

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

**IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.**

**S. 1323**

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by  
\_\_\_\_\_

Viz:

1 Strike all after “Section” and insert the following:

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

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

5 (b) TABLE OF CONTENTS.—The table of contents for  
6 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-

1 cretionary spending limits as set forth in this section to  
2 be exceeded.

3 (b) LIMITS.—

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

8 (A) For fiscal year 2012—

9 (i) for the security category  
10 \$606,000,000,000 in budget authority; and

11 (ii) for the nonsecurity category  
12 \$439,000,000,000 in budget authority.

13 (B) For fiscal year 2013—

14 (i) for the security category  
15 \$607,000,000,000 in budget authority; and

16 (ii) for the nonsecurity category  
17 \$440,000,000,000 in budget authority.

18 (C) For fiscal year 2014,  
19 \$1,068,000,000,000 in budget authority.

20 (D) For fiscal year 2015,  
21 \$1,089,000,000,000 in budget authority.

22 (E) For fiscal year 2016,  
23 \$1,111,000,000,000 in budget authority.

24 (F) For fiscal year 2017,  
25 \$1,134,000,000,000 in budget authority.

1 (G) For fiscal year 2018,  
2 \$1,156,000,000,000 in budget authority.

3 (H) For fiscal year 2019,  
4 \$1,180,000,000,000 in budget authority.

5 (I) For fiscal year 2020,  
6 \$1,204,000,000,000 in budget authority.

7 (J) For fiscal year 2021,  
8 \$1,228,000,000,000 in budget authority.

9 (2) AUTHORIZED ADJUSTMENT TO LIMITS.—

10 (A) ADJUSTMENTS FOR BUDGET SUBMIS-  
11 SION.—When the President submits a budget  
12 under section 1105 of title 31, United States  
13 Code, OMB shall calculate and the budget shall  
14 include adjustments to discretionary spending  
15 limits (and those limits as cumulatively ad-  
16 justed) for the budget year and each out year  
17 equal to the baseline levels of new budget au-  
18 thority using up-to-date concepts and defini-  
19 tions minus those levels using the concepts and  
20 definitions in effect before such changes. Such  
21 changes may only be made after consultation  
22 with the committees on Appropriations and the  
23 Budget of the House of Representatives and the  
24 Senate and that consultation shall include writ-  
25 ten communication to such committees that af-



1 the Chairman of the Committee on the  
2 Budget of that House may adjust the dis-  
3 cretionary spending limits in this section,  
4 the budgetary aggregates in the concurrent  
5 resolution on the budget most recently  
6 adopted by the Senate and the House of  
7 Representatives, and allocations pursuant  
8 to section 302(a) of the Congressional  
9 Budget Act of 1974, by the amount of new  
10 budget authority in that measure for that  
11 purpose; and

12 (ii) following any adjustment under  
13 clause (i), the Committee on Appropria-  
14 tions of that House may report appro-  
15 priately revised suballocations pursuant to  
16 section 302(b) of the Congressional Budget  
17 Act of 1974 to carry out this subsection.

18 (B) OTHER ADJUSTMENTS.—For the pur-  
19 poses of determining an end of the year seques-  
20 ter pursuant to subsection (f), when OMB sub-  
21 mits a sequestration report under subsection  
22 (f)(7) for a fiscal year, OMB shall calculate,  
23 and the sequestration report and subsequent  
24 budgets submitted by the President under sec-  
25 tion 1105(a) of title 31, United States Code,

1 shall include, adjustments to discretionary  
2 spending limits (and those limits as adjusted)  
3 for the fiscal year and each succeeding year  
4 through 2021 upon the enactment of a bill or  
5 resolution relating to any matter described in  
6 paragraphs (2), (3), or (4).

7 (C) ESTIMATES.—

8 (i) CBO ESTIMATES.—As soon as  
9 practicable after Congress completes action  
10 on any discretionary appropriation, CBO,  
11 after consultation with the Committees on  
12 the Budget of the House of Representa-  
13 tives and the Senate, shall provide OMB  
14 with an estimate of the amount of discre-  
15 tionary new budget authority for the cur-  
16 rent year (if any) and the budget year pro-  
17 vided by that legislation.

18 (ii) OMB ESTIMATES AND EXPLA-  
19 NATION OF DIFFERENCES.—

20 (I) IN GENERAL.—Not later than  
21 7 calendar days (excluding Saturdays,  
22 Sundays, and legal holidays) after the  
23 date of enactment of any discretionary  
24 appropriation, OMB shall make pub-  
25 licly available on the day it is issued

1 and, on the following day, shall be  
2 printed in the Federal Register a re-  
3 port containing the CBO estimate of  
4 that legislation, an OMB estimate of  
5 the amount of discretionary new  
6 budget authority for the current year  
7 (if any) and the budget year provided  
8 by that legislation, and an explanation  
9 of any difference between the 2 esti-  
10 mates.

11 (II) DIFFERENCES.—If during  
12 the preparation of the report OMB  
13 determines that there is a significant  
14 difference between OMB and CBO,  
15 OMB shall consult with the Commit-  
16 tees on the Budget of the House of  
17 Representatives and the Senate re-  
18 garding that difference and that con-  
19 sultation shall include, to the extent  
20 practicable, written communication to  
21 those committees that affords such  
22 committees the opportunity to com-  
23 ment before the issuance of the re-  
24 port.



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

12 (E) ANNUAL APPROPRIATIONS.—For pur-  
13 poses of this paragraph, amounts provided by  
14 annual appropriations shall include any new  
15 budget authority for the current year (if any)  
16 and the advance appropriations that become  
17 available in the budget year from previously en-  
18 acted legislation.

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

21 (A) CONTINUING DISABILITY REVIEWS  
22 AND SSI REDETERMINATIONS.—

23 (i) IN GENERAL.—If a bill or joint  
24 resolution is reported making appropria-  
25 tions in a fiscal year of the amount speci-



## 11

1 (I) for fiscal year 2012, an ap-  
2 propriation of \$758,000,000, and an  
3 additional appropriation of  
4 \$237,000,000;

5 (II) for fiscal year 2013, an ap-  
6 propriation of \$758,000,000, and an  
7 additional appropriation of  
8 \$390,000,000;

9 (III) for fiscal year 2014, an ap-  
10 propriation of \$778,000,000, and an  
11 additional appropriation of  
12 \$559,000,000;

13 (IV) or fiscal year 2015, an ap-  
14 propriation of \$799,000,000, and an  
15 additional appropriation of  
16 \$774,000,000;

17 (V) for fiscal year 2016, an ap-  
18 propriation of \$822,000,000, and an  
19 additional appropriation of  
20 \$778,000,000;

21 (VI) for fiscal year 2017, an ap-  
22 propriation of \$849,000,000, and an  
23 additional appropriation of  
24 \$804,000,000;

1 (VII) for fiscal year 2018, an ap-  
2 propriation of \$877,000,000, and an  
3 additional appropriation of  
4 \$831,000,000;

5 (VIII) for fiscal year 2019, an  
6 appropriation of \$906,000,000, and  
7 an additional appropriation of  
8 \$860,000,000;

9 (IX) for fiscal year 2020, an ap-  
10 propriation of \$935,000,000, and an  
11 additional appropriation of  
12 \$890,000,000; and

13 (X) for fiscal year 2021, an ap-  
14 propriation of \$963,000,000, and an  
15 additional appropriation of  
16 \$924,000,000.

17 (iii) DEFINITIONS.—As used in this  
18 subparagraph, the terms “continuing dis-  
19 ability reviews” and “Supplemental Secu-  
20 rity Income redeterminations” mean con-  
21 tinuing disability reviews under titles II  
22 and XVI of the Social Security Act and re-  
23 determinations of eligibility under title  
24 XVI of the Social Security Act.

