

112TH CONGRESS
1ST SESSION

H. R. 2693

To cut spending, maintain existing commitments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2011

Mr. DREIER introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committees on the Budget, Energy and Commerce, Education and the Workforce, Ways and Means, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To cut spending, maintain existing commitments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Budget Control Act of 2011”.

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

Sec. 1. Short title and table of contents.

TITLE I—DISCRETIONARY SPENDING CAPS AND ENFORCEMENT

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

TITLE II—OTHER SPENDING CUTS

Subtitle A—Spectrum Auction Proposals and Public Safety Broadband Network

- Sec. 211. Definitions.

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

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

PART II—PUBLIC SAFETY BROADBAND NETWORK

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

Subtitle B—Federal Pell Grant and Student Loan Program Changes

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

Subtitle C—Farm Programs

- Sec. 261. Definition of payment acres.

TITLE III—JOINT SELECT COMMITTEE ON DEFICIT REDUCTION

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

TITLE IV—PUBLIC DEBT

- Sec. 401. Public debt.

1 **TITLE I—DISCRETIONARY**
2 **SPENDING CAPS AND EN-**
3 **FORCEMENT**

4 **SEC. 101. DISCRETIONARY SPENDING LIMITS.**

5 (a) POINT OF ORDER.—It shall not be in order in
6 the House of Representatives or the Senate to consider
7 any bill, resolution, amendment, motion or conference re-
8 port that includes any provision that would cause the dis-
9 cretionary spending limits as set forth in this section to
10 be exceeded.

11 (b) LIMITS.—

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

16 (A) For fiscal year 2012—

17 (i) for the security category
18 \$606,000,000,000 in budget authority; and

19 (ii) for the nonsecurity category
20 \$439,000,000,000 in budget authority.

21 (B) For fiscal year 2013—

22 (i) for the security category
23 \$607,000,000,000 in budget authority; and

24 (ii) for the nonsecurity category
25 \$440,000,000,000 in budget authority.

1 (C) For fiscal year 2014,
2 \$1,068,000,000,000 in budget authority.

3 (D) For fiscal year 2015,
4 \$1,089,000,000,000 in budget authority.

5 (E) For fiscal year 2016,
6 \$1,111,000,000,000 in budget authority.

7 (F) For fiscal year 2017,
8 \$1,134,000,000,000 in budget authority.

9 (G) For fiscal year 2018,
10 \$1,156,000,000,000 in budget authority.

11 (H) For fiscal year 2019,
12 \$1,180,000,000,000 in budget authority.

13 (I) For fiscal year 2020,
14 \$1,204,000,000,000 in budget authority.

15 (J) For fiscal year 2021,
16 \$1,228,000,000,000 in budget authority.

17 (2) AUTHORIZED ADJUSTMENT TO LIMITS.—

18 (A) ADJUSTMENTS FOR BUDGET SUBMIS-
19 SION.—When the President submits a budget
20 under section 1105 of title 31, United States
21 Code, OMB shall calculate and the budget shall
22 include adjustments to discretionary spending
23 limits (and those limits as cumulatively ad-
24 justed) for the budget year and each out year
25 equal to the baseline levels of new budget au-

1 thority using up-to-date concepts and defini-
2 tions minus those levels using the concepts and
3 definitions in effect before such changes. Such
4 changes may only be made after consultation
5 with the committees on Appropriations and the
6 Budget of the House of Representatives and the
7 Senate and that consultation shall include writ-
8 ten communication to such committees that af-
9 fords such committees the opportunity to com-
10 ment before official action is taken with respect
11 to such changes.

12 (B) ADJUSTMENTS FOR CONGRESSIONAL
13 ENFORCEMENT.—For the purposes of Congres-
14 sional enforcement of the limits in this section,
15 the Chairmen of the Committees on the Budget
16 of the Senate and House may adjust the discre-
17 tionary spending limits in amounts equal to the
18 adjustments made pursuant to subparagraph
19 (A) as contained in the President’s budget. Any
20 adjustment made pursuant to this subpara-
21 graph shall not constitute a repeal or change to
22 the limits contained in this section.

23 (c) ESTIMATES AND OTHER ADJUSTMENTS.—

24 (1) IN GENERAL.—

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

7 (i) for the purposes of enforcement of
8 the discretionary spending limits in the
9 Senate and the House of Representatives,
10 the Chairman of the Committee on the
11 Budget of that House may adjust the dis-
12 cretionary spending limits in this section,
13 the budgetary aggregates in the concurrent
14 resolution on the budget most recently
15 adopted by the Senate and the House of
16 Representatives, and allocations pursuant
17 to section 302(a) of the Congressional
18 Budget Act of 1974, by the amount of new
19 budget authority in that measure for that
20 purpose; and

21 (ii) following any adjustment under
22 clause (i), the Committee on Appropria-
23 tions of that House may report appro-
24 priately revised suballocations pursuant to

1 section 302(b) of the Congressional Budget
2 Act of 1974 to carry out this subsection.

3 (B) OTHER ADJUSTMENTS.—For the pur-
4 poses of determining an end of the year seques-
5 ter pursuant to subsection (f), when OMB sub-
6 mits a sequestration report under subsection
7 (f)(7) for a fiscal year, OMB shall calculate,
8 and the sequestration report and subsequent
9 budgets submitted by the President under sec-
10 tion 1105(a) of title 31, United States Code,
11 shall include, adjustments to discretionary
12 spending limits (and those limits as adjusted)
13 for the fiscal year and each succeeding year
14 through 2021 upon the enactment of a bill or
15 resolution relating to any matter described in
16 paragraphs (2), (3), or (4).

17 (C) ESTIMATES.—

18 (i) CBO ESTIMATES.—As soon as
19 practicable after Congress completes action
20 on any discretionary appropriation, CBO,
21 after consultation with the Committees on
22 the Budget of the House of Representa-
23 tives and the Senate, shall provide OMB
24 with an estimate of the amount of discre-
25 tionary new budget authority for the cur-

1 rent year (if any) and the budget year pro-
2 vided by that legislation.

3 (ii) OMB ESTIMATES AND EXPLA-
4 NATION OF DIFFERENCES.—

5 (I) IN GENERAL.—Not later than
6 7 calendar days (excluding Saturdays,
7 Sundays, and legal holidays) after the
8 date of enactment of any discretionary
9 appropriation, OMB shall make pub-
10 licly available on the day it is issued
11 and, on the following day, shall be
12 printed in the Federal Register a re-
13 port containing the CBO estimate of
14 that legislation, an OMB estimate of
15 the amount of discretionary new
16 budget authority for the current year
17 (if any) and the budget year provided
18 by that legislation, and an explanation
19 of any difference between the 2 esti-
20 mates.

21 (II) DIFFERENCES.—If during
22 the preparation of the report OMB
23 determines that there is a significant
24 difference between OMB and CBO,
25 OMB shall consult with the Commit-

1 tees on the Budget of the House of
2 Representatives and the Senate re-
3 garding that difference and that con-
4 sultation shall include, to the extent
5 practicable, written communication to
6 those committees that affords such
7 committees the opportunity to com-
8 ment before the issuance of the re-
9 port.

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

21 (E) ANNUAL APPROPRIATIONS.—For pur-
22 poses of this paragraph, amounts provided by
23 annual appropriations shall include any new
24 budget authority for the current year (if any)
25 and the advance appropriations that become

1 available in the budget year from previously en-
2 acted legislation.

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

5 (A) CONTINUING DISABILITY REVIEWS
6 AND SSI REDETERMINATIONS.—

7 (i) IN GENERAL.—If a bill or joint
8 resolution is reported making appropria-
9 tions in a fiscal year of the amount speci-
10 fied in clause (ii) for continuing disability
11 reviews and Supplemental Security Income
12 redeterminations under the heading “Limita-
13 tion on Administrative Expenses” for the
14 Social Security Administration, and pro-
15 vides an additional appropriation for con-
16 tinuing disability reviews and Supple-
17 mental Security Income redeterminations
18 for the Social Security Administration, or
19 one or more initiatives that the Office of
20 the Chief Actuary determines would be at
21 least as cost effective as a redetermination
22 of eligibility under the heading “Limitation
23 on Administrative Expenses” for the Social
24 Security Administration of an amount fur-
25 ther specified in clause (ii), then the dis-

1 cretionary spending limits, allocation to the
2 Committees on Appropriations of each
3 House, and aggregates for that year may
4 be adjusted by the amount in budget au-
5 thority not to exceed the additional appro-
6 priation provided in such legislation for
7 that purpose for that fiscal year.

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

10 (I) for fiscal year 2012, an ap-
11 propriation of \$758,000,000, and an
12 additional appropriation of
13 \$237,000,000;

14 (II) for fiscal year 2013, an ap-
15 propriation of \$758,000,000, and an
16 additional appropriation of
17 \$390,000,000;

18 (III) for fiscal year 2014, an ap-
19 propriation of \$778,000,000, and an
20 additional appropriation of
21 \$559,000,000;

22 (IV) or fiscal year 2015, an ap-
23 propriation of \$799,000,000, and an
24 additional appropriation of
25 \$774,000,000;

1 (V) for fiscal year 2016, an ap-
2 propriation of \$822,000,000, and an
3 additional appropriation of
4 \$778,000,000;

5 (VI) for fiscal year 2017, an ap-
6 propriation of \$849,000,000, and an
7 additional appropriation of
8 \$804,000,000;

9 (VII) for fiscal year 2018, an ap-
10 propriation of \$877,000,000, and an
11 additional appropriation of
12 \$831,000,000;

13 (VIII) for fiscal year 2019, an
14 appropriation of \$906,000,000, and
15 an additional appropriation of
16 \$860,000,000;

17 (IX) for fiscal year 2020, an ap-
18 propriation of \$935,000,000, and an
19 additional appropriation of
20 \$890,000,000; and

21 (X) for fiscal year 2021, an ap-
22 propriation of \$963,000,000, and an
23 additional appropriation of
24 \$924,000,000.

1 (iii) DEFINITIONS.—As used in this
2 subparagraph, the terms “continuing dis-
3 ability reviews” and “Supplemental Secu-
4 rity Income redeterminations” mean con-
5 tinuing disability reviews under titles II
6 and XVI of the Social Security Act and re-
7 determinations of eligibility under title
8 XVI of the Social Security Act.

9 (iv) REPORT.—The Commissioner of
10 Social Security shall provide annually to
11 the Congress a report on continuing dis-
12 ability reviews and Supplemental Security
13 Income redeterminations which includes—

14 (I) the amount spent on con-
15 tinuing disability reviews and Supple-
16 mental Security Income redetermina-
17 tions in the fiscal year covered by the
18 report, and the number of reviews and
19 redeterminations conducted, by cat-
20 egory of review or redetermination;

21 (II) the results of the continuing
22 disability reviews and Supplemental
23 Security Income redeterminations in
24 terms of cessations of benefits or de-

1 terminations of continuing eligibility,
2 by program; and

3 (III) the estimated savings over
4 the short-, medium-, and long-term to
5 the old-age, survivors, and disability
6 insurance, supplemental security in-
7 come, Medicare, and medicaid pro-
8 grams from continuing disability re-
9 views and Supplemental Security In-
10 come redeterminations which result in
11 cessations of benefits and the esti-
12 mated present value of such savings.

13 (B) INTERNAL REVENUE SERVICE TAX EN-
14 FORCEMENT.—

15 (i) IN GENERAL.—If a bill or joint
16 resolution is reported making appropria-
17 tions in a fiscal year to the Internal Rev-
18 enue Service of not less than the first
19 amount specified in clause (ii) for tax com-
20 pliance activities to address the Federal
21 tax gap (taxes owed but not paid), and
22 provides an additional appropriation for
23 tax compliance activities to address the
24 Federal tax gap of an amount further
25 specified in clause (ii), then the discre-

1 tionary spending limits, allocation to the
2 Committees on Appropriations of each
3 House, and aggregates for that year may
4 be adjusted by the amount in budget au-
5 thority not to exceed the amount of addi-
6 tional or enhanced tax enforcement pro-
7 vided in such legislation for that fiscal
8 year.

