offensive. Hardworking Americans are depending on a benefit they worked to attain. The Senate amendment to H.R. 3630 removes this offensive provision.

GED/HIGH SCHOOL DIPLOMA REQUIREMENT

In addition, the Senate amendment does not blame the unemployed for being unemployed. By this I mean, the version of H.R. 3630 which passed the House would deny unemployment benefits to individuals who did not have or were not attempting to attain a high school diploma or a GED.

As supported by House Republicans, H.R. 3630 denies unemployment insurance benefits to the most vulnerable workers, those without a high school diploma or GEDs, if they can't demonstrate they are enrolled in a program leading to a credential. Workers with less than a high school diploma are unemployed at significantly higher rates than workers with a bachelor's degree (13.2 percent v. 4.4 percent).

I understand the rationale behind wanting to advance the skills of our nation's work force. Believe me the hardships faced by those who have not attained a GED or high school diploma are indisputable. The labor force participation rate for persons without a high school diploma is 20 percentages points lower than the labor force participation rate for high school graduates.

Nationally, approximately 70 percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school.

If this measure passes as written, African-Americans and Hispanics who are already the hardest hit by this economic downturn will now lose access to employment benefits at a greater rate, solely based upon their educational attainment. This just does not seem fair.

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60 percent average for urban districts across the Nation. Over his or her lifetime, a high school dropout earns, on average, about $260,000 less than a high school graduate, and about $1 million less than a college graduate.

I vehemently disagree with how H.R. 3630 chooses to address increasing the skills of our workforce. I do not believe we should blame those who for a variety of reasons were not able to attain a high school diploma or GED. We should not punish them by excluding them from benefits that they have earned! We should be focused on programs to encourage and retrain our workforce. Programs like those offered by organizations like the National Urban League.

MEDICAID

My colleagues on the other side in H.R 3630 had singled out Medicare premium increases that would have permanently increase seniors' costs by $31 billion. The Senate Amendment addresses the Medicare Sustainable Growth Rate (SGR), extending physician payment rates and preventing a 27.4% cut through February 29th; and it addresses Medicare and Medicaid Extenders policies through February 29th as well. It also includes a simple extension of TANF through February 29th. The Congressional Budget Office estimates changes to Medicare under the Republican budget plan will triple the cost for new beneficiaries by 2030 and increase costs for current recipients, including the 2.9 million people in Texas who received Medicare in 2010.

H.R. 3630 would result in significant changes to Medicaid, threatening healthcare resources for the 60 million people, half of them children that rely on this program to stay healthy. A block grant for funding or a cap on federal Medicaid spending would increase the cost for states and the low income families who benefit from the program.

Harris County has one of the highest Medicaid enrollment records in Texas. Limits and cuts to Medicaid funds would significantly hurt the citizens of Texas's 18th District. Harris County averages between 500,000 and 600,000 Medicaid recipients monthly, thousands of people who may not have access to healthcare under this budget.

If there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

Personal and family savings have been exhausted and 401(Ks) have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. We cannot now, or ever, allow partisan politics to keep us from addressing the needs of American families, the unemployed and seniors. I encourage my colleagues on the other side of the aisle to drop these harmful policy riders and support the Senate amendment to H.R. 3630.

Mr. HOLT. Mr. Speaker, just last week I came to the floor and spoke to the need for this body to prevent a tax increase for 160 million American workers. Yet today, the House Majority is actually voting to raise taxes for middle class families. Under their plan taxes go up on January 1, 2012 for 160 million workers, unemployment benefits expire and seniors lose access to their doctors. I am voting to prevent that from happening. They can claim all they want they support tax relief for middle class families, but today they are rejecting the compromise that passed the U.S. Senate with broad bipartisan support and that could be signed into law by President Obama. Instead of helping pass this real bipartisan compromise, the House Majority is claiming they want to help ordinary people even as their actions show otherwise. The American people will pay the price with higher taxes next year. Members of the Majority opposed this tax cut for middle class Americans a year ago and they are even more opposed to its extension now.

Ms. CLARKE of New York. Mr. Speaker, what has happened today would be comical if it weren't so damaging to our nation's middle-class.