1 (iv) REPORT.—The Commissioner of  
2 Social Security shall provide annually to  
3 the Congress a report on continuing dis-  
4 ability reviews and Supplemental Security  
5 Income redeterminations which includes—

6 (I) the amount spent on con-  
7 tinuing disability reviews and Supple-  
8 mental Security Income redetermina-  
9 tions in the fiscal year covered by the  
10 report, and the number of reviews and  
11 redeterminations conducted, by cat-  
12 egory of review or redetermination;

13 (II) the results of the continuing  
14 disability reviews and Supplemental  
15 Security Income redeterminations in  
16 terms of cessations of benefits or de-  
17 terminations of continuing eligibility,  
18 by program; and

19 (III) the estimated savings over  
20 the short-, medium-, and long-term to  
21 the old-age, survivors, and disability  
22 insurance, supplemental security in-  
23 come, Medicare, and medicaid pro-  
24 grams from continuing disability re-  
25 views and Supplemental Security In-

1                   come redeterminations which result in  
2                   cessations of benefits and the esti-  
3                   mated present value of such savings.

4                   (B) INTERNAL REVENUE SERVICE TAX EN-  
5                   FORCEMENT.—

6                   (i) IN GENERAL.—If a bill or joint  
7                   resolution is reported making appropria-  
8                   tions in a fiscal year to the Internal Rev-  
9                   enue Service of not less than the first  
10                  amount specified in clause (ii) for tax com-  
11                  pliance activities to address the Federal  
12                  tax gap (taxes owed but not paid), and  
13                  provides an additional appropriation for  
14                  tax compliance activities to address the  
15                  Federal tax gap of an amount further  
16                  specified in clause (ii), then the discre-  
17                  tionary spending limits, allocation to the  
18                  Committees on Appropriations of each  
19                  House, and aggregates for that year may  
20                  be adjusted by the amount in budget au-  
21                  thority not to exceed the amount of addi-  
22                  tional or enhanced tax enforcement pro-  
23                  vided in such legislation for that fiscal  
24                  year.

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

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

7 (II) for fiscal year 2013, an ap-  
8 propriation of \$5,186,000,000, and an  
9 additional \$1,281,000,000 for addi-  
10 tional or enhanced tax enforcement;

11 (III) for fiscal year 2014, an ap-  
12 propriation of \$5,333,000,000, and an  
13 additional \$1,639,000,000 for addi-  
14 tional or enhanced tax enforcement;

15 (IV) for fiscal year 2015, an ap-  
16 propriation of \$5,489,000,000, and an  
17 additional \$2,016,000,000 for addi-  
18 tional or enhanced tax enforcement;

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

23 (VI) for fiscal year 2017, an ap-  
24 propriation of \$5,858,000,000, and an

1 additional \$2,447,000,000 for addi-  
2 tional or enhanced tax enforcement;

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

7 (VIII) for fiscal year 2019, an  
8 appropriation of \$6,284,000,000, and  
9 an additional \$2,383,000,000 for ad-  
10 ditional or enhanced tax enforcement;

11 (IX) for fiscal year 2020, an ap-  
12 propriation of \$6,493,000,000, and an  
13 additional \$2,371,000,000 for addi-  
14 tional or enhanced tax enforcement;  
15 and

16 (X) for fiscal year 2021, an ap-  
17 propriation of \$6,705,000,000, and an  
18 additional \$2,361,000,000 for addi-  
19 tional or enhanced tax enforcement.

20 (iii) DEFINITION.—In this subpara-  
21 graph, the term “additional appropriation  
22 for tax compliance activities” means new  
23 and continuing investments in expanding  
24 and improving the effectiveness and effi-  
25 ciency of the overall tax enforcement and



1 compliance program of the Internal Rev-  
2 enue Service. Such new and continuing in-  
3 vestments include, but are not limited to,  
4 additional resources for implementing new  
5 authorities and for conducting additional  
6 examinations, audits, and enhanced third  
7 party data matching;

8 (iv) FIRST AMOUNT.—The first  
9 amount specified in clause (ii) is the  
10 amount provided for a fiscal year under  
11 the heading “Enforcement” for the Inter-  
12 nal Revenue Service.

13 (v) AMOUNT FURTHER SPECIFIED.—  
14 The amount further specified in clause (ii)  
15 is the amount under one or more headings  
16 in an appropriations act for the Internal  
17 Revenue Service that is specified to pay for  
18 the costs of the additional appropriation  
19 tax compliance activities, but such amount  
20 shall be “0” (zero) unless the appropria-  
21 tions act under the heading “Operations  
22 Support” for the Internal Revenue Service  
23 provides that such sums as are necessary  
24 shall be available, under the “Operations

1 Support” heading, to fully support tax en-  
2 forcement and compliance activities.

3 (C) HEALTH CARE FRAUD AND ABUSE  
4 CONTROL.—

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

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

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

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

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

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

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

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

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

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

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

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

17 (iii) DEFINITION.—As used in this  
18 subparagraph the term “program integrity  
19 or fraud and abuse activities” means—

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

23 (II) those activities, including ad-  
24 ministrative costs, in the Medicare  
25 Advantage and the Medicare Prescrip-

1                   tion Drug Program authorized in title  
2                   XVIII of the Social Security Act, in  
3                   section 1893 of the Social Security  
4                   Act, in Medicaid authorized in title  
5                   XIX of the Social Security Act, and in  
6                   the Children’s Health Insurance Pro-  
7                   gram (“CHIP”) authorized in title  
8                   XXI of the Social Security Act.

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

16                  (D) UNEMPLOYMENT INSURANCE IM-  
17                  PROPER PAYMENT REVIEWS.—

18                  (i) IN GENERAL.—If a bill or joint  
19                  resolution is reported making appropria-  
20                  tions in a fiscal year of the amount speci-  
21                  fied in clause (ii) for in-person reemploy-  
22                  ment and eligibility assessments and unem-  
23                  ployment insurance improper payment re-  
24                  views under the heading “State Unemploy-  
25                  ment Insurance and Employment Service



1 additional appropriation of  
2 \$15,000,000;

3 (III) for fiscal year 2014, an ap-  
4 propriation of \$61,000,000, and an  
5 additional appropriation of  
6 \$19,000,000;

7 (IV) for fiscal year 2015, an ap-  
8 propriation of \$61,000,000, and an  
9 additional appropriation of  
10 \$24,000,000;

11 (V) for fiscal year 2016, an ap-  
12 propriation of \$62,000,000, and an  
13 additional appropriation of  
14 \$28,000,000;

15 (VI) for fiscal year 2017, an ap-  
16 propriation of \$63,000,000, and an  
17 additional appropriation of  
18 \$28,000,000;

19 (VII) for fiscal year 2018, an ap-  
20 propriation of \$64,000,000, and an  
21 additional appropriation of  
22 \$29,000,000;

23 (VIII) for fiscal year 2019, an  
24 appropriation of \$64,000,000, and an

1 additional appropriation of  
2 \$30,000,000;

3 (IX) for fiscal year 2020, an ap-  
4 propriation of \$65,000,000, and an  
5 additional appropriation of  
6 \$31,000,000; and

7 (X) for fiscal year 2021, an ap-  
8 propriation of \$66,000,000, and an  
9 additional appropriation of  
10 \$31,000,000.

11 (iii) DEFINITIONS.—As used in this  
12 subparagraph, the terms “in-person reem-  
13 ployment and eligibility assessments” and  
14 “unemployment improper payment re-  
15 views” mean reviews or assessments con-  
16 ducted in local workforce offices to deter-  
17 mine the continued eligibility of an unem-  
18 ployment insurance claimant under the  
19 Federal Unemployment Tax Act, Title III  
20 of the Social Security Act, and applicable  
21 State laws, to ensure they are meeting  
22 their obligation to search for work as a  
23 condition of eligibility, and to speed their  
24 return to work.