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

11 (I) for fiscal year 2012, an ap-
12 propriation of \$5,186,000,000, and an
13 additional \$715,000,000 for addi-
14 tional or enhanced tax enforcement;

15 (II) for fiscal year 2013, an ap-
16 propriation of \$5,186,000,000, and an
17 additional \$1,281,000,000 for addi-
18 tional or enhanced tax enforcement;

19 (III) for fiscal year 2014, an ap-
20 propriation of \$5,333,000,000, and an
21 additional \$1,639,000,000 for addi-
22 tional or enhanced tax enforcement;

23 (IV) for fiscal year 2015, an ap-
24 propriation of \$5,489,000,000, and an

1 additional \$2,016,000,000 for addi-
2 tional or enhanced tax enforcement;

3 (V) for fiscal year 2016, an ap-
4 propriation of \$5,662,000,000, and an
5 additional \$2,465,000,000 for addi-
6 tional or enhanced tax enforcement;

7 (VI) for fiscal year 2017, an ap-
8 propriation of \$5,858,000,000, and an
9 additional \$2,447,000,000 for addi-
10 tional or enhanced tax enforcement;

11 (VII) for fiscal year 2018, an ap-
12 propriation of \$6,065,000,000, and an
13 additional \$2,421,000,000 for addi-
14 tional or enhanced tax enforcement;

15 (VIII) for fiscal year 2019, an
16 appropriation of \$6,284,000,000, and
17 an additional \$2,383,000,000 for ad-
18 ditional or enhanced tax enforcement;

19 (IX) for fiscal year 2020, an ap-
20 propriation of \$6,493,000,000, and an
21 additional \$2,371,000,000 for addi-
22 tional or enhanced tax enforcement;
23 and

24 (X) for fiscal year 2021, an ap-
25 propriation of \$6,705,000,000, and an

1 additional \$2,361,000,000 for addi-
2 tional or enhanced tax enforcement.

3 (iii) DEFINITION.—In this subpara-
4 graph, the term “additional appropriation
5 for tax compliance activities” means new
6 and continuing investments in expanding
7 and improving the effectiveness and effi-
8 ciency of the overall tax enforcement and
9 compliance program of the Internal Rev-
10 enue Service. Such new and continuing in-
11 vestments include, but are not limited to,
12 additional resources for implementing new
13 authorities and for conducting additional
14 examinations, audits, and enhanced third
15 party data matching.

16 (iv) FIRST AMOUNT.—The first
17 amount specified in clause (ii) is the
18 amount provided for a fiscal year under
19 the heading “Enforcement” for the Inter-
20 nal Revenue Service.

21 (v) AMOUNT FURTHER SPECIFIED.—
22 The amount further specified in clause (ii)
23 is the amount under one or more headings
24 in an appropriations act for the Internal
25 Revenue Service that is specified to pay for

1 the costs of the additional appropriation
2 tax compliance activities, but such amount
3 shall be “0” (zero) unless the appropria-
4 tions act under the heading “Operations
5 Support” for the Internal Revenue Service
6 provides that such sums as are necessary
7 shall be available, under the “Operations
8 Support” heading, to fully support tax en-
9 forcement and compliance activities.

10 (C) HEALTH CARE FRAUD AND ABUSE

11 CONTROL.—

12 (i) IN GENERAL.—If a bill or joint
13 resolution is reported making appropria-
14 tions in a fiscal year for program integrity
15 or fraud and abuse activities under the
16 heading “Health Care Fraud and Abuse
17 Control Account” program for the Depart-
18 ment of Health and Human Services of up
19 to the amount specified in clause (ii), then
20 the discretionary spending limits, allocation
21 to the Committees on Appropriations of
22 each House, and aggregates for that year
23 may be adjusted in an amount not to ex-
24 ceed the amount in budget authority pro-
25 vided for that program for that fiscal year.

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

3 (I) for fiscal year 2012, an ap-
4 propriation of \$581,000,000;

5 (II) for fiscal year 2013, an ap-
6 propriation of \$610,000,000;

7 (III) for fiscal year 2014, an ap-
8 propriation of \$640,000,000;

9 (IV) for fiscal year 2015, an ap-
10 propriation of \$672,000,000;

11 (V) for fiscal year 2016, an ap-
12 propriation of \$706,000,000;

13 (VI) for fiscal year 2017, an ap-
14 propriation of \$725,000,000;

15 (VII) for fiscal year 2018, an ap-
16 propriation of \$745,000,000;

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

19 (IX) for fiscal year 2020, an ap-
20 propriation of \$786,000,000; and

21 (X) for fiscal year 2021, an ap-
22 propriation of \$807,000,000.

23 (iii) DEFINITION.—As used in this
24 subparagraph the term “program integrity
25 or fraud and abuse activities” means—

1 (I) those activities authorized by
2 section 1817(k)(3) of the Social Secu-
3 rity Act; and

4 (II) those activities, including ad-
5 ministrative costs, in the Medicare
6 Advantage and the Medicare Prescrip-
7 tion Drug Program authorized in title
8 XVIII of the Social Security Act, in
9 section 1893 of the Social Security
10 Act, in Medicaid authorized in title
11 XIX of the Social Security Act, and in
12 the Children’s Health Insurance Pro-
13 gram (“CHIP”) authorized in title
14 XXI of the Social Security Act.

15 (iv) REPORT.—The report required by
16 section 1817(k)(5) of the Social Security
17 Act for each fiscal year shall include meas-
18 ures of the operational efficiency and im-
19 pact on fraud, waste, and abuse in the
20 Medicare, Medicaid, and CHIP programs
21 for the funds provided by this adjustment.

22 (D) UNEMPLOYMENT INSURANCE IM-
23 PROPER PAYMENT REVIEWS.—

24 (i) IN GENERAL.—If a bill or joint
25 resolution is reported making appropria-

1 tions in a fiscal year of the amount speci-
2 fied in clause (ii) for in-person reemploy-
3 ment and eligibility assessments and unem-
4 ployment insurance improper payment re-
5 views under the heading “State Unemploy-
6 ment Insurance and Employment Service
7 Operations” for the Department of Labor,
8 and provides an additional appropriation
9 for in-person reemployment and eligibility
10 assessments and unemployment insurance
11 improper payment reviews under the head-
12 ing “State Unemployment Insurance and
13 Employment Service Operations” for the
14 Department of Labor of up to an amount
15 further specified in clause (ii), then the
16 discretionary spending limits, allocation to
17 the Committees on Appropriations of each
18 House, and aggregates for that year may
19 be adjusted by an amount in budget au-
20 thority not to exceed the additional appro-
21 priation provided in such legislation for
22 that purpose for that fiscal year.

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

1 (I) for fiscal year 2012, an ap-
2 propriation of \$60,000,000, and an
3 additional appropriation of
4 \$10,000,000;

5 (II) for fiscal year 2013, an ap-
6 propriation of \$60,000,000, and an
7 additional appropriation of
8 \$15,000,000;

9 (III) for fiscal year 2014, an ap-
10 propriation of \$61,000,000, and an
11 additional appropriation of
12 \$19,000,000;

13 (IV) for fiscal year 2015, an ap-
14 propriation of \$61,000,000, and an
15 additional appropriation of
16 \$24,000,000;

17 (V) for fiscal year 2016, an ap-
18 propriation of \$62,000,000, and an
19 additional appropriation of
20 \$28,000,000;

21 (VI) for fiscal year 2017, an ap-
22 propriation of \$63,000,000, and an
23 additional appropriation of
24 \$28,000,000;

1 (VII) for fiscal year 2018, an ap-
2 propriation of \$64,000,000, and an
3 additional appropriation of
4 \$29,000,000;

5 (VIII) for fiscal year 2019, an
6 appropriation of \$64,000,000, and an
7 additional appropriation of
8 \$30,000,000;

9 (IX) for fiscal year 2020, an ap-
10 propriation of \$65,000,000, and an
11 additional appropriation of
12 \$31,000,000; and

13 (X) for fiscal year 2021, an ap-
14 propriation of \$66,000,000, and an
15 additional appropriation of
16 \$31,000,000.

17 (iii) DEFINITIONS.—As used in this
18 subparagraph, the terms “in-person reem-
19 ployment and eligibility assessments” and
20 “unemployment improper payment re-
21 views” mean reviews or assessments con-
22 ducted in local workforce offices to deter-
23 mine the continued eligibility of an unem-
24 ployment insurance claimant under the
25 Federal Unemployment Tax Act, Title III

1 of the Social Security Act, and applicable
2 State laws, to ensure they are meeting
3 their obligation to search for work as a
4 condition of eligibility, and to speed their
5 return to work.

6 (3) OVERSEAS DEPLOYMENTS AND RELATED
7 ACTIVITIES.—

8 (A) CAP ADJUSTMENT.—The discretionary
9 spending limits, allocation to the Committees on
10 Appropriations of each House, and aggregates
11 for that year may be adjusted by an amount in
12 budget authority not to exceed the amount pro-
13 vided in such legislation for that purpose for
14 that fiscal year, but not to exceed in aggregate
15 the amounts specified in subparagraph (B) for
16 any—

17 (i) bills reported by the Committees
18 on Appropriations of either House or in
19 the Senate, passed by the House of Rep-
20 resentatives;

21 (ii) joint resolutions or amendments
22 reported by the Committees on Appropria-
23 tions of either House;

24 (iii) amendments between the Houses,
25 Senate amendments to such amendments

1 offered by the authority of the Committee
2 on Appropriations of the Senate, or House
3 amendments to such amendments offered
4 by the authority of the Committee on Ap-
5 propriations in the House of Representa-
6 tives; or

7 (iv) conference reports; making appro-
8 priations for overseas deployments and re-
9 lated activities.

10 (B) LEVELS.—

11 (i) LEVELS.—The initial levels for
12 overseas deployments and related activities
13 specified in this subparagraph are as fol-
14 lows:

15 (I) For fiscal year 2012,
16 \$126,544,000,000 in budget author-
17 ity.

18 (II) For the total of fiscal years
19 2013–2021, \$450,000,000,000 in
20 budget authority.

21 (ii) LEVELS FOR CONGRESSIONAL EN-
22 FORCEMENT.—For each fiscal year after
23 fiscal year 2012, Congress shall adopt in
24 the concurrent resolution on the budget for
25 that fiscal year an adjustment for overseas

1 deployments and related activities, pro-
2 vided that Congress may not adopt an ad-
3 justment for any fiscal year that would
4 cause the total adjustments for fiscal years
5 2013–2021 to exceed the amount author-
6 ized in subclause (II).

7 (iii) ACCOUNTING FOR OVERSEAS DE-
8 PLOYMENT AND RELATED ACTIVITIES.—In
9 any report issued under section 7(f), the
10 Office of Management and Budget shall
11 state the total amount of spending on over-
12 seas deployments and related activities for
13 fiscal years 2013–2021 and the estimated
14 amount of budget authority adjustment re-
15 maining for that period.

16 (C) ADJUSTMENT FOR OFFSET OVERSEAS
17 DEPLOYMENT COSTS.—The levels set in sub-
18 paragraph (B) may be further adjusted by the
19 amount of budget authority provided in legisla-
20 tion for additional costs associated with over-
21 seas deployments and related activities if the
22 amount of budget authority above those levels is
23 offset.

24 (4) ADJUSTMENTS FOR DISASTER FUNDING.—

1 (A) IN GENERAL.—If, for fiscal years 2011
2 through 2021, appropriations for discretionary
3 accounts are enacted that Congress designates
4 as being for disaster relief in statute, the ad-
5 justment shall be the total of such appropria-
6 tions in discretionary accounts designated as
7 being for disaster relief, but not to exceed the
8 total of—

9 (i) the average funding provided for
10 disasters over the previous ten years, ex-
11 cluding the highest and lowest years; and

12 (ii) for years when the enacted new
13 discretionary budget authority designated
14 as being for disaster relief for the pre-
15 ceding fiscal year was less than the aver-
16 age as calculated in (A) for that year, the
17 difference between the enacted amount and
18 the allowable adjustment as calculated in
19 (A) for that year.

20 (B) OMB REPORT.—The Office of Man-
21 agement and Budget shall report to the Com-
22 mittees on Appropriations in each House the
23 adjustment for disaster funding for fiscal year
24 2011, and a preview report of the estimated

1 level for fiscal year 2012, not later than 30
2 days after enactment of this section.

3 (d) LIMITATIONS ON CHANGES TO THIS SECTION.—

4 Unless otherwise specifically provided in this section, it
5 shall not be in order in the Senate or the House of Rep-
6 resentatives to consider any bill, resolution (including a
7 concurrent resolution on the budget), amendment, motion,
8 or conference report that would repeal or otherwise change
9 this section.