Mr. Speaker, the American People need to know the facts:

The fact is, Mr. Speaker is that this body passed a tax cut bill that they knew would not make it through the other body

The fact is, Mr. Speaker, that the other body, in about as bipartisan a manner as this 112th Congress has ever seen, voted overwhelmingly to pass a two month extension of the payroll tax cut so that taxes would not go up for millions of Americans on the 1st of January.

The fact is, instead of passing this commonsense legislation which would have bought time for a comprehensive full year extension of the payroll tax cut to be negotiated, the GOP-led House would not allow a vote.

Mr. Speaker, the Majority has instead decided to kill the payroll tax cut altogether and not buy Congress time for a comprehensive deal.

Mr. Speaker, I hope that when it's time to let tax cuts for millionaires and billionaires to expire, the Republicans will show the same callous disregard they have shown our nations struggling middle-class.

Mr. COSTELLO. Mr. Speaker, I will vote today against this motion to go to conference with Senate and in support of the two-month payroll tax cut extension. While it is not perfect, it is a reasonable compromise that will help people make ends meet while we continue to work on a longer-term solution.

The fact is that Democrats and Republicans have been working at finding such a solution for several weeks, and this is the best we can do at this time. As we have done at other times this year, notably with the debt limit vote in August, we have an opportunity to do something for the good of the country on a short-term basis. While this is not ideal, I believe approving a two-month extension is better than letting the payroll tax reduction and unemployment benefits expire while Medicare reimbursements to doctors are cut dramatically, which will have negative effects for our fragile economic recovery.

Mr. Speaker, this bipartisan compromise was overwhelmingly approved in the Senate and includes several provisions that Republicans worked hard to include, such as requiring President Obama to make a decision on the Keystone pipeline within 60 days. It will provide relief to individuals and families who need it and support for the overall economy. This is not the time to draw lines in the sand. I urge my Republican colleagues to let the House consider the two-month extension today and to vote in support of it. Then we can continue to work on how to extend this relief through the duration of 2012.

Mr. WOLF. Mr. Speaker, I oppose motions regarding a conference because I do not support any of the costly proposals to extend the temporary payroll ''holiday,'' which destabilizes the Social Security Trust Fund and does nothing to enact the needed long-term structural reforms necessary to right our fiscal state of ship.

Our country is going broke. The national debt is over $15 trillion. It is projected to reach $17 trillion next year and $21 trillion in 2021. We have annual deficits of approximately $1 trillion. We have unfunded obligations and liabilities of $62 trillion.

The Social Security Actuary has said that by 2037 the trust fund will be unable to pay full benefits. This means that everyone will receive an across the board cut of 22 percent, regardless of how much money they paid into the system.

Washington is dysfunctional. After months of passionately debating the importance of reducing the deficit, the President and Congress are now advocating for a policy that's barely, if at all, improved our economic outlook and further contributes to our crushing debt burden.

My floor statement from December 13, which I have reposted on my Web site, further explains my opposition to the underlying legislation.

During his 1796 farewell address, George Washington admonished his fellow countrymen: ''We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear.'' The Congress should heed his advice.

I voted ''no'' on this policy last December. I voted ''no'' on this policy last week. And I vote ''no'' today.

Mr. DINGELL. Mr. Speaker, I rise in support of the Senate amendment to H.R. 3630. Working Americans cannot wait another minute for Congress to make up its mind and act. The country and its people are ill-served by the House leadership's inability to make up its mind. The economy and its future, as well as our credit rating, are being severely impaired by leadership's failure to lead in finding a solution to this problem and Republicans' followership to follow and support such solution.

While the Senate's solution is less than perfect, it's a desperately needed start. Our failure to prevent an increase in payroll taxes and the expiration of unemployment benefits will cut the legs out from under our country's economic recovery.

To be clear, I am not at all comforted by the Senate's compromise on extending unemployment benefits. By not addressing the contentious ''look-back'' issue, it is all but certain that states with persistently high unemployment rates that have improved very marginally—like my home state of Michigan—will all of a sudden find themselves ineligible for emergency federal benefits. As far as I'm concerned, that's like taking a sick person's medicine away because he's gotten slightly better.

That's not to say the bill is all bad. The Senate amendment to H.R. 3630 also extends for two months the critical section 508 hospital reclassification and will allow us more time to find a workable and sustainable solution to the Medicare Sustainable Growth Rate reimbursement levels.