1            appropriations in the House of Representa-  
2            tives; or

3            (iv) conference reports; making appro-  
4            priations for overseas deployments and re-  
5            lated activities..

6            (B) LEVELS.—

7            (i) LEVELS.—The initial levels for  
8            overseas deployments and related activities  
9            specified in this subparagraph are as fol-  
10          lows:

11            (I) For fiscal year 2012,  
12            \$126,544,000,000 in budget author-  
13            ity.

14            (II) For the total of fiscal years  
15            2013–2021, \$450,000,000,000 in  
16            budget authority.

17            (ii) LEVELS FOR CONGRESSIONAL EN-  
18            FORCEMENT.—For each fiscal year after  
19            fiscal year 2012, Congress shall adopt in  
20            the concurrent resolution on the budget for  
21            that fiscal year an adjustment for overseas  
22            deployments and related activities, pro-  
23            vided that Congress may not adopt an ad-  
24            justment for any fiscal year that would  
25            cause the total adjustments for fiscal years

1                   2013-2021 to exceed the amount author-  
2                   ized in subclause (II).

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

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

20                  (4) ADJUSTMENTS FOR DISASTER FUNDING.—

21                  (A) IN GENERAL.—If, for fiscal years 2011  
22                  through 2021, appropriations for discretionary  
23                  accounts are enacted that Congress designates  
24                  as being for disaster relief in statute, the ad-  
25                  justment shall be the total of such appropria-

1           tions in discretionary accounts designated as  
2           being for disaster relief, but not to exceed the  
3           total of—

4                   (i) the average funding provided for  
5                   disasters over the previous ten years, ex-  
6                   cluding the highest and lowest years; and

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

15                  (B) OMB REPORT.—The Office of Man-  
16                  agement and Budget shall report to the Com-  
17                  mittees on Appropriations in each House the  
18                  adjustment for disaster funding for fiscal year  
19                  2011, and a preview report of the estimated  
20                  level for fiscal year 2012, not later than 30  
21                  days after enactment of this section.

22                  (d) LIMITATIONS ON CHANGES TO THIS SECTION.—  
23                  Unless otherwise specifically provided in this section, it  
24                  shall not be in order in the Senate or the House of Rep-  
25                  resentatives to consider any bill, resolution (including a

1 concurrent resolution on the budget), amendment, motion,  
2 or conference report that would repeal or otherwise change  
3 this section.

4 (e) WAIVER AND APPEAL.—

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

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

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

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

20 (f) END-OF-YEAR SEQUESTER FOR EXCEEDING DIS-  
21 CRETIONARY CAPS.—

22 (1) SEQUESTRATION.—

23 (A) IN GENERAL.—Not later than 15 cal-  
24 endar days after Congress adjourns to end a  
25 session, there shall be a sequestration to elimi-

1           nate a budget-year breach, if any, within the  
2           discretionary categories as set by subsection  
3           (b).

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

17          (C) EMERGENCY SPENDING.—

18                 (i) EFFECT OF DESIGNATION IN STAT-  
19                 UTE.—If, for any fiscal year, appropria-  
20                 tions for discretionary accounts are en-  
21                 acted that Congress designates as emer-  
22                 gency requirements in statute pursuant to  
23                 this subsection, the total of such budget  
24                 authority in discretionary accounts des-  
25                 ignated as emergency requirements in all

1 fiscal years from such appropriations shall  
2 not be counted in determining whether a  
3 breach has occurred, and shall not count  
4 for the purposes of Congressional enforce-  
5 ment.

6 (ii) DESIGNATION IN THE HOUSE OF  
7 REPRESENTATIVES.—If an appropriations  
8 act includes a provision expressly des-  
9 ignated as an emergency for the purposes  
10 of this section, the Chair shall put the  
11 question of consideration with respect  
12 thereto.

13 (iii) POINT OF ORDER IN THE SEN-  
14 ATE.—

15 (I) IN GENERAL.—When the  
16 Senate is considering an appropria-  
17 tions act, if a point of order is made  
18 by a Senator against an emergency  
19 designation in that measure, that pro-  
20 vision making such a designation shall  
21 be stricken from the measure and may  
22 not be offered as an amendment from  
23 the floor.

24 (II) SUPERMAJORITY WAIVER  
25 AND APPEALS.—

1                   (aa)     WAIVER.—Subclause  
2                   (I) may be waived or suspended  
3                   in the Senate only by an affirma-  
4                   tive vote of three-fifths of the  
5                   Members, duly chosen and sworn.

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

22                  (III) DEFINITION OF AN EMER-  
23                  GENCY DESIGNATION.—For purposes  
24                  of subclause (I), a provision shall be  
25                  considered an emergency designation

1 if it designates any item as an emer-  
2 gency requirement pursuant to this  
3 subsection.

4 (IV) FORM OF THE POINT OF  
5 ORDER.—A point of order under sub-  
6 clause (I) may be raised by a Senator  
7 as provided in section 313(e) of the  
8 Congressional Budget Act of 1974.

9 (V) CONFERENCE REPORTS.—  
10 When the Senate is considering a con-  
11 ference report on, or an amendment  
12 between the Houses in relation to, an  
13 appropriations act, upon a point of  
14 order being made by any Senator pur-  
15 suant to this section, and such point  
16 of order being sustained, such mate-  
17 rial contained in such conference re-  
18 port shall be deemed stricken, and the  
19 Senate shall proceed to consider the  
20 question of whether the Senate shall  
21 recede from its amendment and con-  
22 cur with a further amendment, or  
23 concur in the House amendment with  
24 a further amendment, as the case may  
25 be, which further amendment shall



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

13 (2) ELIMINATING A BREACH.—Each non-ex-  
14 empt account within a category shall be reduced by  
15 a dollar amount calculated by multiplying the base-  
16 line level of sequesterable budgetary resources in  
17 that account at that time by the uniform percentage  
18 necessary to eliminate a breach within that category.

19 (3) MILITARY PERSONNEL.—

20 (A) IN GENERAL.—The President may,  
21 with respect to any military personnel account,  
22 exempt that account from sequestration or pro-  
23 vide for a lower uniform percentage reduction  
24 than would otherwise apply, provided that the  
25 President has notified Congress of the manner

1 in which such authority will be exercised pursu-  
2 ant to paragraph (7)(A)(ii).

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

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

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

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

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

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

22 (7) REPORTS.—

23 (A) SEQUESTRATION PREVIEW REPORT.—

24 (i) IN GENERAL.—Not later than 5  
25 days before the date of the President's

1 budget submission for CBO, and the date  
2 of the President's budget submissions for  
3 OMB, OMB and CBO shall issue a pre-  
4 view report regarding discretionary spend-  
5 ing based on laws enacted through those  
6 dates. The preview report shall set forth  
7 estimates for the current year and each  
8 subsequent year through 2021 of the appli-  
9 cable discretionary spending limits for each  
10 category and an explanation of any adjust-  
11 ments in such limits under this section.

12 (ii) NOTIFICATION REGARDING MILI-  
13 TARY PERSONNEL.—On or before the date  
14 of the sequestration preview report, the  
15 President shall notify the Congress of the  
16 manner in which he intends to exercise  
17 flexibility with respect to military per-  
18 sonnel accounts under subsection (f)(3).

19 (iii) EXPLANATION OF DIF-  
20 FERENCES.—The OMB reports shall ex-  
21 plain the differences between OMB and  
22 CBO estimates for each item set forth in  
23 this subsection.