10 (e) WAIVER AND APPEAL.—

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

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

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

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

1 (f) END-OF-YEAR SEQUESTER FOR EXCEEDING DIS-
2 CRETIONARY CAPS.—

3 (1) SEQUESTRATION.—

4 (A) IN GENERAL.—Not later than 15 cal-
5 endar days after Congress adjourns to end a
6 session, there shall be a sequestration to elimi-
7 nate a budget-year breach, if any, within the
8 discretionary categories as set by subsection
9 (b).

10 (B) OVERSEAS DEPLOYMENTS.—Any
11 amount of budget authority for overseas deploy-
12 ments and related activities for fiscal year 2012
13 in excess of the levels set in subsection
14 (c)(3)(B)(i), or for fiscal years 2013–2021 that
15 would cause the total adjustment for fiscal
16 years 2013–2021 to exceed the amount author-
17 ized in section (c)(3)(B)(II), that is not other-
18 wise offset pursuant subsection (c)(3)(C)(i)
19 shall be counted in determining whether a
20 breach has occurred in the security category
21 (for fiscal years 2012 and 2013) or the discre-
22 tionary category (thereafter).

23 (C) EMERGENCY SPENDING.—

24 (i) EFFECT OF DESIGNATION IN STAT-
25 UTE.—If, for any fiscal year, appropria-

1 tions for discretionary accounts are en-
2 acted that Congress designates as emer-
3 gency requirements in statute pursuant to
4 this subsection, the total of such budget
5 authority in discretionary accounts des-
6 ignated as emergency requirements in all
7 fiscal years from such appropriations shall
8 not be counted in determining whether a
9 breach has occurred, and shall not count
10 for the purposes of Congressional enforce-
11 ment.

12 (ii) DESIGNATION IN THE HOUSE OF
13 REPRESENTATIVES.—If an appropriations
14 act includes a provision expressly des-
15 ignated as an emergency for the purposes
16 of this section, the Chair shall put the
17 question of consideration with respect
18 thereto.

19 (iii) POINT OF ORDER IN THE SEN-
20 ATE.—

21 (I) IN GENERAL.—When the
22 Senate is considering an appropria-
23 tions act, if a point of order is made
24 by a Senator against an emergency
25 designation in that measure, that pro-

1 vision making such a designation shall
2 be stricken from the measure and may
3 not be offered as an amendment from
4 the floor.

5 (II) SUPERMAJORITY WAIVER
6 AND APPEALS.—

7 (aa) WAIVER.—Subclause
8 (I) may be waived or suspended
9 in the Senate only by an affirma-
10 tive vote of three-fifths of the
11 Members, duly chosen and sworn.

12 (bb) APPEALS.—Appeals in
13 the Senate from the decisions of
14 the Chair relating to any provi-
15 sion of this subsection shall be
16 limited to 1 hour, to be equally
17 divided between, and controlled
18 by, the appellant and the man-
19 ager of the bill or joint resolu-
20 tion, as the case may be. An af-
21 firmative vote of three-fifths of
22 the Members of the Senate, duly
23 chosen and sworn, shall be re-
24 quired to sustain an appeal of
25 the ruling of the Chair on a point

1 of order raised under this sub-
2 section.

3 (III) DEFINITION OF AN EMER-
4 GENCY DESIGNATION.—For purposes
5 of subclause (I), a provision shall be
6 considered an emergency designation
7 if it designates any item as an emer-
8 gency requirement pursuant to this
9 subsection.

10 (IV) FORM OF THE POINT OF
11 ORDER.—A point of order under sub-
12 clause (I) may be raised by a Senator
13 as provided in section 313(e) of the
14 Congressional Budget Act of 1974.

15 (V) CONFERENCE REPORTS.—
16 When the Senate is considering a con-
17 ference report on, or an amendment
18 between the Houses in relation to, an
19 appropriations act, upon a point of
20 order being made by any Senator pur-
21 suant to this section, and such point
22 of order being sustained, such mate-
23 rial contained in such conference re-
24 port shall be deemed stricken, and the
25 Senate shall proceed to consider the

1 question of whether the Senate shall
2 recede from its amendment and con-
3 cur with a further amendment, or
4 concur in the House amendment with
5 a further amendment, as the case may
6 be, which further amendment shall
7 consist of only that portion of the con-
8 ference report or House amendment,
9 as the case may be, not so stricken.
10 Any such motion in the Senate shall
11 be debatable under the same condi-
12 tions as was the conference report. In
13 any case in which such point of order
14 is sustained against a conference re-
15 port (or Senate amendment derived
16 from such conference report by oper-
17 ation of this subsection), no further
18 amendment shall be in order.

19 (2) ELIMINATING A BREACH.—Each non-ex-
20 empt account within a category shall be reduced by
21 a dollar amount calculated by multiplying the base-
22 line level of sequesterable budgetary resources in
23 that account at that time by the uniform percentage
24 necessary to eliminate a breach within that category.

25 (3) MILITARY PERSONNEL.—

1 (A) IN GENERAL.—The President may,
2 with respect to any military personnel account,
3 exempt that account from sequestration or pro-
4 vide for a lower uniform percentage reduction
5 than would otherwise apply, provided that the
6 President has notified Congress of the manner
7 in which such authority will be exercised pursu-
8 ant to paragraph (7)(A)(ii).

9 (B) REDUCTIONS.—If the President uses
10 the authority to exempt any military personnel
11 from sequestration under paragraph (7)(A)(ii),
12 each account within subfunctional category 051
13 (other than those military personnel accounts
14 for which the authority provided under clause
15 (i) has been exercised) shall be further reduced
16 by a dollar amount calculated by multiplying
17 the enacted level of non-exempt budgetary re-
18 sources in that account at that time by the uni-
19 form percentage necessary to offset the total
20 dollar amount by which budget authority is not
21 reduced in military personnel accounts by rea-
22 son of the use of such authority.

23 (4) PART-YEAR APPROPRIATIONS.—If, on the
24 date specified in paragraph (1), there is in effect an
25 Act making or continuing appropriations for part of

1 a fiscal year for any budget account, then the dollar
2 sequestration calculated for that account under
3 paragraphs (2) and (3) shall be subtracted from—

4 (A) the annualized amount otherwise avail-
5 able by law in that account under that or a sub-
6 sequent part-year appropriation; and

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

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

18 (6) WITHIN-SESSION SEQUESTRATION.—If an
19 appropriation for a fiscal year in progress is enacted
20 (after Congress adjourns to end the session for that
21 budget year and before July 1 of that fiscal year)
22 that causes a breach within a category for that year
23 (after taking into account any prior sequestration of
24 amounts within that category), 15 days after such
25 enactment there shall be a sequestration to eliminate

1 that breach within that category following the proce-
2 dures set forth in paragraphs (2) through (4).

3 (7) REPORTS.—

4 (A) SEQUESTRATION PREVIEW REPORT.—

5 (i) IN GENERAL.—Not later than 5
6 days before the date of the President’s
7 budget submission for CBO, and the date
8 of the President’s budget submissions for
9 OMB, OMB and CBO shall issue a pre-
10 view report regarding discretionary spend-
11 ing based on laws enacted through those
12 dates. The preview report shall set forth
13 estimates for the current year and each
14 subsequent year through 2021 of the appli-
15 cable discretionary spending limits for each
16 category and an explanation of any adjust-
17 ments in such limits under this section.

18 (ii) NOTIFICATION REGARDING MILI-
19 TARY PERSONNEL.—On or before the date
20 of the sequestration preview report, the
21 President shall notify the Congress of the
22 manner in which he intends to exercise
23 flexibility with respect to military per-
24 sonnel accounts under subsection (f)(3).

1 (iii) EXPLANATION OF DIF-
2 FERENCES.—The OMB reports shall ex-
3 plain the differences between OMB and
4 CBO estimates for each item set forth in
5 this subsection.

6 (B) SEQUESTRATION UPDATE REPORT.—
7 Not later than August 15 for CBO, and August
8 20 for OMB, OMB and CBO shall issue a se-
9 questration update report, reflecting laws en-
10 acted through those dates, containing all of the
11 information required in the sequestration pre-
12 view reports. This report shall also contain a
13 preview estimate of the adjustment for disaster
14 funding for the upcoming fiscal year.

15 (C) FINAL SEQUESTRATION REPORT.—Not
16 later than 10 days after the end of session for
17 CBO, and 14 days after the end of session for
18 OMB (excluding weekends and holidays), OMB
19 and CBO shall issue a final sequestration re-
20 port, updated to reflect laws enacted through
21 those dates, with estimates for each of the fol-
22 lowing:

23 (i) For the current year and each sub-
24 sequent year through 2021 the applicable
25 discretionary spending limits for each cat-

1 egory and an explanation of any adjust-
2 ments in such limits under this section, in-
3 cluding a final estimate of the disaster
4 funding adjustment.

5 (ii) For the current year and the
6 budget year the estimated new budget au-
7 thority for each category and the breach, if
8 any, in each category.

9 (iii) For each category for which a se-
10 questration is required, the sequestration
11 percentages necessary to achieve the re-
12 quired reduction.

13 (iv) For the budget year, for each ac-
14 count to be sequestered, estimates of the
15 baseline level of sequesterable budgetary
16 resources and the amount of budgetary re-
17 sources to be sequestered.

18 (8) SUSPENSION IN THE EVENT OF LOW
19 GROWTH.—Section 254(i) and subsections (a),
20 (b)(1), and (c) of section 258 of the Balanced Budg-
21 et and Emergency Deficit Control Act of 1985 with
22 respect to suspension of this section for low growth
23 only shall apply to this section, provided that those
24 sections are deemed not to apply to titles III and IV

1 of the Congressional Budget Act of 1974 and section
2 1103 of title 31, United States Code.

3 (g) DEFINITIONS.—

4 (1) NONSECURITY CATEGORY.—The term “non-
5 security category” means all discretionary appropria-
6 tions, as that term is defined in section 250(c)(7) of
7 the Balanced Budget and Emergency Deficit Control
8 Act of 1985, not included in the security category
9 defined in this Act, but does not include any approp-
10 riations designated for overseas deployments and
11 related activities pursuant to section (c)(3), or ap-
12 propriations designated as an emergency pursuant to
13 this Act.

14 (2) SECURITY CATEGORY.—The term “security
15 category” includes discretionary appropriations, as
16 that term is defined in section 250(c)(7) of the Bal-
17 anced Budget and Emergency Deficit Control Act of
18 1985, in budget functions 050 and 700, but does not
19 include any appropriations designated for overseas
20 deployments and related activities pursuant to sec-
21 tion (c)(3), or appropriations designated as an emer-
22 gency pursuant to this Act.

23 (3) DISCRETIONARY CATEGORY.—The term
24 “discretionary category” includes all discretionary
25 appropriations designated as an emergency pursuant

1 to this Act, as that term is defined in section
2 250(c)(7) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985, but does not include
4 any appropriations designated for overseas deploy-
5 ments and related activities pursuant to section
6 (c)(3), or appropriations designated as an emergency
7 pursuant to this Act.

8 (4) ADVANCE APPROPRIATION.—The term “ad-
9 vance appropriation” means appropriations of new
10 budget authority that become available one or more
11 fiscal years beyond the fiscal year for which the ap-
12 propriation act was passed.

13 (5) DISCRETIONARY SPENDING LIMITS.—The
14 term “discretionary spending limits” means the
15 amounts specified in section 101 of this Act.

16 (6) DEFINITIONS.—To the extent they are not
17 defined in this section, the terms used in this section
18 shall have the same meaning as the terms defined in
19 section 251(c) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985, as amended.

21 (h) SEQUESTRATION RULES.—

22 (1) IN GENERAL.—Subsections (g) and (k) of
23 section 256 of the Balanced Budget and Emergency
24 Deficit Control Act of 1985 shall apply to sequestra-
25 tion under this Act.

1 (2) INTERGOVERNMENTAL FUNDS.—For pur-
2 poses of sequestration under this section, budgetary
3 resources shall not include activities financed by vol-
4 untary payments to the Government for goods and
5 services to be provided for such payments,
6 intragovernmental funds paid in from other Govern-
7 ment accounts, and unobligated balances of prior
8 year appropriations.