I urge my colleagues—particularly those on the other side of the aisle—to do the right thing by the American people and vote in favor of the Senate's amendment to H.R. 3630. The House leadership cannot continue to move the goalposts every time Congress appears close to a deal. The GOP strategy of trying to keep America down to win elections endangers the country, our people, and our future.

In short, let's not let the perfect be the enemy of the good and punish hardworking Americans in the process. We cannot in good conscience go home to our districts for the holidays without passing this bill and committing to coming back here in March to enact a full one-year extension of UI benefits, the payroll tax cuts, and Medicare physician reimbursement rates.

The Congress's dithering around has brought us to the brink again, but we have an opportunity to salvage this situation tonight. We will be foolish to let it pass us by.

Ms. WILSON of Florida. Mr. Speaker, today I rise to tell my fellow Americans that House Republicans have declared a war on the holidays. By refusing to allow an up or down vote on the payroll tax cut extension passed by the Senate, my Republican colleagues are putting lumps of coal in everyone's Christmas stockings, and taking away their Hanukkah gelt. We in Congress cannot in good conscience go home for the holidays until we ensure that our constituents can celebrate with their families instead of feeling like the Grinch stole all their presents.

We have a measure in place which nine out of every ten Senators—both Democrats and Republicans—agreed to. We have a measure in place that the President, over his own wishes, has said he will sign into law. We have a measure that the majority of my Caucus is ready to support. Why are we waiting?!

Mr. Speaker, today I urge to my colleagues to join me in support of a true payroll tax cut and unemployment extension. I urge them to join me in supporting the Senate Amendment to H.R. 3630. I urge them to join members of their own Caucus, and most of all I urge them to join the American public.

We've been down this road before. What President Obama is for, the Republicans are against; and whatever the President is against, they are for. The Republicans are not looking out for the American people, Mr. Speaker—they are only looking out for their own selfish interests and for their stated goal of defeating President Obama in 2012.

Let's put an end to these games, Mr. Speaker. Let's not give 160 million Americans a $1,000 tax hike, let's not take away the unemployment benefits of 2.2 million Americans, and let's not block 48 million seniors' access to their doctors.

Mr. AL GREEN of Texas. Mr. Speaker, I support a one-year extension of the payroll tax holiday, unemployment insurance and protecting seniors' access to their Medicare physician. However, both Democrats and Republicans in the Senate of the United States voted overwhelmingly to extend these expiring provisions for two months, so that Congress might have adequate time to negotiate a longer term extension for the American people. House Republicans' refusal to vote on the Senate compromise puts at risk American middle class families at a time when we must do all that we can do to support them.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 502, the previous question is ordered.

The question is on the motion by the gentleman from Michigan (Mr. CAMP).

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

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 193, not voting 11, as follows:

[Roll No. 946]

YEAS—229

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—193

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Flake
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Yarmuth

NOT VOTING—11

Bachmann
Buchanan
Coble
Diaz-Balart
Filner
Giffords
Johnson, E. B.
Olver
Paul
Schrader
Woolsey

□ 1256

Mr. DAVIS of Illinois and Ms. HAHN changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 946, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

MOTION TO INSTRUCT CONFEREES ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. HOYER. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. Pursuant to House Resolution 502, the motion is considered read.

The text of the motion is as follows:

Mr. Hoyer moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to recede from disagreement to the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maryland (Mr. HOYER) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I yield myself 4 minutes.

It is December 20, and the Republicans are using it as a day to dissemble, pretending to support a tax cut for working Americans while making it uncertain and delayed.

We, of course, as we all know, could pass the Senate bill by 2 o'clock today, send it to the President, and provide certainty to working Americans come January 1 that their taxes will not go up.

The choice, I suggest to all of you, is not between 60 days and 1 year, because at least we all say we're for 1 year—we are for 1 year, we will support a 1-year extension—but we know the Senate has been unable to agree. So they sent us back an agreement that they could agree on to give us 60 days to get to that 1 year.

Instead, House Republicans refuse to even bring the Senate's bipartisan compromise to the floor. Eighty-nine U.S. Senators voted for a compromise, and you will not bring it to the floor. You create uncertainty and anxiety among the public.