24 (B) SEQUESTRATION UPDATE REPORT.—

25 Not later than August 15 for CBO, and August



1                   thority for each category and the breach, if  
2                   any, in each category.

3                   (iii) For each category for which a se-  
4                   questration is required, the sequestration  
5                   percentages necessary to achieve the re-  
6                   quired reduction.

7                   (iv) For the budget year, for each ac-  
8                   count to be sequestered, estimates of the  
9                   baseline level of sequesterable budgetary  
10                  resources and the amount of budgetary re-  
11                  sources to be sequestered.

12                  (8) SUSPENSION IN THE EVENT OF LOW  
13                  GROWTH.—Section 254(i) and subsections (a),  
14                  (b)(1), and (c) of section 258 of the Balanced Budg-  
15                  et and Emergency Deficit Control Act of 1985 with  
16                  respect to suspension of this section for low growth  
17                  only shall apply to this section, provided that those  
18                  sections are deemed not to apply to titles III and IV  
19                  of the Congressional Budget Act of 1974 and section  
20                  1103 of title 31, United States Code.

21                  (g) DEFINITIONS.—

22                  (1) NONSECURITY CATEGORY.—The term “non-  
23                  security category” means all discretionary appropria-  
24                  tions, as that term is defined in section 250(c)(7) of  
25                  the Balanced Budget and Emergency Deficit Control

1 Act of 1985, not included in the security category  
2 defined in this Act, but does not include any appro-  
3 priations designated for overseas deployments and  
4 related activities pursuant to section (c)(3), or ap-  
5 propriations designated as an emergency pursuant to  
6 this Act.

7 (2) SECURITY CATEGORY.—The term “security  
8 category” includes discretionary appropriations, as  
9 that term is defined in section 250(c)(7) of the Bal-  
10 anced Budget and Emergency Deficit Control Act of  
11 1985, in budget functions 050 and 700, but does not  
12 include any appropriations designated for overseas  
13 deployments and related activities pursuant to sec-  
14 tion (c)(3), or appropriations designated as an emer-  
15 gency pursuant to this Act.

16 (3) DISCRETIONARY CATEGORY.—The term  
17 “discretionary category” includes all discretionary  
18 appropriations designated as an emergency pursuant  
19 to this Act, as that term is defined in section  
20 250(c)(7) of the Balanced Budget and Emergency  
21 Deficit Control Act of 1985, but does not include  
22 any appropriations designated for overseas deploy-  
23 ments and related activities pursuant to section  
24 (c)(3), or appropriations designated as an emergency  
25 pursuant to this Act.

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

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

9           (6) DEFINITIONS.—To the extent they are not  
10          defined in this section, the terms used in this section  
11          shall have the same meaning as the terms defined in  
12          section 251(c) of the Balanced Budget and Emer-  
13          gency Deficit Control Act of 1985, as amended.

14          (h) SEQUESTRATION RULES.—

15               (1) IN GENERAL.—Subsections (g) and (k) of  
16               section 256 of the Balanced Budget and Emergency  
17               Deficit Control Act of 1985 shall apply to sequestra-  
18               tion under this Act.

19               (2) INTERGOVERNMENTAL FUNDS.—For pur-  
20               poses of sequestration under this section, budgetary  
21               resources shall not include activities financed by vol-  
22               untary payments to the Government for goods and  
23               services to be provided for such payments,  
24               intragovernmental funds paid in from other Govern-



1       ment accounts, and unobligated balances of prior  
2       year appropriations.

3   **SEC. 102. SENATE BUDGET ENFORCEMENT.**

4       (a) IN GENERAL.—

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

15          (2) For the purpose of enforcing the Congres-  
16      sional Budget Act of 1974 after April 15, 2012, in-  
17      cluding section 300 of that Act, and enforcing budg-  
18      etary points of order in prior concurrent resolutions  
19      on the budget, the allocations, aggregates, and levels  
20      set in subsection (b)(2) shall apply in the Senate in  
21      the same manner as a concurrent resolution on the  
22      budget for fiscal year 2013 with appropriate budg-  
23      etary levels for fiscal years 2012 and 2014 through  
24      2022.

1 (b) COMMITTEE ALLOCATIONS, AGGREGATES AND  
2 LEVELS.—

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

6 (A) for the Committee on Appropriations,  
7 committee allocations for fiscal years 2011 and  
8 2012 consistent with the discretionary spending  
9 limits set forth in this Act for the purpose of  
10 enforcing section 302 of the Congressional  
11 Budget Act of 1974;

12 (B) for all committees other than the Com-  
13 mittee on Appropriations, committee allocations  
14 for fiscal years 2011, 2012, 2012–2016, and  
15 2012–2021 consistent with the Congressional  
16 Budget Office’s March 2011 baseline adjusted  
17 to account for the budgetary effects of this Act  
18 and legislation enacted prior to this Act but not  
19 included in the Congressional Budget Office’s  
20 March 2011 baseline, for the purpose of enforce-  
21 ing section 302 of the Congressional Budget  
22 Act of 1974;

23 (C) aggregate spending levels for fiscal  
24 years 2011 and 2012 and aggregate revenue  
25 levels fiscal years 2011, 2012, 2012–2016,

1           2012–2021 consistent with the Congressional  
2           Budget Office’s March 2011 baseline adjusted  
3           to account for the budgetary effects of this Act  
4           and legislation enacted prior to this Act but not  
5           included in the Congressional Budget Office’s  
6           March 2011 baseline, and the discretionary  
7           spending limits set forth in this Act for the pur-  
8           pose of enforcing section 311 of the Congres-  
9           sional Budget Act of 1974; and

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

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

22                   (A) for the Committee on Appropriations,  
23           committee allocations for fiscal years 2012 and  
24           2013 consistent with the discretionary spending  
25           limits set forth in this Act for the purpose of

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

3 (B) for all committees other than the Com-  
4 mittee on Appropriations, committee allocations  
5 for fiscal years 2012, 2013, 2013–2017, and  
6 2013–2022 consistent with the Congressional  
7 Budget Office’s March 2012 baseline for the  
8 purpose of enforcing section 302 of the Con-  
9 gressional Budget Act of 1974;

10 (C) aggregate spending levels for fiscal  
11 years 2012 and 2013 and aggregate revenue  
12 levels fiscal years 2012, 2013, 2013–2017, and  
13 2013–2022 consistent with the Congressional  
14 Budget Office’s March 2012 baseline and the  
15 discretionary spending limits set forth in this  
16 Act for the purpose of enforcing section 311 of  
17 the Congressional Budget Act of 1974; and

18 (D) levels of Social Security revenues and  
19 outlays for fiscal years 2012 and 2013, 2013–  
20 2017, and 2013–2022 consistent with the Con-  
21 gressional Budget Office’s March 2012 baseline  
22 budget for the purpose of enforcing sections  
23 302 and 311 of the Congressional Budget Act  
24 of 1974.

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

1           (1) Upon the date of enactment of this section,  
2           for the purpose of enforcing section 201 of S. Con.  
3           Res. 21 (110th Congress), the Chairman of the Sen-  
4           ate Committee on the Budget shall reduce any bal-  
5           ances of direct spending and revenues for any fiscal  
6           year to zero.

7           (2) Not later than April 15, 2012, for the pur-  
8           pose of enforcing section 201 of S. Con. Res. 21  
9           (110th Congress), the Chairman of the Senate Com-  
10          mittee on the Budget shall reduce any balances of  
11          direct spending and revenues for any fiscal year to  
12          zero.

13          (3) Upon resetting the Senate paygo scorecard  
14          pursuant to paragraph (2), the Chairman shall pub-  
15          lish a notification of such action in the Congres-  
16          sional Record.