9 **SEC. 102. SENATE BUDGET ENFORCEMENT.**

10 (a) IN GENERAL.—

11 (1) For the purpose of enforcing the Congres-
12 sional Budget Act of 1974 through April 15, 2012,
13 including section 300 of that Act, and enforcing
14 budgetary points of order in prior concurrent resolu-
15 tions on the budget, the allocations, aggregates, and
16 levels set in subsection (b)(1) shall apply in the Sen-
17 ate in the same manner as a concurrent resolution
18 on the budget for fiscal year 2012 with appropriate
19 budgetary levels for fiscal years 2011 and 2013
20 through 2021.

21 (2) For the purpose of enforcing the Congres-
22 sional Budget Act of 1974 after April 15, 2012, in-
23 cluding section 300 of that Act, and enforcing budg-
24 etary points of order in prior concurrent resolutions
25 on the budget, the allocations, aggregates, and levels

1 set in subsection (b)(2) shall apply in the Senate in
2 the same manner as a concurrent resolution on the
3 budget for fiscal year 2013 with appropriate budg-
4 etary levels for fiscal years 2012 and 2014 through
5 2022.

6 (b) COMMITTEE ALLOCATIONS, AGGREGATES AND
7 LEVELS.—

8 (1) As soon as practicable after the date of en-
9 actment of this section, the Chairman of the Com-
10 mittee on the Budget shall file—

11 (A) for the Committee on Appropriations,
12 committee allocations for fiscal years 2011 and
13 2012 consistent with the discretionary spending
14 limits set forth in this Act for the purpose of
15 enforcing section 302 of the Congressional
16 Budget Act of 1974;

17 (B) for all committees other than the Com-
18 mittee on Appropriations, committee allocations
19 for fiscal years 2011, 2012, 2012–2016, and
20 2012–2021 consistent with the Congressional
21 Budget Office’s March 2011 baseline adjusted
22 to account for the budgetary effects of this Act
23 and legislation enacted prior to this Act but not
24 included in the Congressional Budget Office’s
25 March 2011 baseline, for the purpose of enforce-

1 ing section 302 of the Congressional Budget
2 Act of 1974;

3 (C) aggregate spending levels for fiscal
4 years 2011 and 2012 and aggregate revenue
5 levels fiscal years 2011, 2012, 2012–2016,
6 2012–2021 consistent with the Congressional
7 Budget Office’s March 2011 baseline adjusted
8 to account for the budgetary effects of this Act
9 and legislation enacted prior to this Act but not
10 included in the Congressional Budget Office’s
11 March 2011 baseline, and the discretionary
12 spending limits set forth in this Act for the pur-
13 pose of enforcing section 311 of the Congres-
14 sional Budget Act of 1974; and

15 (D) levels of Social Security revenues and
16 outlays for fiscal years 2011, 2012, 2012–2016,
17 and 2012–2021 consistent with the Congres-
18 sional Budget Office’s March 2011 baseline ad-
19 justed to account for the budgetary effects of
20 this Act and legislation enacted prior to this
21 Act but not included in the Congressional
22 Budget Office’s March 2011 baseline, for the
23 purpose of enforcing sections 302 and 311 of
24 the Congressional Budget Act of 1974.

1 (2) Not later than April 15, 2012, the Chair-
2 man of the Committee on the Budget shall file—

3 (A) for the Committee on Appropriations,
4 committee allocations for fiscal years 2012 and
5 2013 consistent with the discretionary spending
6 limits set forth in this Act for the purpose of
7 enforcing section 302 of the Congressional
8 Budget Act of 1974;

9 (B) for all committees other than the Com-
10 mittee on Appropriations, committee allocations
11 for fiscal years 2012, 2013, 2013–2017, and
12 2013–2022 consistent with the Congressional
13 Budget Office’s March 2012 baseline for the
14 purpose of enforcing section 302 of the Con-
15 gressional Budget Act of 1974;

16 (C) aggregate spending levels for fiscal
17 years 2012 and 2013 and aggregate revenue
18 levels fiscal years 2012, 2013, 2013–2017, and
19 2013–2022 consistent with the Congressional
20 Budget Office’s March 2012 baseline and the
21 discretionary spending limits set forth in this
22 Act for the purpose of enforcing section 311 of
23 the Congressional Budget Act of 1974; and

24 (D) levels of Social Security revenues and
25 outlays for fiscal years 2012 and 2013, 2013–

1 2017, and 2013–2022 consistent with the Con-
2 gressional Budget Office’s March 2012 baseline
3 budget for the purpose of enforcing sections
4 302 and 311 of the Congressional Budget Act
5 of 1974.

6 (c) SENATE PAY-AS-YOU-GO SCORECARD.—

7 (1) Upon the date of enactment of this section,
8 for the purpose of enforcing section 201 of S. Con.
9 Res. 21 (110th Congress), the Chairman of the Sen-
10 ate Committee on the Budget shall reduce any bal-
11 ances of direct spending and revenues for any fiscal
12 year to zero.

13 (2) Not later than April 15, 2012, for the pur-
14 pose of enforcing section 201 of S. Con. Res. 21
15 (110th Congress), the Chairman of the Senate Com-
16 mittee on the Budget shall reduce any balances of
17 direct spending and revenues for any fiscal year to
18 zero.

19 (3) Upon resetting the Senate paygo scorecard
20 pursuant to paragraph (2), the Chairman shall pub-
21 lish a notification of such action in the Congres-
22 sional Record.

23 (d) FURTHER ADJUSTMENTS.—

24 (1) The Chairman of the Committee on the
25 Budget may revise any allocations, aggregates, or

1 levels set pursuant to this section to account for any
2 subsequent adjustments to discretionary spending
3 limits made pursuant to this Act.

4 (2) With respect to any allocations, aggregates,
5 or levels set or adjustments made pursuant to this
6 section, sections 412 through 414 of S. Con. Res. 13
7 (111th Congress) shall remain in effect.

8 (e) EXPIRATION.—

9 (1) Sections (a)(1), (b)(1), and (c)(1) shall ex-
10 pire if a concurrent resolution on the budget for fis-
11 cal year 2012 is agreed to by the Senate and House
12 of Representatives pursuant to section 301 of the
13 Congressional Budget Act of 1974.

14 (2) Sections (a)(2), (b)(2), and (c)(2) shall ex-
15 pire if a concurrent resolution on the budget for fis-
16 cal year 2013 is agreed to by the Senate and House
17 of Representatives pursuant to section 301 of the
18 Congressional Budget Act of 1974.

19 **TITLE II—OTHER SPENDING**
20 **CUTS**

21 **Subtitle A—Spectrum Auction Pro-**
22 **posals and Public Safety**
23 **Broadband Network**

24 **SEC. 211. DEFINITIONS.**

25 In this subtitle, the following definitions shall apply:

1 (1) 700 MHZ BAND.—The term “700 MHz
2 band” means the portion of the electromagnetic
3 spectrum between the frequencies from 698 mega-
4 hertz to 806 megahertz.

5 (2) 700 MHZ D BLOCK SPECTRUM.—The term
6 “700 MHz D block spectrum” means the portion of
7 the electromagnetic spectrum between the fre-
8 quencies from 758 megahertz to 763 megahertz and
9 between the frequencies from 788 megahertz to 793
10 megahertz.

11 (3) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—Except as otherwise specifically provided,
13 the term “appropriate committees of Congress”
14 means—

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

17 (B) the Committee on Energy and Com-
18 merce of the House of Representatives.

19 (4) ASSISTANT SECRETARY.—The term “Assist-
20 ant Secretary” means the Assistant Secretary of
21 Commerce for Communications and Information.

22 (5) COMMISSION.—The term “Commission”
23 means the Federal Communications Commission.

1 (6) CORPORATION.—The term “Corporation”
2 means the Public Safety Broadband Corporation es-
3 tablished under section 244.

4 (7) EXISTING PUBLIC SAFETY BROADBAND
5 SPECTRUM.—The term “existing public safety
6 broadband spectrum” means the portion of the elec-
7 tromagnetic spectrum between the frequencies—

8 (A) from 763 megahertz to 768 megahertz;

9 (B) from 793 megahertz to 798 mega-
10 hertz;

11 (C) from 768 megahertz to 769 megahertz;

12 and

13 (D) from 798 megahertz to 799 mega-
14 hertz.

15 (8) FEDERAL ENTITY.—The term “Federal en-
16 tity” has the same meaning as in section 113(i) of
17 the National Telecommunications and Information
18 Administration Organization Act (47 U.S.C. 923(i)).

19 (9) NARROWBAND SPECTRUM.—The term
20 “narrowband spectrum” means the portion of the
21 electromagnetic spectrum between the frequencies
22 from 769 megahertz to 775 megahertz and between
23 the frequencies from 799 megahertz to 805 mega-
24 hertz.

1 (10) NIST.—The term “NIST” means the Na-
2 tional Institute of Standards and Technology.

3 (11) NTIA.—The term “NTIA” means the Na-
4 tional Telecommunications and Information Admin-
5 istration.

6 (12) PUBLIC SAFETY ENTITY.—The term “pub-
7 lic safety entity” means an entity that provides pub-
8 lic safety services.

9 (13) PUBLIC SAFETY SERVICES.—The term
10 “public safety services”—

11 (A) has the meaning given the term in sec-
12 tion 337(f) of the Communications Act of 1934
13 (47 U.S.C. 337(f)); and

14 (B) includes services provided by emer-
15 gency response providers, as that term is de-
16 fined in section 2 of the Homeland Security Act
17 of 2002 (6 U.S.C. 101).

18 **PART I—AUCTIONS OF SPECTRUM AND**

19 **SPECTRUM MANAGEMENT**

20 **SEC. 221. CLARIFICATION OF AUTHORITIES TO REPURPOSE**

21 **FEDERAL SPECTRUM FOR COMMERCIAL PUR-**

22 **POSES.**

23 (a) ELIGIBLE FEDERAL ENTITIES.—Section
24 113(g)(1) of the National Telecommunications and Infor-

1 mation Administration Organization Act (47 U.S.C.
2 923(g)(1)) is amended to read as follows:

3 “(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-
4 eral entity that operates a Federal Government sta-
5 tion authorized to use a band of frequencies speci-
6 fied in paragraph (2) and that incurs relocation
7 costs because of planning for a potential auction of
8 spectrum frequencies, a planned auction of spectrum
9 frequencies, or the reallocation of spectrum fre-
10 quencies from Federal use to exclusive non-Federal
11 use, or shared Federal and non-Federal use shall re-
12 ceive payment for such costs from the Spectrum Re-
13 location Fund, in accordance with section 118 of
14 this Act. For purposes of this paragraph, Federal
15 power agencies exempted under subsection (c)(4)
16 that choose to relocate from the frequencies identi-
17 fied for reallocation pursuant to subsection (a), are
18 eligible to receive payment under this paragraph.”.

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

23 “(B) any other band of frequencies reallo-
24 cated from Federal use to non-Federal or

1 shared use, whether for licensed or unlicensed
2 use, after January 1, 2003, that is assigned—

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

6 “(ii) as a result of an Act of Congress
7 or any other administrative or executive di-
8 rection.”.