□ 1300

That is shameful and disappointing.

As a result, on January 1, if there is no agreement, those of you who vote to send this to conference today and against this motion to instruct will be responsible for 160 million Americans seeing their taxes increase next year, for 2.3 million people seeking jobs who will lose their unemployment lifeline by mid-February, and for 48 million Americans having their access to doctors placed in jeopardy.

Those are the stakes.

America thought we had an agreement this weekend. JOHN MCCAIN thought we had an agreement this Saturday—and yes, Speaker BOEHNER thought we had an agreement on Saturday. America thought there was reason to hope that middle class Americans would be spared this entirely preventable tax increase.

I tell you, my friends, if this were about the upper income tax increase, it would pass like lightning in your conference—like lightning. But no. This is about putting in jeopardy a middle class tax cut, and we could play political games with that. We're now witnessing the concluding convulsion of confrontation and obstruction in this most unproductive, Tea Party-dominated, partisan session of Congress. As a result, Speaker BOEHNER decided he wasn't for the agreement.

Now let me tell you what Speaker BOEHNER said 6 months ago, because there was a lot of talk about this 1-year extension. He called proposals to extend or expand the payroll tax cut at that point by a year ''another little short-term gimmick.''

Same rhetoric. Different circumstances. But both put at risk the middle class.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman has expired.

Mr. HOYER. I yield myself an additional minute.

In Senate Republican Leader MCCONNELL's own words, ''The compromise that you are rejecting today was designed to pass.''

In fact, the bill that you passed you knew was designed to fail. Because you knew it was going to fail, your Republican leadership in the Senate objected to its being considered on the floor of the United States Senate, just as you have refused to consider the Senate's compromise on this floor.

It did so in the Senate. That bill that was designed to pass, according to Senator MCCONNELL, did so in the Senate with overwhelming support from 83 percent of Republicans and from every Democrat, including the entire Senate Republican leadership and the entire Democratic leadership.

Democrats, Mr. Speaker, are fighting to prevent a painful tax increase for the middle class. The way to do that is to pass the Senate compromise while we continue to work on a yearlong extension. That's what Senator REID said he'll do, Mr. Speaker, and that's what we're prepared to do, Mr. Speaker. But we don't want to put at risk January 1 coming and that tax cut disappearing. If they fail to pass the compromise, House Republicans will have to answer to the American people whose taxes will go up.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself an additional minute.

To the innocent unemployed and to the Medicare seniors who are seeking services from their doctors, we must not leave this work unfinished just days before the holidays and New Year. That's what the Senate did. They gave us time. They gave the American people time. We ought to be bringing relief to middle class families who are increasingly anxious about their futures during what should be a joyful and hopeful holiday season.

We ought to pass the bipartisan Senate bill. That's what this motion to instruct says. That's what the American people want to happen in Washington: to see us work together, come to agreement, act, bring certainty, stop the blame game. We can send the bipartisan agreement to the President today, and he will sign it.

Vote ''yes'' on this motion to instruct. Vote for the American workers, the Medicare recipient, and the unemployed. Vote for this motion to instruct.

Mr. Speaker, I yield the remainder of my time to my good friend from New York, JOE CROWLEY, a member of the Ways and Means Committee.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CAMP. Mr. Speaker, I rise in opposition to the motion to instruct, and I yield myself such time as I may consume.

I would just say to my good friend from Maryland that we just voted on the Senate amendment. It was rejected by this House.

Just yesterday, Minority Leader PELOSI told the media, ''I don't think we should go to conference.'' In those same reports, the minority leader said that, if the House passes a motion to go to conference on the Middle Class Tax Relief and Job Creation Act, she would not appoint any House Democrats to participate in the negotiations.

Set aside for a moment that a conference committee is the established way for resolving differences between the House and the Senate. It's an idea that was best articulated by Thomas Jefferson, one of the Founding Fathers and someone who provided the foundation for the rules of this House. Set aside the fact that Democrats are, with 2 weeks left before critical programs expire, refusing to work. Instead, let's just focus on what the leader of House Democrats said.

The minority leader declared that she would not appoint any House Democrats to a conference committee. Senate Majority Leader HARRY REID has echoed those same comments. So I