17          (d) FURTHER ADJUSTMENTS.—

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

23           (2) With respect to any allocations, aggregates,  
24           or levels set or adjustments made pursuant to this

1 section, sections 412 through 414 of S. Con. Res. 13  
2 (111th Congress) shall remain in effect.

3 (e) EXPIRATION.—

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

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

14 **TITLE II—OTHER SPENDING**  
15 **CUTS**

16 **Subtitle A—Spectrum Auction Pro-**  
17 **posals and Public Safety**  
18 **Broadband Network**

19 **SEC. 211. DEFINITIONS.**

20 In this subtitle, the following definitions shall apply:

21 (1) 700 MHZ BAND.—The term “700 MHz  
22 band” means the portion of the electromagnetic  
23 spectrum between the frequencies from 698 mega-  
24 hertz to 806 megahertz.

1           (2) 700 MHZ D BLOCK SPECTRUM.—The term  
2           “700 MHz D block spectrum” means the portion of  
3           the electromagnetic spectrum between the fre-  
4           quencies from 758 megahertz to 763 megahertz and  
5           between the frequencies from 788 megahertz to 793  
6           megahertz.

7           (3) APPROPRIATE COMMITTEES OF CON-  
8           GRESS.—Except as otherwise specifically provided,  
9           the term “appropriate committees of Congress”  
10          means—

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

13                   (B) the Committee on Energy and Com-  
14                   merce of the House of Representatives.

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

18          (5) COMMISSION.—The term “Commission”  
19          means the Federal Communications Commission.

20          (6) CORPORATION.—The term “Corporation”  
21          means the Public Safety Broadband Corporation es-  
22          tablished under section 244.

23          (7) EXISTING PUBLIC SAFETY BROADBAND  
24          SPECTRUM.—The term “existing public safety

1 broadband spectrum” means the portion of the elec-  
2 tromagnetic spectrum between the frequencies—

3 (A) from 763 megahertz to 768 megahertz;

4 (B) from 793 megahertz to 798 mega-  
5 hertz;

6 (C) from 768 megahertz to 769 megahertz;

7 and

8 (D) from 798 megahertz to 799 mega-  
9 hertz.

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

14 (9) NARROWBAND SPECTRUM.—The term  
15 “narrowband spectrum” means the portion of the  
16 electromagnetic spectrum between the frequencies  
17 from 769 megahertz to 775 megahertz and between  
18 the frequencies from 799 megahertz to 805 mega-  
19 hertz.

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

22 (11) NTIA.—The term “NTIA” means the Na-  
23 tional Telecommunications and Information Admin-  
24 istration.



1           (12) PUBLIC SAFETY ENTITY.—The term “pub-  
2       lic safety entity” means an entity that provides public  
3       safety services.

4           (13) PUBLIC SAFETY SERVICES.—The term  
5       “public safety services”—

6           (A) has the meaning given the term in sec-  
7       tion 337(f) of the Communications Act of 1934  
8       (47 U.S.C. 337(f)); and

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

13           **PART I—AUCTIONS OF SPECTRUM AND**  
14           **SPECTRUM MANAGEMENT**

15       **SEC. 221. CLARIFICATION OF AUTHORITIES TO REPURPOSE**  
16           **FEDERAL SPECTRUM FOR COMMERCIAL PUR-**  
17           **POSES.**

18       (a) ELIGIBLE FEDERAL ENTITIES.—Section  
19       113(g)(1) of the National Telecommunications and Infor-  
20       mation Administration Organization Act (47 U.S.C.  
21       923(g)(1)) is amended to read as follows:

22           “(1) ELIGIBLE FEDERAL ENTITIES.—Any Fed-  
23       eral entity that operates a Federal Government sta-  
24       tion authorized to use a band of frequencies speci-  
25       fied in paragraph (2) and that incurs relocation

1 costs because of planning for a potential auction of  
2 spectrum frequencies, a planned auction of spectrum  
3 frequencies, or the reallocation of spectrum fre-  
4 quencies from Federal use to exclusive non-Federal  
5 use, or shared Federal and non-Federal use shall re-  
6 ceive payment for such costs from the Spectrum Re-  
7 location Fund, in accordance with section 118 of  
8 this Act. For purposes of this paragraph, Federal  
9 power agencies exempted under subsection (c)(4)  
10 that choose to relocate from the frequencies identi-  
11 fied for reallocation pursuant to subsection (a), are  
12 eligible to receive payment under this paragraph.”.

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

17 “(B) any other band of frequencies reallo-  
18 cated from Federal use to non-Federal or  
19 shared use, whether for licensed or unlicensed  
20 use, after January 1, 2003, that is assigned—

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

1                   “(ii) as a result of an Act of Congress  
2                   or any other administrative or executive di-  
3                   rection.”.

4           (c) DEFINITION OF RELOCATION AND SHARING  
5 COSTS.—Section 113(g)(3) of the National Telecommuni-  
6 cations and Information Administration Organization Act  
7 (47 U.S.C. 923(g)(3)) is amended to read as follows:

8                   “(3) DEFINITION OF RELOCATION AND SHAR-  
9           ING COSTS.—For purposes of this subsection, the  
10           terms ‘relocation costs’ and ‘sharing costs’ mean the  
11           costs incurred by a Federal entity to plan for a po-  
12           tential or planned auction or sharing of spectrum  
13           frequencies and to achieve comparable capability of  
14           systems, regardless of whether that capability is  
15           achieved by relocating to a new frequency assign-  
16           ment, relocating a Federal Government station to a  
17           different geographic location, modifying Federal  
18           Government equipment to mitigate interference or  
19           use less spectrum, in terms of bandwidth, geog-  
20           raphy, or time, and thereby permitting spectrum  
21           sharing (including sharing among relocated Federal  
22           entities and incumbents to make spectrum available  
23           for non-Federal use) or relocation, or by utilizing an  
24           alternative technology. Comparable capability of sys-  
25           tems includes the acquisition of state-of-the art re-

1 placement systems intended to meet comparable  
2 operational scope, which may include incidental in-  
3 creases in functionality. Such costs include—

4 “(A) the costs of any modification or re-  
5 placement of equipment, spares, associated an-  
6 cillary equipment, software, facilities, operating  
7 manuals, training costs, or regulations that are  
8 attributable to relocation or sharing;

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

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

1                   “(i) calculating the estimated reloca-  
2                   tion costs that are provided to the Com-  
3                   mission pursuant to paragraph (4) of this  
4                   subsection, or in calculating the estimated  
5                   sharing costs;

6                   “(ii) determining the technical or  
7                   operational feasibility of relocation to 1 or  
8                   more potential relocation bands; or

9                   “(iii) planning for or managing a relo-  
10                  cation or sharing project (including spec-  
11                  trum coordination with auction winners) or  
12                  potential relocation or sharing project;

13                  “(D) the one-time costs of any modifica-  
14                  tion of equipment reasonably necessary to ac-  
15                  commodate commercial use of shared fre-  
16                  quencies or, in the case of frequencies reallo-  
17                  cated to exclusive commercial use, prior to the  
18                  termination of the Federal entity’s primary allo-  
19                  cation or protected status, when the eligible fre-  
20                  quencies as defined in paragraph (2) of this  
21                  subsection are made available for private sector  
22                  uses by competitive bidding and a Federal enti-  
23                  ty retains primary allocation or protected status  
24                  in those frequencies for a period of time after

1 the completion of the competitive bidding proc-  
2 ess;

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

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

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

22 “(7) SPECTRUM SHARING.—A Federal entity is  
23 permitted to allow access to its frequency assign-  
24 ments by a non-Federal entity upon approval of  
25 NTIA, in consultation with the Director of the Of-

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

13       (e) SPECTRUM RELOCATION FUND.—Section 118 of  
14       the National Telecommunications and Information Ad-  
15       ministration Organization Act (47 U.S.C. 928) is amend-  
16       ed—

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

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

24        “(c) USE OF FUNDS.—

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

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

14          “(3) TRANSFER OF FUNDS.—

15                 “(A) IN GENERAL.—Subject to subpara-  
16                 graph (B), the Director of OMB may transfer  
17                 at any time (including prior to any auction or  
18                 contemplated auction, or sharing initiative)  
19                 such sums as may be available in the Fund to  
20                 an eligible Federal entity to pay eligible reloca-  
21                 tion or sharing costs related to pre-auction esti-  
22                 mates or research, as such costs are described  
23                 in section 113(g)(3)(C).