9 (c) DEFINITION OF RELOCATION AND SHARING
10 COSTS.—Section 113(g)(3) of the National Telecommuni-
11 cations and Information Administration Organization Act
12 (47 U.S.C. 923(g)(3)) is amended to read as follows:

13 “(3) DEFINITION OF RELOCATION AND SHAR-
14 ING COSTS.—For purposes of this subsection, the
15 terms ‘relocation costs’ and ‘sharing costs’ mean the
16 costs incurred by a Federal entity to plan for a po-
17 tential or planned auction or sharing of spectrum
18 frequencies and to achieve comparable capability of
19 systems, regardless of whether that capability is
20 achieved by relocating to a new frequency assign-
21 ment, relocating a Federal Government station to a
22 different geographic location, modifying Federal
23 Government equipment to mitigate interference or
24 use less spectrum, in terms of bandwidth, geog-
25 raphy, or time, and thereby permitting spectrum

1 sharing (including sharing among relocated Federal
2 entities and incumbents to make spectrum available
3 for non-Federal use) or relocation, or by utilizing an
4 alternative technology. Comparable capability of sys-
5 tems includes the acquisition of state-of-the art re-
6 placement systems intended to meet comparable
7 operational scope, which may include incidental in-
8 creases in functionality. Such costs include—

9 “(A) the costs of any modification or re-
10 placement of equipment, spares, associated an-
11 cillary equipment, software, facilities, operating
12 manuals, training costs, or regulations that are
13 attributable to relocation or sharing;

14 “(B) the costs of all engineering, equip-
15 ment, software, site acquisition, and construc-
16 tion costs, as well as any legitimate and pru-
17 dent transaction expense, including term-limited
18 Federal civil servant and contractor staff nec-
19 essary to carry out the relocation activities of
20 an eligible Federal entity, and reasonable addi-
21 tional costs incurred by the Federal entity that
22 are attributable to relocation or sharing, includ-
23 ing increased recurring costs above recurring
24 costs of the system before relocation for the re-

1 maintaining estimated life of the system being relo-
2 cated;

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

6 “(i) calculating the estimated reloca-
7 tion costs that are provided to the Com-
8 mission pursuant to paragraph (4) of this
9 subsection, or in calculating the estimated
10 sharing costs;

11 “(ii) determining the technical or
12 operational feasibility of relocation to 1 or
13 more potential relocation bands; or

14 “(iii) planning for or managing a relo-
15 cation or sharing project (including spec-
16 trum coordination with auction winners) or
17 potential relocation or sharing project;

18 “(D) the one-time costs of any modifica-
19 tion of equipment reasonably necessary to ac-
20 commodate commercial use of shared fre-
21 quencies or, in the case of frequencies reallo-
22 cated to exclusive commercial use, prior to the
23 termination of the Federal entity’s primary allo-
24 cation or protected status, when the eligible fre-
25 quencies as defined in paragraph (2) of this

1 subsection are made available for private sector
2 uses by competitive bidding and a Federal enti-
3 ty retains primary allocation or protected status
4 in those frequencies for a period of time after
5 the completion of the competitive bidding proc-
6 ess;

7 “(E) the costs associated with the acceler-
8 ated replacement of systems and equipment if
9 such acceleration is necessary to ensure the
10 timely relocation of systems to a new frequency
11 assignment or the timely accommodation of
12 sharing of Federal frequencies; and

13 “(F) the costs of the use of commercial
14 systems (including systems not utilizing spec-
15 trum) to replace Federal systems discontinued
16 or relocated pursuant to this Act, including
17 lease, subscription, and equipment costs over an
18 appropriate period, such as the anticipated life
19 of an equivalent Federal system or other period
20 determined by the Director of the Office of
21 Management and Budget.”.

22 (d) SPECTRUM SHARING.—Section 113(g) of the Na-
23 tional Telecommunications and Information Administra-
24 tion Organization Act (47 U.S.C. 923(g)) is amended by
25 adding at the end the following:

1 “(7) SPECTRUM SHARING.—A Federal entity is
2 permitted to allow access to its frequency assign-
3 ments by a non-Federal entity upon approval of
4 NTIA, in consultation with the Director of the Of-
5 fice of Management and Budget. Such non-Federal
6 entities shall comply with all applicable rules of the
7 Commission and the NTIA, including any regula-
8 tions promulgated pursuant to this section. Any re-
9 munerated associated with such access shall be de-
10 posited into the Spectrum Relocation Fund estab-
11 lished under section 118. A Federal entity that in-
12 curs costs as a result of such access is eligible for
13 payment from the Fund for the purposes specified in
14 paragraph (3) of this section. The revenue associ-
15 ated with such access shall be at least 110 percent
16 of the estimated Federal costs.”.

17 (e) SPECTRUM RELOCATION FUND.—Section 118 of
18 the National Telecommunications and Information Ad-
19 ministration Organization Act (47 U.S.C. 928) is amend-
20 ed—

21 (1) in subsection (b), by inserting before the pe-
22 riod at the end the following: “and any payments
23 made by non-Federal entities for access to Federal
24 spectrum pursuant to section 113(g)(7) (47 U.S.C.
25 113(g)(7))”;

1 (2) by amending subsection (c) to read as fol-
2 lows:

3 “(c) USE OF FUNDS.—

4 “(1) FUNDS FROM AUCTIONS.—The amounts in
5 the Fund from auctions of eligible frequencies are
6 authorized to be used to pay relocation costs, as
7 such costs are defined in section 113(g)(3), of an eli-
8 gible Federal entity incurring such costs with re-
9 spect to relocation from any eligible frequency.

10 “(2) FUNDS FROM PAYMENTS BY NON-FED-
11 ERAL ENTITIES.—The amounts in the Fund from
12 payments by non-Federal entities for access to Fed-
13 eral spectrum are authorized to be used to pay the
14 sharing costs, as such costs are defined in section
15 113(g)(3), of an eligible Federal entity incurring
16 such costs.

17 “(3) TRANSFER OF FUNDS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), the Director of OMB may transfer
20 at any time (including prior to any auction or
21 contemplated auction, or sharing initiative)
22 such sums as may be available in the Fund to
23 an eligible Federal entity to pay eligible reloca-
24 tion or sharing costs related to pre-auction esti-

1 mates or research, as such costs are described
2 in section 113(g)(3)(C).

3 “(B) LIMITATION.—The Director of OMB
4 may not transfer more than \$100,000,000 asso-
5 ciated with authorize pre-auction activities be-
6 fore an auction is completed and proceeds are
7 deposited in the Spectrum Relocation Fund.

8 “(C) APPLICABILITY.—The Director of
9 OMB may transfer up to \$10,000,000 to eligi-
10 ble Federal entities for eligible relocation or
11 sharing costs related to pre-auction estimates or
12 research, as such costs are described in section
13 113(g)(3)(C), for costs incurred prior to the
14 date of the enactment of the Budget Control
15 Act of 2011, but after June 28th, 2010.”;

16 (3) in subsection (d)—

17 (A) in paragraph (1), by inserting “and
18 sharing” before “costs”;

19 (B) in paragraph (2)(B)—

20 (i) by inserting “and sharing” before
21 “costs”; and

22 (ii) by inserting “and sharing” before
23 the period at the end; and

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

1 “(3) REVERSION OF UNUSED FUNDS.—

2 “(A) IN GENERAL.—Any amounts in the
3 Fund that are remaining after the payment of
4 the relocation and sharing costs that are pay-
5 able from the Fund shall revert to and be de-
6 posited in the General Fund of the Treasury
7 not later than 15 years after the date of the de-
8 posit of such proceeds to the Fund, unless with-
9 in 60 days in advance of the reversion of such
10 funds, the Director of OMB, in consultation
11 with the Assistant Secretary for Communica-
12 tions and Information, notifies the appropriate
13 committees of Congress that such funds are
14 needed to complete or to implement current or
15 future relocations or sharing initiatives.

16 “(B) DEFINITION.—In this paragraph, the
17 term ‘appropriate committees of Congress’
18 means—

19 “(i) the Committee on Appropriations
20 of the Senate;

21 “(ii) the Committee on Commerce,
22 Science, and Transportation of the Senate;

23 “(iii) the Committee on Appropria-
24 tions of the House of Representatives; and

1 “(iv) the Committee on Energy and
2 Commerce of the House of Representa-
3 tives.”;

4 (4) in subsection (e)(2)—

5 (A) by inserting “and sharing” before
6 “costs”;

7 (B) by inserting “or sharing” before “is
8 complete”; and

9 (C) by inserting “or sharing” before “in
10 accordance”; and

11 (5) by adding at the end the following:

12 “(f) ADDITIONAL PAYMENTS FROM THE FUND.—
13 Notwithstanding subsections (c) through (e), after the
14 date of the enactment of the Budget Control Act of 2011,
15 and following the credit of any amounts specified in sub-
16 section (b), there are hereby appropriated from the Fund
17 and available to the Director of the OMB up to 10 percent
18 of the amounts deposited in the Fund from the auction
19 of licenses for frequencies of spectrum vacated by Federal
20 entities, or up to 10 percent of the amounts deposited in
21 the Fund by non-Federal entities for sharing of Federal
22 spectrum. The Director of OMB, in consultation with the
23 Assistant Secretary for Communications and Information,
24 may use such amounts to pay eligible Federal entities for

1 the purpose of encouraging timely access to such spec-
2 trum, provided that—

3 “(1) any such payment by the Director of OMB
4 is based on the market value of the spectrum, the
5 timeliness of clearing, and needs for essential mis-
6 sions of agencies;

7 “(2) any such payment by the Director of OMB
8 is used to carry out the purposes specified in sub-
9 paragraphs (A) through (F) of paragraph (3) of
10 subsection 113(g) to enhance other communications,
11 radar, and spectrum-using investments not directly
12 affected by such reallocation or sharing but essential
13 for the missions of the Federal entity that is relo-
14 cating its systems or sharing frequencies;

15 “(3) the amount remaining in the Fund after
16 any such payment by the Director is not less than
17 10 percent of the winning bids in the relevant auc-
18 tion, or is not less than 10 percent of the payments
19 from non-Federal entities in the relevant sharing
20 agreement; and

21 “(4) any such payment by the Director shall
22 not be made until 30 days after the Director has no-
23 tified the Committees on Appropriations and Com-
24 merce, Science, and Transportation of the Senate,

1 and the Committees on Appropriations and Energy
2 and Commerce of the House of Representatives.”.

3 (f) COMPETITIVE BIDDING; TREATMENT OF REVE-
4 NUES.—Subparagraph (D) of section 309(j)(8) of the
5 Communications Act of 1934 (47 U.S.C. 309(j)(8)) is
6 amended by inserting “excluding frequencies identified by
7 the Federal Communications Commission to be auctioned
8 in conjunction with eligible frequencies described in sec-
9 tion 113(g)(2)” before “shall be deposited”.

10 (g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If
11 the head of an executive agency of the Federal Govern-
12 ment determines that public disclosure of any information
13 contained in notifications and reports required by section
14 113 or 118 of the National Telecommunications and In-
15 formation Administration Organization Act (47 U.S.C.
16 923 and 928) would reveal classified national security in-
17 formation or other information for which there is a legal
18 basis for nondisclosure and such public disclosure would
19 be detrimental to national security, homeland security,
20 public safety, or jeopardize law enforcement investiga-
21 tions, the head of the executive agency shall notify the
22 NTIA of that determination prior to release of such infor-
23 mation. In that event, such classified information shall be
24 included in a separate annex, as needed. These annexes
25 shall be provided to the appropriate subcommittee in ac-

1 cordance with appropriate national security stipulations,
2 but shall not be disclosed to the public or provided to any
3 unauthorized person through any other means.

4 **SEC. 222. INCENTIVE AUCTION AUTHORITY.**

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

8 (1) in subparagraph (A), by striking “(B), (D),
9 and (E),” and inserting “(B), (D), (E), and (F),”;
10 and

11 (2) by adding at the end the following:

12 “(F) INCENTIVE AUCTION AUTHORITY.—

13 “(i) AUTHORITY.—Notwithstanding
14 any other provision of law, if the Commis-
15 sion determines that it is consistent with
16 the public interest in utilization of the
17 spectrum for a licensee to relinquish volun-
18 tarily some or all of its licensed spectrum
19 usage rights in order to permit the assign-
20 ment of new initial licenses through a com-
21 petitive bidding process subject to new
22 service rules, or the designation of new
23 spectrum for unlicensed use, the Commis-
24 sion may disburse to that licensee a por-
25 tion of any auction proceeds that the Com-

1 mission determines, in its discretion, are
2 attributable to the licensee’s relinquished
3 spectrum usage rights.

4 “(ii) REPACKING.—When assigning
5 spectrum to television broadcast station li-
6 censees pursuant to clause (i), if the Com-
7 mission determines that it is in the public
8 interest to modify the spectrum usage
9 rights of any incumbent licensee in order
10 to facilitate the assignment of such new
11 initial licenses subject to new service rules,
12 or the designation of spectrum for an unli-
13 censed use, the Commission may disburse
14 to such licensee a portion of the auction
15 proceeds for the purpose of relocating to
16 any alternative frequency or location that
17 the Commission may designate.

18 “(iii) UNLICENSED SPECTRUM.—

19 “(I) IN GENERAL.—With respect
20 to frequency bands between 54 and 72
21 MHz, 76 and 88 MHz, 174 and 216
22 MHz, 470 and 698 MHz, 84 MHz
23 (referred to in this clause as the ‘spec-
24 ified bands’) shall be assigned via a
25 competitive bidding process until the

1 winning bidders for licenses covering
2 90 megahertz from the specified
3 bands deposit the full amount of their
4 bids in accordance with the instruc-
5 tions of the Commission. In addition,
6 if more than 90 megahertz of spec-
7 trum from the specified bands is made
8 available for alternative use utilizing
9 payments under this subsection, and
10 such spectrum is assigned via com-
11 petitive bidding, a portion of the pro-
12 ceeds may be disbursed to licensees of
13 other frequency bands for the purpose
14 of making additional spectrum avail-
15 able.

16 “(II) NOTICE.—The Chairman of
17 the Commission, in consultation with
18 the Director of OMB, shall notify the
19 Committees on Appropriations and
20 Commerce, Science, and Transpor-
21 tation of the Senate, and the Commit-
22 tees on Appropriations and Energy
23 and Commerce of the House of Rep-
24 resentatives of the methodology for
25 calculating such payments to licensees

1 at least 3 months in advance of the
2 relevant auction, and that such meth-
3 odology consider the value of spec-
4 trum vacated in its current use and
5 the timeliness of clearing.

6 “(iv) TREATMENT OF REVENUES.—
7 Notwithstanding subparagraph (A), and
8 except as provided in subparagraphs (B),
9 (C), and (D), all proceeds (including de-
10 posits and up front payments from suc-
11 cessful bidders) from the auction of spec-
12 trum under this subparagraph shall be de-
13 posited with the Public Safety Trust Fund
14 established under section 243 of the Budg-
15 et Control Act of 2011.

16 “(G) ESTABLISHMENT OF INCENTIVE AUC-
17 TION RELOCATION FUND.—

18 “(i) IN GENERAL.—There is estab-
19 lished in the Treasury of the United States
20 a fund to be known as the ‘Incentive Auc-
21 tion Relocation Fund’.

22 “(ii) ADMINISTRATION.—The Assist-
23 ant Secretary shall administer the Incen-
24 tive Auction Relocation Fund using the

1 amounts deposited pursuant to this sec-
2 tion.

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

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

11 “(I) without fiscal year limita-
12 tion;

13 “(II) for a period not to exceed
14 18 months following the later of—

15 “(aa) the completion of in-
16 centive auction from which such
17 amounts were derived; or

18 “(bb) the date on which the
19 Commission issues all the new
20 channel assignments pursuant to
21 any repacking required under
22 subparagraph (F)(ii); and

23 “(III) without further appropria-
24 tion.

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

5 “(I) the reasonable costs of li-
6 censees that are relocated to a dif-
7 ferent spectrum channel or geographic
8 location following an incentive auction
9 under subparagraph (F), or that are
10 impacted by such relocations, includ-
11 ing to cover the cost of new equip-
12 ment, installation, and construction;
13 and

14 “(II) the costs incurred by multi-
15 channel video programming distribu-
16 tors for new equipment, installation,
17 and construction related to the car-
18 riage of such relocated stations or the
19 carriage of stations that voluntarily
20 elect to share a channel, but retain
21 their existing rights to carriage pursu-
22 ant to sections 338, 614, and 615.”.

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

4 (a) **IN GENERAL.**—To the extent that the Commis-
5 sion makes available spectrum licenses on some or all of
6 the frequencies between 2000 and 2020 MHz and 2180
7 and 2200 MHz for terrestrial broadband use, such licenses
8 shall be assigned pursuant to the authority provided in
9 section 309(j)(8) of the Communications Act of 1934 (47
10 U.S.C. 309(j)(8)), including, as appropriate, subpara-
11 graph (F) of such section.

12 (b) **TERMINATION OF AUTHORITY.**—The authority
13 granted under subsection (a) shall terminate on Sep-
14 tember 30, 2021.

15 **SEC. 224. PERMANENT EXTENSION OF AUCTION AUTHOR-**
16 **ITY.**

17 Section 309(j)(11) of the Communications Act of
18 1934 (47 U.S.C. 309(j)(11)) is repealed.

19 **SEC. 225. AUTHORITY TO AUCTION LICENSES FOR DOMES-**
20 **TIC SATELLITE SERVICES.**

21 Section 309(j) of the Communications Act of 1934
22 (47 U.S.C. 309(j)) is amended by adding the following:

23 “(17) **AUTHORITY TO AUCTION LICENSES FOR**
24 **DOMESTIC SATELLITE SERVICES.**—

25 “(A) **IN GENERAL.**—Notwithstanding any
26 other provision of law, the Commission shall use

1 competitive bidding under this subsection to as-
2 sign any license, construction permit, reserva-
3 tion, or similar authorization or modification
4 thereof, that may be used solely or predomi-
5 nantly for domestic satellite communications
6 services, including satellite-based television or
7 radio services. The Commission may, however,
8 use an alternative approach to assignment of
9 such licenses or similar authorities if it finds
10 that such an alternative to competitive bidding
11 would serve the public interest, convenience,
12 and necessity.

13 “(B) DEFINITION.—In this paragraph, the
14 term ‘predominantly for domestic satellite com-
15 munications services’ means a service provided
16 in which the majority of customers that may be
17 served are located within the geographic bound-
18 aries of the United States.

19 “(C) EFFECTIVE DATE AND APPLICA-
20 TION.—This paragraph shall take effect on the
21 date of enactment of this paragraph and shall
22 apply to all Commission assignments or res-
23 ervations of spectrum for domestic satellite
24 services, including, but not limited to, all as-
25 signments or reservations for satellite-based tel-

1 evision or radio services as of the effective
2 date.”.

3 **SEC. 226. AUCTION OF SPECTRUM.**

4 (a) IDENTIFICATION OF SPECTRUM.—Not later than
5 1 year after the date of enactment of this Act, the Assist-
6 ant Secretary shall identify and make available for imme-
7 diate reallocation or sharing with incumbent Government
8 operations, at a minimum, 15 megahertz of contiguous
9 spectrum at frequencies located between 1675 megahertz
10 and 1710 megahertz, inclusive, minus the geographic ex-
11 clusion zones, or any amendment thereof, identified in
12 NTIA’s October 2010 report entitled “An Assessment of
13 Near-Term Viability of Accommodating Wireless
14 Broadband Systems in 1675–1710 MHz, 1755–1780
15 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–
16 4400 MHz Bands”.

17 (b) AUCTION.—

18 (1) IN GENERAL.—Not later than January 31,
19 2016, the Commission shall conduct the auctions of
20 the following licenses, by commencing the bidding
21 for:

22 (A) The spectrum between the frequencies
23 of 1915 megahertz and 1920 megahertz, inclu-
24 sive.

1 (B) The spectrum between the frequencies
2 of 1995 megahertz and 2000 megahertz, inclu-
3 sive.

4 (C) The spectrum between the frequencies
5 of 2020 megahertz and 2025 megahertz, inclu-
6 sive.

7 (D) The spectrum between the frequencies
8 of 2155 megahertz and 2175 megahertz, inclu-
9 sive.

10 (E) The spectrum between the frequencies
11 of 2175 megahertz and 2180 megahertz, inclu-
12 sive.

13 (F) Subject to paragraph (2), 25 mega-
14 hertz of spectrum between the frequencies of
15 1755 megahertz, minus appropriate geographic
16 exclusion zones.

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

19 (2) LIMITATION.—The Commission may con-
20 duct the auctions of the licenses described in para-
21 graph (1) unless the President determines that—

22 (A)(i) such spectrum should not be reallo-
23 cated due to the need to protect incumbent
24 Federal operations; or

1 (ii) reallocation must be delayed or pro-
2 gressed in phases to ensure protection or con-
3 tinuity of Federal operations; and

4 (B) allocation of other spectrum—

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

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

11 (c) AUCTION ORGANIZATION.—The Commission may,
12 if technically feasible and consistent with the public inter-
13 est, combine the spectrum identified in paragraphs (4),
14 (5), and the portion of paragraph (6) between the fre-
15 quencies of 1755 megahertz and 1780 megahertz, inclu-
16 sive, of subsection (b) in an auction of licenses for paired
17 spectrum blocks.

18 (d) FURTHER REALLOCATION OF CERTAIN OTHER
19 SPECTRUM.—

20 (1) COVERED SPECTRUM.—For purposes of this
21 subsection, the term “covered spectrum” means the
22 portion of the electromagnetic spectrum between the
23 frequencies of 3550 to 3650 megahertz, inclusive,
24 minus the geographic exclusion zones, or any amend-
25 ment thereof, identified in NTIA’s October 2010 re-

1 port entitled “An Assessment of Near-Term Viabil-
2 ity of Accommodating Wireless Broadband Systems
3 in 1675–1710 MHz, 1755–1780 MHz, 3550–3650
4 MHz, and 4200–4220 MHz, 4380–4400 MHz
5 Bands”.

6 (2) IN GENERAL.—Consistent with require-
7 ments of section 309(j) of the Communications Act
8 of 1934, the Commission shall reallocate covered
9 spectrum for assignment by competitive bidding un-
10 less the President of the United States determines
11 that—

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

15 (B) allocation of other spectrum—

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

18 (ii) can reasonably be expected to
19 produce receipts comparable to what the
20 covered spectrum might auction for with-
21 out the geographic exclusion zones.

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

24 (A) IN GENERAL.—If the President makes
25 a determination under paragraph (2) that the

1 covered spectrum cannot be reallocated, then
2 the President shall, within 1 year after the date
3 of such determination—

4 (i) identify alternative bands of fre-
5 quencies totaling more than 20 megahertz
6 and no more than 100 megahertz of spec-
7 trum used primarily by Federal agencies
8 that satisfy the requirements of clauses (i)
9 and (ii) of paragraph (2)(B);

10 (ii) report to the President and appro-
11 priate committees of Congress and the
12 Commission an identification of such alter-
13 native spectrum for assignment by com-
14 petitive bidding; and

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

18 (B) AUCTION.—If the President makes a
19 determination under paragraph (2) that the
20 covered spectrum cannot be reallocated, the
21 Commission shall commence the bidding of the
22 alternative spectrum identified pursuant to sub-
23 paragraph (A) within 3 years of the date of en-
24 actment of this Act.

1 (4) ACTIONS REQUIRED IF COVERED SPECTRUM
2 CAN BE REALLOCATED.—If the President does not
3 make a determination under paragraph (1) that the
4 covered spectrum cannot be reallocated, the Commis-
5 sion shall commence the competitive bidding for the
6 covered spectrum within 3 years of the date of en-
7 actment of this Act.

8 (e) AMENDMENTS TO DESIGN REQUIREMENTS RE-
9 LATED TO COMPETITIVE BIDDING.—Section 309(j) of the
10 Communications Act of 1934 (47 U.S.C. 309(j)) is
11 amended—

12 (1) in paragraph (3)—

13 (A) in subparagraph (E)(ii), by striking “;
14 and” and inserting a semicolon; and

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

18 (2) by amending clause (i) of the second sen-
19 tence of paragraph (8)(C) to read as follows:

20 “(i) the deposits—

21 “(I) of successful bidders of any
22 auction conducted pursuant to sub-
23 paragraph (F) or to section 226 of
24 the Budget Control Act of 2011 shall
25 be paid to the Public Safety Trust

1 Fund established under section 243 of
2 the Budget Control Act of 2011; and
3 “(II) of successful bidders of any
4 other auction shall be paid to the
5 Treasury;”.

6 **SEC. 227. REPORT TO CONGRESS ON IMPROVING SPEC-**
7 **TRUM MANAGEMENT.**

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

15 **PART II—PUBLIC SAFETY BROADBAND NETWORK**
16 **SEC. 241. REALLOCATION OF D BLOCK FOR PUBLIC SAFE-**
17 **TY.**

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

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

24 (1) by striking “24” in paragraph (1) and in-
25 serting “34”; and

1 (2) by striking “36” in paragraph (2) and in-
2 serting “26”.

3 **SEC. 242. FLEXIBLE USE OF NARROWBAND SPECTRUM.**

4 The Commission may allow the narrowband spectrum
5 to be used in a flexible manner, including usage for public
6 safety broadband communications, subject to such tech-
7 nical and interference protection measures as the Commis-
8 sion may require and subject to interoperability require-
9 ments of the Commission and the Corporation (to be es-
10 tablished in subsequent legislation, to provide governance
11 of the network, development of standards to promote sys-
12 tem-wide interoperability and security, and implementa-
13 tion grants, where necessary, to state, local and Tribal en-
14 tities).