24                 “(B) LIMITATION.—The Director of OMB  
25                 may not transfer more than \$100,000,000 asso-



1           ciated with authorize pre-auction activities be-  
2           fore an auction is completed and proceeds are  
3           deposited in the Spectrum Relocation Fund.

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

12          (3) in subsection (d)—

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

15           (B) in paragraph (2)(B)—

16           (i) by inserting “and sharing” before  
17           “costs”; and

18           (ii) by inserting “and sharing” before  
19           the period at the end; and

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

22          “(3) REVERSION OF UNUSED FUNDS.—

23           “(A) IN GENERAL.—Any amounts in the  
24           Fund that are remaining after the payment of  
25           the relocation and sharing costs that are pay-

1           able from the Fund shall revert to and be de-  
2           posited in the General Fund of the Treasury  
3           not later than 15 years after the date of the de-  
4           posit of such proceeds to the Fund, unless with-  
5           in 60 days in advance of the reversion of such  
6           funds, the Director of OMB, in consultation  
7           with the Assistant Secretary for Communica-  
8           tions and Information, notifies the appropriate  
9           committees of Congress that such funds are  
10          needed to complete or to implement current or  
11          future relocations or sharing initiatives.

12                 “(B) DEFINITION.—In this paragraph, the  
13          term ‘appropriate committees of Congress’  
14          means

15                         “(i) the Committee on Appropriations  
16                         of the Senate;

17                         “(ii) the Committee on Commerce,  
18                         Science, and Transportation of the Senate;

19                         “(iii) the Committee on Appropria-  
20                         tions of the House of Representatives; and

21                         “(iv) the Committee on Energy and  
22                         Commerce of the House of Representa-  
23                         tives.”;

24          (4) in subsection (e)(2)—

1 (A) by inserting “and sharing” before  
2 “costs”;

3 (B) by inserting “or sharing” before “is  
4 complete”; and

5 (C) by inserting “or sharing” before “in  
6 accordance”; and

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

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

23 “(1) any such payment by the Director of OMB  
24 is based on the market value of the spectrum, the

1 timeliness of clearing, and needs for essential mis-  
2 sions of agencies;

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

11 “(3) the amount remaining in the Fund after  
12 any such payment by the Director is not less than  
13 10 percent of the winning bids in the relevant auc-  
14 tion, or is not less than 10 percent of the payments  
15 from non-Federal entities in the relevant sharing  
16 agreement; and

17 “(4) any such payment by the Director shall  
18 not be made until 30 days after the Director has no-  
19 tified the Committees on Appropriations and Com-  
20 merce, Science, and Transportation of the Senate,  
21 and the Committees on Appropriations and Energy  
22 and Commerce of the House of Representatives.”.

23 (f) COMPETITIVE BIDDING; TREATMENT OF REVE-  
24 NUES.—Subparagraph (D) of section 309(j)(8) of the  
25 Communications Act of 1934 (47 U.S.C. 309(j)(8)) is

1 amended by inserting “excluding frequencies identified by  
2 the Federal Communications Commission to be auctioned  
3 in conjunction with eligible frequencies described in sec-  
4 tion 113(g)(2)” before “shall be deposited”.

5 (g) PUBLIC DISCLOSURE AND NONDISCLOSURE.—If  
6 the head of an executive agency of the Federal Govern-  
7 ment determines that public disclosure of any information  
8 contained in notifications and reports required by section  
9 113 or 118 of the National Telecommunications and In-  
10 formation Administration Organization Act (47 U.S.C.  
11 923 and 928) would reveal classified national security in-  
12 formation or other information for which there is a legal  
13 basis for nondisclosure and such public disclosure would  
14 be detrimental to national security, homeland security,  
15 public safety, or jeopardize law enforcement investiga-  
16 tions, the head of the executive agency shall notify the  
17 NTIA of that determination prior to release of such infor-  
18 mation. In that event, such classified information shall be  
19 included in a separate annex, as needed. These annexes  
20 shall be provided to the appropriate subcommittee in ac-  
21 cordance with appropriate national security stipulations,  
22 but shall not be disclosed to the public or provided to any  
23 unauthorized person through any other means.

1 **SEC. 222. INCENTIVE AUCTION AUTHORITY.**

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

5 (1) in subparagraph (A), by striking “(B), (D),  
6 and (E),” and inserting “(B), (D), (E), and (F),”;  
7 and

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

9 “(F) INCENTIVE AUCTION AUTHORITY.—

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

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

15                   “(iii) UNLICENSED SPECTRUM.—

16                   “(I) IN GENERAL.—With respect  
17 to frequency bands between 54 and 72  
18 MHz, 76 and 88 MHz, 174 and 216  
19 MHz, 470 and 698 MHz, 84 MHz  
20 (referred to in this clause as the ‘spec-  
21 ified bands’) shall be assigned via a  
22 competitive bidding process until the  
23 winning bidders for licenses covering  
24 90 megahertz from the specified  
25 bands deposit the full amount of their

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

13 “(II) NOTICE.—The Chairman of  
14 the Commission, in consultation with  
15 the Director of OMB, shall notify the  
16 Committees on Appropriations and  
17 Commerce, Science, and Transpor-  
18 tation of the Senate, and the Commit-  
19 tees on Appropriations and Energy  
20 and Commerce of the House of Rep-  
21 resentatives of the methodology for  
22 calculating such payments to licensees  
23 at least 3 months in advance of the  
24 relevant auction, and that such meth-  
25 odology consider the value of spec-



1                   trum vacated in its current use and  
2                   the timeliness of clearing; and

3                   “(iv) TREATMENT OF REVENUES.—

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

13                  “(G) ESTABLISHMENT OF INCENTIVE AUC-  
14                  TION RELOCATION FUND.—

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

19                  “(ii) ADMINISTRATION.—The Assist-  
20                  ant Secretary shall administer the Incen-  
21                  tive Auction Relocation Fund using the  
22                  amounts deposited pursuant to this sec-  
23                  tion.

24                  “(iii) CREDITING OF RECEIPTS.—  
25                  There shall be deposited into or credited to

1 the Incentive Auction Relocation Fund any  
2 amounts specified in section 243 of the  
3 Budget Control Act of 2011.

4 “(iv) AVAILABILITY.—Amounts in the  
5 Incentive Auction Relocation Fund shall be  
6 available to the NTLA for use—

7 “(I) without fiscal year limita-  
8 tion;

9 “(II) for a period not to exceed  
10 18 months following the later of—

11 “(aa) the completion of in-  
12 centive auction from which such  
13 amounts were derived; or

14 “(bb) the date on which the  
15 Commission issues all the new  
16 channel assignments pursuant to  
17 any repacking required under  
18 subparagraph (F)(ii); and

19 “(III) without further appropria-  
20 tion.