15 **SEC. 243. PUBLIC SAFETY TRUST FUND.**

16 (a) ESTABLISHMENT OF PUBLIC SAFETY TRUST
17 FUND.—

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

21 (2) CREDITING OF RECEIPTS.—

22 (A) IN GENERAL.—There shall be depos-
23 ited into or credited to the Public Safety Trust
24 Fund the proceeds from the auction of spec-
25 trum carried out pursuant to—

1 (i) section 102 of this Act; and

2 (ii) section 309(j)(8)(F) of the Com-
3 munications Act of 1934, as added by sec-
4 tion 102 of this Act.

5 (B) AVAILABILITY.—Amounts deposited
6 into or credited to the Public Safety Trust
7 Fund in accordance with subparagraph (A)
8 shall remain available until the end of fiscal
9 year 2017. Upon the expiration of the period
10 described in the prior sentence such amounts
11 shall be deposited in the General Fund of the
12 Treasury, where such amounts shall be dedi-
13 cated for the sole purpose of deficit reduction.

14 (b) APPROPRIATION.—There is hereby appropriated
15 from the Public Safety Trust Fund to the Secretary of
16 Commerce \$7,000,000,000, to remain available through
17 fiscal year 2017, for the establishment of a national net-
18 work to support secure and interoperable public-safety
19 broadband communications: *Provided*, That the Secretary
20 may make shall make these amounts available to a Public
21 Safety Broadband Corporation, to be established in a sub-
22 sequent statute, to support the Corporation's activities in
23 providing governance of such network; in developing
24 standards to promote systemwide interoperability and se-
25 curity of such network; in entering into contracts with the

1 National Institute of Standards and Technology (NIST),
2 for NIST to provide services to the Corporation; and in
3 making grants, as necessary, to State, local, and tribal en-
4 tities for their activities in support of such network: *Pro-*
5 *vided further*, That the Secretary shall make these
6 amounts available to such Corporation after submission
7 of a spend plan by the Corporation and approval by the
8 Secretary of Commerce, in consultation with the Secretary
9 of Homeland Security, Director of the Office of Manage-
10 ment and Budget, and Attorney General of the United
11 States.

12 **SEC. 244. PUBLIC SAFETY RESEARCH AND DEVELOPMENT.**

13 After approval by the Office of Management and
14 Budget of a spend plan developed by the Director of
15 NIST, up to \$300,000,000 for fiscal year 2012 shall be
16 made available for use by the Director of NIST to carry
17 out a research program on public safety wireless commu-
18 nications. If less than \$300,000,000 is approved by the
19 Office of Management and Budget, the remainder shall
20 be transferred to the Public Safety Broadband Corpora-
21 tion, to be established in subsequent statute, and be avail-
22 able to support the Corporation's activities in providing
23 governance of a national network to support secure and
24 interoperable public-safety broadband communications; in
25 developing standards to promote systemwide interoper-

1 ability and security of such network; and in making
2 grants, as necessary, to State, local, and tribal entities for
3 their activities in support of such network.

4 **SEC. 245. INCENTIVE AUCTION RELOCATION FUND.**

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

8 **SEC. 246. FEDERAL INFRASTRUCTURE SHARING.**

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

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

23 (c) PAYMENT ABOVE FULL INCREMENTAL COST.—
24 The Administrator may adopt rules to charge more than
25 the full incremental cost of using the Federal infrastruc-

1 ture if demand for use of a component of Federal infra-
2 structure by non-Federal entities is greater than can be
3 accommodated, as determined by the Administrator. How-
4 ever, the rules established by the Administrator shall
5 prioritize use by Federal agencies over public safety enti-
6 ties and prioritize use by public safety entities over com-
7 mercial or other non-Federal entities.

8 (d) USE OF FUNDS.—Remuneration received for use
9 of Federal infrastructure is available to the Administrator
10 without further appropriation to pay for the full incre-
11 mental costs of using the infrastructure. Any amounts re-
12 ceived above the full incremental cost shall be deposited
13 in the general fund of the Treasury.

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

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

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

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

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

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

6 (4) an assessment of whether any spectrum
7 made available by the relocation described in para-
8 graph (3) could be returned to the Commission for
9 reassignment through auction, including through use
10 of incentive auction authority under subparagraph
11 (G) of section 309(j)(8) of the Communications Act
12 of 1934 (47 U.S.C. 309(j)(8)), as added by section
13 222.

14 **Subtitle B—Federal Pell Grant and** 15 **Student Loan Program Changes**

16 **SEC. 251. FEDERAL PELL GRANT AND STUDENT LOAN PRO-** 17 **GRAM CHANGES.**

18 (a) FEDERAL PELL GRANTS.—Section
19 401(b)(7)(A)(iv) of the Higher Education Act of 1965 (20
20 U.S.C. 1070a(b)(7)(A)(iv)) is amended—

21 (1) in subclause (II), by striking
22 “\$3,183,000,000” and inserting “\$13,683,000,000”;
23 and

24 (2) in subclause (III), by striking “\$0” and in-
25 serting “\$7,500,000,000”.

1 (b) TERMINATION OF AUTHORITY TO MAKE INTER-
2 EST SUBSIDIZED LOANS TO GRADUATE AND PROFES-
3 SIONAL STUDENTS.—Section 455(a) of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1087e(a)) is amended by
5 adding at the end the following:

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

11 “(A) a graduate or professional student
12 shall not be eligible to receive a subsidized Fed-
13 eral Direct Stafford Loan under this part;

14 “(B) the maximum annual amount of Fed-
15 eral Direct Unsubsidized Stafford Loans such a
16 student may borrow in any academic year (as
17 defined in section 481(a)(2)) or its equivalent
18 shall be the maximum annual amount for such
19 student determined under section 428H, plus
20 an amount equal to the amount of Federal Di-
21 rect Subsidized Loans the student would have
22 received in the absence of this paragraph; and

23 “(C) the maximum aggregate amount of
24 Federal Direct Unsubsidized Stafford Loans
25 such a student may borrow shall be the max-

1 imum aggregate amount for such student deter-
 2 mined under section 428H, adjusted to reflect
 3 the increased annual limits described in sub-
 4 paragraph (B), as prescribed by the Secretary
 5 by regulation.”.

6 (c) INAPPLICABILITY OF TITLE IV NEGOTIATED
 7 RULEMAKING AND MASTER CALENDAR EXCEPTION.—
 8 Sections 482(c) and 492 of the Higher Education Act of
 9 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the
 10 amendments made by this section, or to any regulations
 11 promulgated under those amendments.

12 **Subtitle C—Farm Programs**

13 **SEC. 261. DEFINITION OF PAYMENT ACRES.**

14 (a) IN GENERAL.—Section 1001(11) of the Food,
 15 Conservation, and Energy Act of 2008 (7 U.S.C.
 16 8702(11)) is amended—

17 (1) in subparagraph (A)—

18 (A) by striking “subparagraph (B)” and
 19 inserting “subparagraphs (B) and (C)”; and

20 (B) by striking “and” at the end;

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

23 (3) by adding at the end the following:

24 “(C) in the case of direct payments for the
 25 2012 crop year, 59 percent of the base acres for

1 the covered commodity on a farm on which di-
2 rect payments are made.”.

3 (b) PAYMENT ACRES FOR PEANUTS.—Section
4 1301(5) of the Food, Conservation, and Energy Act of
5 2008 (7 U.S.C. 8751(5)) is amended—

6 (1) in subparagraph (A)—

7 (A) by striking “subparagraph (B)” and
8 inserting “subparagraphs (B) and (C)”; and

9 (B) by striking “and” at the end;

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

12 (3) by adding at the end the following:

13 “(C) in the case of direct payments for the
14 2012 crop year, 59 percent of the base acres for
15 peanuts on a farm on which direct payments
16 are made.”.

17 **TITLE III—JOINT SELECT COM-**
18 **MITTEE ON DEFICIT REDUC-**
19 **TION**

20 **SEC. 301. ESTABLISHMENT OF JOINT SELECT COMMITTEE.**

21 (a) DEFINITIONS.—In this title:

22 (1) JOINT COMMITTEE.—The term “joint com-
23 mittee” means the Joint Select Committee on Def-
24 icit Reduction established under subsection (b)(1).

1 (2) JOINT COMMITTEE BILL.—The term “joint
2 committee bill” means a bill consisting of the pro-
3 posed legislative language of the joint committee rec-
4 ommended under subsection (b)(3)(B) and intro-
5 duced under section 302(a).

6 (b) ESTABLISHMENT OF JOINT SELECT COM-
7 MITTEE.—

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

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

14 (3) DUTIES.—

15 (A) IN GENERAL.—

16 (i) IMPROVING THE SHORT-TERM AND
17 LONG-TERM FISCAL IMBALANCE.—The
18 joint committee shall provide recommenda-
19 tions and legislative language that will sig-
20 nificantly improve the short-term and long-
21 term fiscal imbalance of the Federal Gov-
22 ernment and may include recommendations
23 and legislative language on tax reform.

24 (ii) CONSIDERATION OF OTHER BI-
25 PARTISAN PLANS.—As a part of developing

1 the joint committee's recommendations and
2 legislation, the joint committee shall con-
3 sider existing bipartisan plans to reduce
4 the deficit, including plans developed joint-
5 ly by Senators or Members of the House.

6 (iii) RECOMMENDATIONS OF HOUSE
7 AND SENATE COMMITTEES.—Not later
8 than October 14, 2011, each committee of
9 the House and Senate may transmit to the
10 joint committee its recommendations for
11 changes in law to reduce the deficit con-
12 sistent with the goals described in para-
13 graph (2) for the joint committee's consid-
14 eration.

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

17 (i) IN GENERAL.—Not later than No-
18 vember 23, 2011, the joint committee shall
19 vote on—

20 (I) a report that contains a de-
21 tailed statement of the findings, con-
22 clusions, and recommendations of the
23 joint committee and CBO and the
24 Joint Committee on Taxation estimate
25 required by paragraph (5)(D)(ii); and

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

4 (ii) APPROVAL OF REPORT AND LEG-
5 ISLATIVE LANGUAGE.—The report of the
6 joint committee and the proposed legisla-
7 tive language described in clause (i) shall
8 require the approval of not fewer than 7 of
9 the 12 members of the joint committee.

10 (iii) ADDITIONAL VIEWS.—A member
11 of the joint committee who gives notice of
12 an intention to file supplemental, minority,
13 or additional views at the time of final
14 joint committee vote on the approval of the
15 report and legislative language under
16 clause (ii), shall be entitled to 3 calendar
17 days in which to file such views in writing
18 with the staff director of the joint com-
19 mittee. Such views shall then be included
20 in the joint committee report and printed
21 in the same volume, or part thereof, and
22 their inclusion shall be noted on the cover
23 of the report. In the absence of timely no-
24 tice, the joint committee report may be

1 printed and transmitted immediately with-
2 out such views.

3 (iv) TRANSMISSION OF REPORT AND
4 LEGISLATIVE LANGUAGE.—If the report
5 and legislative language are approved by
6 the joint committee pursuant to clause (ii),
7 then not later than December 2, 2011, the
8 joint committee shall submit the joint com-
9 mittee report and legislative language de-
10 scribed in clause (i) to the President, the
11 Vice President, the Speaker of the House,
12 and the majority and minority leaders of
13 both Houses.

14 (v) REPORT AND LEGISLATIVE LAN-
15 GUAGE TO BE MADE PUBLIC.—Upon the
16 approval or disapproval of the joint com-
17 mittee report and legislative language pur-
18 suant to clause (ii), the joint committee
19 shall promptly make the full report and
20 legislative language, and a record of the
21 vote, available to the public.

22 (4) MEMBERSHIP.—

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

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

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

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

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

13 (iv) The minority leader of the House
14 of Representatives shall appoint 3 mem-
15 bers from among Members of the House of
16 Representatives.

17 (C) CO-CHAIRS.—

18 (i) IN GENERAL.—There shall be 2
19 Co-Chairs of the joint committee. The ma-
20 jority leader of the Senate shall appoint
21 one Co-Chair from among the members of
22 the joint committee. The Speaker of the
23 House of Representatives shall appoint the
24 second Co-Chair from among the members
25 of the joint committee. The Co-Chairs shall

1 be appointed not later than 14 calendar
2 days after the date of enactment of this
3 section.

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

7 (D) DATE.—Members of the joint com-
8 mittee shall be appointed not later than 14 cal-
9 endar days after the date of enactment of this
10 section.

11 (E) PERIOD OF APPOINTMENT.—Members
12 shall be appointed for the life of the joint com-
13 mittee. Any vacancy in the joint committee
14 shall not affect its powers, but shall be filled
15 not later than 14 calendar days after the date
16 on which the vacancy occurs in the same man-
17 ner as the original appointment. If a member of
18 the committee leaves Congress, the member is
19 no longer a member of the joint committee and
20 a vacancy shall exist.

21 (5) ADMINISTRATION.—

22 (A) IN GENERAL.—To enable the joint
23 committee to exercise its powers, functions and
24 duties, there are authorized to be disbursed by
25 the Senate the actual and necessary expenses of

1 the joint committee approved by the co-chairs,
2 subject to Senate rules and regulations.

3 (B) EXPENSES.—In carrying out its func-
4 tions, the joint committee is authorized to incur
5 expenses in the same manner and under the
6 same conditions as the Joint Economic Com-
7 mittee as authorized by section 11 of Public
8 Law 79–304 (15 U.S.C. 1024(d)).

9 (C) QUORUM.—Seven members of the joint
10 committee shall constitute a quorum for pur-
11 poses of voting, meeting, and holding hearings.

12 (D) VOTING.—

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

16 (ii) CBO AND JOINT COMMITTEE ON
17 TAXATION ESTIMATES.—CBO and Joint
18 Committee on Taxation shall provide esti-
19 mates of the legislation (as described in
20 paragraph (3)(B)) in accordance with sec-
21 tions 201(f) and 308(a) of the Congres-
22 sional Budget Act of 1974 (2 U.S.C.
23 601(f) and 639(a)), including estimates of
24 the effect on interest payments on the
25 debt. In addition CBO shall provide infor-

1 mation on the budgetary effect of the legis-
2 lation beyond fiscal year 2021. The joint
3 committee may not vote on any version of
4 the report, recommendations, or legislative
5 language unless an estimate described in
6 this clause is available for consideration by
7 all the members at least 48 hours prior to
8 the vote as certified by the Co-Chairs.

9 (E) MEETINGS.—

10 (i) INITIAL MEETING.—Not later than
11 45 calendar days after the date of enact-
12 ment of this section, the joint committee
13 shall hold its first meeting.

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

18 (F) HEARINGS.—

19 (i) IN GENERAL.—The joint com-
20 mittee may, for the purpose of carrying
21 out this section, hold such hearings, sit
22 and act at such times and places, require
23 attendance of witnesses and production of
24 books, papers, and documents, take such
25 testimony, receive such evidence, and ad-

1 minister such oaths the joint committee
2 considers advisable.

3 (ii) HEARING PROCEDURES AND RE-
4 SPONSIBILITIES OF CO-CHAIRS.—

5 (I) ANNOUNCEMENT.—The joint
6 committee Co-Chairs shall make a
7 public announcement of the date,
8 place, time, and subject matter of any
9 hearing to be conducted not less than
10 7 days in advance of such hearing,
11 unless the Co-Chairs determine that
12 there is good cause to begin such
13 hearing at an earlier date.

14 (II) WRITTEN STATEMENT.—A
15 witness appearing before the joint
16 committee shall file a written state-
17 ment of proposed testimony at least 2
18 calendar days prior to appearance, un-
19 less the requirement is waived by the
20 Co-Chairs, following their determina-
21 tion that there is good cause for fail-
22 ure of compliance.

23 (G) TECHNICAL ASSISTANCE.—Upon writ-
24 ten request of the Co-Chairs, a Federal agency
25 shall provide technical assistance to the joint

1 duced in the House of Representatives (by request) on the
2 next legislative day by the majority leader of the House
3 or by a Member of the House designated by the majority
4 leader of the House.

5 (b) CONSIDERATION IN THE HOUSE OF REPRESENT-
6 ATIVES.—

7 (1) REFERRAL AND REPORTING.—Any com-
8 mittee of the House of Representatives to which the
9 joint committee bill is referred shall report it to the
10 House without amendment not later than December
11 9, 2011. If a committee fails to report the joint com-
12 mittee bill within that period, it shall be in order to
13 move that the House discharge the committee from
14 further consideration of the bill. Such a motion shall
15 not be in order after the last committee authorized
16 to consider the bill reports it to the House or after
17 the House has disposed of a motion to discharge the
18 bill. The previous question shall be considered as or-
19 dered on the motion to its adoption without inter-
20 vening motion except 20 minutes of debate equally
21 divided and controlled by the proponent and an op-
22 ponent. If such a motion is adopted, the House shall
23 proceed immediately to consider the joint committee
24 bill in accordance with paragraphs (2) and (3). A

1 motion to reconsider the vote by which the motion
2 is disposed of shall not be in order.

3 (2) PROCEEDING TO CONSIDERATION.—After
4 the last committee authorized to consider a joint
5 committee bill reports it to the House or has been
6 discharged (other than by motion) from its consider-
7 ation, it shall be in order to move to proceed to con-
8 sider the joint committee bill in the House. Such a
9 motion shall not be in order after the House has dis-
10 posed of a motion to proceed with respect to the
11 joint committee bill. The previous question shall be
12 considered as ordered on the motion to its adoption
13 without intervening motion. A motion to reconsider
14 the vote by which the motion is disposed of shall not
15 be in order.

16 (3) CONSIDERATION.—The joint committee bill
17 shall be considered as read. All points of order
18 against the joint committee bill and against its con-
19 sideration are waived. The previous question shall be
20 considered as ordered on the joint committee bill to
21 its passage without intervening motion except 2
22 hours of debate equally divided and controlled by the
23 proponent and an opponent and one motion to limit
24 debate on the joint committee bill. A motion to re-

1 consider the vote on passage of the joint committee
2 bill shall not be in order.

3 (4) VOTE ON PASSAGE.—The vote on passage
4 of the joint committee bill shall occur not later than
5 December 23, 2011.

6 (c) EXPEDITED PROCEDURE IN THE SENATE.—

7 (1) COMMITTEE CONSIDERATION.—A joint com-
8 mittee bill introduced in the Senate under subsection
9 (a) shall be jointly referred to the committee or com-
10 mittees of jurisdiction, which committees shall report
11 the bill without any revision and with a favorable
12 recommendation, an unfavorable recommendation, or
13 without recommendation, not later than December 9,
14 2011. If any committee fails to report the bill within
15 that period, that committee shall be automatically
16 discharged from consideration of the bill, and the
17 bill shall be placed on the appropriate calendar.

18 (2) MOTION TO PROCEED.—Notwithstanding
19 Rule XXII of the Standing Rules of the Senate, it
20 is in order, not later than 2 days of session after the
21 date on which a joint committee bill is reported or
22 discharged from all committees to which it was re-
23 ferred, for the majority leader of the Senate or the
24 majority leader's designee to move to proceed to the
25 consideration of the joint committee bill. It shall also

1 be in order for any Member of the Senate to move
2 to proceed to the consideration of the joint com-
3 mittee bill at any time after the conclusion of such
4 2-day period. A motion to proceed is in order even
5 though a previous motion to the same effect has
6 been disagreed to. All points of order against the
7 motion to proceed to the joint committee bill are
8 waived. The motion to proceed is not debatable. The
9 motion is not subject to a motion to postpone. A mo-
10 tion to reconsider the vote by which the motion is
11 agreed to or disagreed to shall not be in order. If
12 a motion to proceed to the consideration of the joint
13 committee bill is agreed to, the joint committee bill
14 shall remain the unfinished business until disposed
15 of.

16 (3) CONSIDERATION.—All points of order
17 against the joint committee bill and against consid-
18 eration of the joint committee bill are waived. Con-
19 sideration of the joint committee bill and of all de-
20 batable motions and appeals in connection therewith
21 shall not exceed a total of 30 hours which shall be
22 divided equally between the majority and minority
23 leaders or their designees. A motion further to limit
24 debate on the joint committee bill is in order, shall
25 require an affirmative vote of three-fifths of the

1 Members duly chosen and sworn, and is not debat-
2 able. Any debatable motion or appeal is debatable
3 for not to exceed 1 hour, to be divided equally be-
4 tween those favoring and those opposing the motion
5 or appeal. All time used for consideration of the
6 joint committee bill, including time used for quorum
7 calls and voting, shall be counted against the total
8 30 hours of consideration.

9 (4) NO AMENDMENTS.—An amendment to the
10 joint committee bill, or a motion to postpone, or a
11 motion to proceed to the consideration of other busi-
12 ness, or a motion to recommit the joint committee
13 bill, is not in order.

14 (5) VOTE ON PASSAGE.—If the Senate has
15 voted to proceed to the joint committee bill, the vote
16 on passage of the joint committee bill shall occur im-
17 mediately following the conclusion of the debate on
18 a joint committee bill, and a single quorum call at
19 the conclusion of the debate if requested. The vote
20 on passage of the joint committee bill shall occur not
21 later than December 23, 2011.

22 (6) RULINGS OF THE CHAIR ON PROCEDURE.—
23 Appeals from the decisions of the Chair relating to
24 the application of the rules of the Senate, as the

1 case may be, to the procedure relating to a joint
2 committee bill shall be decided without debate.

3 (d) AMENDMENT.—The joint committee bill shall not
4 be subject to amendment in either the House of Rep-
5 resentatives or the Senate.

6 (e) CONSIDERATION BY THE OTHER HOUSE.—

7 (1) IN GENERAL.—If, before passing the joint
8 committee bill, one House receives from the other a
9 joint committee bill—

10 (A) the joint committee bill of the other
11 House shall not be referred to a committee; and

12 (B) the procedure in the receiving House
13 shall be the same as if no joint committee bill
14 had been received from the other House until
15 the vote on passage, when the joint committee
16 bill received from the other House shall sup-
17 plant the joint committee bill of the receiving
18 House.

19 (2) REVENUE MEASURE.—This subsection shall
20 not apply to the House of Representatives if the
21 joint committee bill received from the Senate is a
22 revenue measure.

23 (f) RULES TO COORDINATE ACTION WITH OTHER
24 HOUSE.—

1 (1) TREATMENT OF JOINT COMMITTEE BILL OF
2 OTHER HOUSE.—If the Senate fails to introduce or
3 consider a joint committee bill under this section,
4 the joint committee bill of the House shall be enti-
5 tled to expedited floor procedures under this section.

6 (2) TREATMENT OF COMPANION MEASURES IN
7 THE SENATE.—If following passage of the joint com-
8 mittee bill in the Senate, the Senate then receives
9 the joint committee bill from the House of Rep-
10 resentatives, the House-passed joint committee bill
11 shall not be debatable. The vote on passage of the
12 joint committee bill in the Senate shall be considered
13 to be the vote on passage of the joint committee bill
14 received from the House of Representatives.

15 (3) VETOES.—If the President vetoes the joint
16 committee bill, debate on a veto message in the Sen-
17 ate under this section shall be 1 hour equally divided
18 between the majority and minority leaders or their
19 designees.

20 (g) LOSS OF PRIVILEGE.—The provisions of this sec-
21 tion shall cease to apply to the joint committee bill if—

22 (1) the joint committee fails to vote on the re-
23 port or proposed legislative language required under
24 section 201(b)(3)(B)(i) by November 23, 2011; or

1 (2) the joint committee bill does not pass both
2 Houses by December 23, 2011.

3 **SEC. 303. FUNDING.**

4 Funding for the joint committee shall be derived from
5 the applicable account of the House of Representatives,
6 and the contingent fund of the Senate from the appropria-
7 tions account “Miscellaneous Items,” subject to Senate
8 rules and regulations.

9 **SEC. 304. RULEMAKING.**

10 The provisions of this title are enacted by Congress—

11 (1) as an exercise of the rulemaking power of
12 the House of Representatives and the Senate, re-
13 spectively, and as such they shall be considered as
14 part of the rules of each House, respectively, or of
15 that House to which they specifically apply, and
16 such rules shall supersede other rules only to the ex-
17 tent that they are inconsistent therewith; and

18 (2) with full recognition of the constitutional
19 right of either House to change such rules (so far
20 as relating to such House) at any time, in the same
21 manner, and to the same extent as in the case of
22 any other rule of such House.

1 **TITLE IV—PUBLIC DEBT**

2 **SEC. 401. PUBLIC DEBT.**

3 Subsection (b) of section 3101 of title 31, United
4 States Code, is amended by striking the dollar limitation
5 contained in that subsection and inserting
6 “\$16,994,000,000,000”.

○