21 “(v) USE OF FUNDS.—Amounts in the  
22 Incentive Auction Relocation Fund may  
23 only be used by the NTLA, in consultation  
24 with the Commission, to cover—

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

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

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

22           (a) IN GENERAL.—To the extent that the Commis-  
23 sion makes available spectrum licenses on some or all of  
24 the frequencies between 2000 and 2020 MHz and 2180  
25 and 2200 MHz for terrestrial broadband use, such licenses

1 shall be assigned pursuant to the authority provided in  
2 section 309(j)(8) of the Communications Act of 1934 (47  
3 U.S.C. 309(j)(8)), including, as appropriate, subpara-  
4 graph (F) of such section.

5 (b) TERMINATION OF AUTHORITY.—The authority  
6 granted under subsection (a) shall terminate on Sep-  
7 tember 30, 2021.

8 **SEC. 224. PERMANENT EXTENSION OF AUCTION AUTHOR-**  
9 **ITY.**

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

12 **SEC. 225. AUTHORITY TO AUCTION LICENSES FOR DOMES-**  
13 **TIC SATELLITE SERVICES.**

14 Section 309(j) of the Communications Act of 1934  
15 (47 U.S.C. 309(j)) is amended by adding the following:

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

18 “(A) IN GENERAL.—Notwithstanding any  
19 other provision of law, the Commission shall use  
20 competitive bidding under this subsection to as-  
21 sign any license, construction permit, reserva-  
22 tion, or similar authorization or modification  
23 thereof, that may be used solely or predomi-  
24 nantly for domestic satellite communications  
25 services, including satellite-based television or

1 radio services. The Commission may, however,  
2 use an alternative approach to assignment of  
3 such licenses or similar authorities if it finds  
4 that such an alternative to competitive bidding  
5 would serve the public interest, convenience,  
6 and necessity.

7 “(B) DEFINITION.—In this paragraph, the  
8 term ‘predominantly for domestic satellite com-  
9 munications services’ means a service provided  
10 in which the majority of customers that may be  
11 served are located within the geographic bound-  
12 aries of the United States.

13 “(C) EFFECTIVE DATE AND APPLICA-  
14 TION.—This paragraph shall take effect on the  
15 date of enactment of this paragraph and shall  
16 apply to all Commission assignments or res-  
17 ervations of spectrum for domestic satellite  
18 services, including, but not limited to, all as-  
19 signments or reservations for satellite-based tel-  
20 evision or radio services as of the effective  
21 date.”.

22 **SEC. 226. AUCTION OF SPECTRUM.**

23 (a) IDENTIFICATION OF SPECTRUM.—Not later than  
24 1 year after the date of enactment of this Act, the Assist-  
25 ant Secretary shall identify and make available for imme-

1 diate reallocation or sharing with incumbent Government  
2 operations, at a minimum, 15 megahertz of contiguous  
3 spectrum at frequencies located between 1675 megahertz  
4 and 1710 megahertz, inclusive, minus the geographic ex-  
5 clusion zones, or any amendment thereof, identified in  
6 NTIA’s October 2010 report entitled “An Assessment of  
7 Near-Term Viability of Accommodating Wireless  
8 Broadband Systems in 1675–1710 MHz, 1755–1780  
9 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–  
10 4400 MHz Bands”.

11 (b) AUCTION.—

12 (1) IN GENERAL.—Not later than January 31,  
13 2016, the Commission shall conduct the auctions of  
14 the following licenses, by commencing the bidding  
15 for:

16 (A) The spectrum between the frequencies  
17 of 1915 megahertz and 1920 megahertz, inclu-  
18 sive.

19 (B) The spectrum between the frequencies  
20 of 1995 megahertz and 2000 megahertz, inclu-  
21 sive.

22 (C) The spectrum between the frequencies  
23 of 2020 megahertz and 2025 megahertz, inclu-  
24 sive.

1 (D) The spectrum between the frequencies  
2 of 2155 megahertz and 2175 megahertz, inclu-  
3 sive.

4 (E) The spectrum between the frequencies  
5 of 2175 megahertz and 2180 megahertz, inclu-  
6 sive.

7 (F) Subject to paragraph (2), 25 mega-  
8 hertz of spectrum between the frequencies of  
9 1755 megahertz, minus appropriate geographic  
10 exclusion zones.

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

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

16 (A)(i) such spectrum should not be reallo-  
17 cated due to the need to protect incumbent  
18 Federal operations; or

19 (ii) reallocation must be delayed or pro-  
20 gressed in phases to ensure protection or con-  
21 tinuity of Federal operations; and

22 (B) allocation of other spectrum—

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

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

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

12           (d) FURTHER REALLOCATION OF CERTAIN OTHER  
13 SPECTRUM.—

14           (1) COVERED SPECTRUM.—For purposes of this  
15 subsection, the term “covered spectrum” means the  
16 portion of the electromagnetic spectrum between the  
17 frequencies of 3550 to 3650 megahertz, inclusive,  
18 minus the geographic exclusion zones, or any amend-  
19 ment thereof, identified in NTIA’s October 2010 re-  
20 port entitled “An Assessment of Near-Term Viabil-  
21 ity of Accommodating Wireless Broadband Systems  
22 in 1675–1710 MHz, 1755–1780 MHz, 3550–3650  
23 MHz, and 4200–4220 MHz, 4380–4400 MHz  
24 Bands”.





1 and no more than 100 megahertz of spec-  
2 trum used primarily by Federal agencies  
3 that satisfy the requirements of clauses (i)  
4 and (ii) of paragraph (2)(B);

5 (ii) report to the President and appro-  
6 priate committees of Congress and the  
7 Commission an identification of such alter-  
8 native spectrum for assignment by com-  
9 petitive bidding; and

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

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

20 (4) ACTIONS REQUIRED IF COVERED SPECTRUM  
21 CAN BE REALLOCATED.—If the President does not  
22 make a determination under paragraph (1) that the  
23 covered spectrum cannot be reallocated, the Commis-  
24 sion shall commence the competitive bidding for the

1 covered spectrum within 3 years of the date of en-  
2 actment of this Act.

3 (e) AMENDMENTS TO DESIGN REQUIREMENTS RE-  
4 LATED TO COMPETITIVE BIDDING.—Section 309(j) of the  
5 Communications Act of 1934 (47 U.S.C. 309(j)) is  
6 amended—

7 (1) in paragraph (3)—

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

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

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

15 “(i) the deposits—

16 “(I) of successful bidders of any  
17 auction conducted pursuant to sub-  
18 paragraph (F) or to section 226 of  
19 the Budget Control Act of 2011 shall  
20 be paid to the Public Safety Trust  
21 Fund established under section 243 of  
22 the Budget Control Act of 2011; and

23 “(II) of successful bidders of any  
24 other auction shall be paid to the  
25 Treasury;”.

1 **SEC. 227. REPORT TO CONGRESS ON IMPROVING SPEC-**  
2 **TRUM MANAGEMENT.**

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

10 **PART II—PUBLIC SAFETY BROADBAND NETWORK**

11 **SEC. 241. REALLOCATION OF D BLOCK FOR PUBLIC SAFE-**  
12 **TY.**

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

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

19 (1) by striking "24" in paragraph (1) and in-  
20 serting "34"; and

21 (2) by striking "36" in paragraph (2) and in-  
22 serting "26".

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

24 The Commission may allow the narrowband spectrum  
25 to be used in a flexible manner, including usage for public  
26 safety broadband communications, subject to such tech-

1 nical and interference protection measures as the Commis-  
2 sion may require and subject to interoperability require-  
3 ments of the Commission and the Corporation (to be es-  
4 tablished in subsequent legislation, to provide governance  
5 of the network, development of standards to promote sys-  
6 tem-wide interoperability and security, and implementa-  
7 tion grants, where necessary, to state, local and Tribal en-  
8 tities).

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

10 (a) ESTABLISHMENT OF PUBLIC SAFETY TRUST  
11 FUND.—

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

15 (2) CREDITING OF RECEIPTS.—

16 (A) IN GENERAL.—There shall be depos-  
17 ited into or credited to the Public Safety Trust  
18 Fund the proceeds from the auction of spec-  
19 trum carried out pursuant to—

20 (i) section 102 of this Act; and

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

24 (B) AVAILABILITY.—Amounts deposited  
25 into or credited to the Public Safety Trust

1 Fund in accordance with subparagraph (A)  
2 shall remain available until the end of fiscal  
3 year 2017. Upon the expiration of the period  
4 described in the prior sentence such amounts  
5 shall be deposited in the General Fund of the  
6 Treasury, where such amounts shall be dedi-  
7 cated for the sole purpose of deficit reduction.

8 (b) APPROPRIATION.—There is hereby appropriated  
9 from the Public Safety Trust Fund to the Secretary of  
10 Commerce \$7,000,000,000, to remain available through  
11 fiscal year 2017, for the establishment of a national net-  
12 work to support secure and interoperable public-safety  
13 broadband communications: *Provided*, That the Secretary  
14 may make shall make these amounts available to a Public  
15 Safety Broadband Corporation, to be established in a sub-  
16 sequent statute, to support the Corporation's activities in  
17 providing governance of such network; in developing  
18 standards to promote systemwide interoperability and se-  
19 curity of such network; in entering into contracts with the  
20 National Institute of Standards and Technology (NIST),  
21 for NIST to provide services to the Corporation; and in  
22 making grants, as necessary, to State, local, and tribal en-  
23 tities for their activities in support of such network: *Pro-*  
24 *vided further*, That the Secretary shall make these  
25 amounts available to such Corporation after submission

1 of a spend plan by the Corporation and approval by the  
2 Secretary of Commerce, in consultation with the Secretary  
3 of Homeland Security, Director of the Office of Manage-  
4 ment and Budget, and Attorney General of the United  
5 States.

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

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

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

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

5 **SEC. 246. FEDERAL INFRASTRUCTURE SHARING.**

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

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

20 (c) PAYMENT ABOVE FULL INCREMENTAL COST.—  
21 The Administrator may adopt rules to charge more than  
22 the full incremental cost of using the Federal infrastruc-  
23 ture if demand for use of a component of Federal infra-  
24 structure by non-Federal entities is greater than can be  
25 accommodated, as determined by the Administrator. How-  
26 ever, the rules established by the Administrator shall



1 prioritize use by Federal agencies over public safety enti-  
2 ties and prioritize use by public safety entities over com-  
3 mercial or other non-Federal entities.

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

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

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

18 (b) CONTENTS.—The report required by subsection

19 (a) shall include—

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

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

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

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

## 12 **Subtitle B—Federal Pell Grant and** 13 **Student Loan Program Changes**

### 14 **SEC. 251. FEDERAL PELL GRANT AND STUDENT LOAN PRO-** 15 **GRAM CHANGES.**

16           (a) FEDERAL PELL GRANTS.—Section  
17 401(b)(7)(A)(iv) of the Higher Education Act of 1965 (20  
18 U.S.C. 1070a(b)(7)(A)(iv)) is amended—

19           (1) in subclause (II), by striking  
20 “\$3,183,000,000” and inserting “\$13,683,000,000”;  
21 and

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

24           (b) TERMINATION OF AUTHORITY TO MAKE INTER-  
25 EST SUBSIDIZED LOANS TO GRADUATE AND PROFES-

1 SIONAL STUDENTS.—Section 455(a) of the Higher Edu-  
2 cation Act of 1965 (20 U.S.C. 1087e(a)) is amended by  
3 adding at the end the following:

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

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

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

21           “(C) the maximum aggregate amount of  
22 Federal Direct Unsubsidized Stafford Loans  
23 such a student may borrow shall be the max-  
24 imum aggregate amount for such student deter-  
25 mined under section 428H, adjusted to reflect

1 the increased annual limits described in sub-  
2 paragraph (B), as prescribed by the Secretary  
3 by regulation.”.

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

## 10 **Subtitle C—Farm Programs**

### 11 **SEC. 261. DEFINITION OF PAYMENT ACRES.**

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

15 (1) in subparagraph (A)—

16 (A) by striking “subparagraph (B)” and  
17 inserting “subparagraphs (B) and (C)”; and

18 (B) by striking “and” at the end;

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

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

22 “(C) in the case of direct payments for the  
23 2012 crop year, 59 percent of the base acres for  
24 the covered commodity on a farm on which di-  
25 rect payments are made.”.

1 (b) PAYMENT ACRES FOR PEANUTS.—Section  
2 1301(5) of the Food, Conservation, and Energy Act of  
3 2008 (7 U.S.C. 8751(5)) is amended—

4 (1) in subparagraph (A)—

5 (A) by striking “subparagraph (B)” and  
6 inserting “subparagraphs (B) and (C)”; and

7 (B) by striking “and” at the end;

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

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

11 “(C) in the case of direct payments for the  
12 2012 crop year, 59 percent of the base acres for  
13 peanuts on a farm on which direct payments  
14 are made.”.

15 **TITLE III—JOINT SELECT COM-**  
16 **MITTEE ON DEFICIT REDUC-**  
17 **TION**

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

19 (a) DEFINITIONS.—In this title:

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

23 (2) JOINT COMMITTEE BILL.—The term “joint  
24 committee bill” means a bill consisting of the pro-  
25 posed legislative language of the joint committee rec-

1           ommended under subsection (b)(3)(B) and intro-  
2           duced under section 302(a).

3           (b) ESTABLISHMENT OF JOINT SELECT COM-  
4           MITTEE.—

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

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

11                (3) DUTIES.—

12                    (A) IN GENERAL.—

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

21                         (ii) CONSIDERATION OF OTHER BI-  
22                   PARTISAN PLANS.—As a part of developing  
23           the joint committee’s recommendations and  
24           legislation, the joint committee shall con-  
25           sider existing bipartisan plans to reduce

1 the deficit, including plans developed joint-  
2 ly by Senators or Members of the House.

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

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

14 (i) IN GENERAL.—Not later than No-  
15 vember 23, 2011, the joint committee shall  
16 vote on—

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

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

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

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

24                  (iv) TRANSMISSION OF REPORT AND  
25                  LEGISLATIVE LANGUAGE.—If the report



1 and legislative language are approved by  
2 the joint committee pursuant to clause (ii),  
3 then not later than December 2, 2011, the  
4 joint committee shall submit the joint com-  
5 mittee report and legislative language de-  
6 scribed in clause (i) to the President, the  
7 Vice President, the Speaker of the House,  
8 and the Majority and Minority Leaders of  
9 both Houses.

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

18 (4) MEMBERSHIP.—

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

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

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

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

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

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

15 (C) CO-CHAIRS.—

16 (i) IN GENERAL.—There shall be 2  
17 Co-Chairs of the joint committee. The ma-  
18 jority leader of the Senate shall appoint  
19 one Co-Chair from among the members of  
20 the joint committee. The Speaker of the  
21 House of Representatives shall appoint the  
22 second Co-Chair from among the members  
23 of the joint committee. The Co-Chairs shall  
24 be appointed not later than 14 calendar

1           days after the date of enactment of this  
2           section.

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

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

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

20                   (5) ADMINISTRATION.—

21                   (A) IN GENERAL.—To enable the joint  
22           committee to exercise its powers, functions and  
23           duties, there are authorized to be disbursed by  
24           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.—7 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”.