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Congressional Record 112th Congress (2011-2012)

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TEXT OF AMENDMENTS -- (Senate - June 07, 2011)

to the public by posting it on the Internet in a conspicuous manner and location.

SEC. 206. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) *In General.*--Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) *Content of Report.*--Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. 207. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section 205(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination--

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

SA 397. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. [2X]. EXEMPTION OF SAND DUNE LIZARD FROM ENDANGERED SPECIES ACT OF 1973.

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

“(j) *Exemption of Sand Dune Lizard.*--This Act shall not apply to the sand dune lizard.”.

SA 398. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. APPLICATION TO CERTAIN SPEECH, BUSINESS DECISIONS.

(a) *Unfair Labor Practices.*--Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by inserting before the semicolon at the end the following: “:

Provided further, That an employer's expression of any views, argument, or opinion related to the costs associated with collective bargaining, work stoppages, or strikes, or the dissemination of such views, arguments, or opinions, whether in written, printed, graphic, digital, or visual form, shall not constitute or be evidence of antiunion animus or unlawful motive, if such expression contains no threat of reprisal or force or promise of benefit”.

(b) *Prevention of Unfair Labor Practices.*--Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended--

(1) in subsection (a), by inserting after the period at the end the following: “: *Provided further,* That the Board shall have no power to order any employer to relocate, shut down, or transfer any existing or planned facility or work or employment opportunity, or prevent any employer from making such relocations, transfers, or expansions to new or existing facilities in the future, or prevent any employer from closing a facility, not developing a facility, or eliminating any employment opportunity

unless and until the employer has been adjudicated finally to have unlawfully undertaken such actions--

``(1) without advance notice to the labor organization, if any, representing the bargaining unit of the affected employees, of the economic reason(s) for the relocation, shut down, or transfer of existing or future work; or

``(2) as a primary and direct response to efforts by a labor organization to organize a previously unrepresented workplace"; and

(2) by adding at the end the following:

``(n) Nothing in this Act shall prevent an employer from choosing where to locate, develop, or expand its business or facilities, or require any employer to move, transfer, or relocate any facility, production line, or employment opportunity, or require that an employer cease or refrain from doing so, or prevent any employer from closing a facility or eliminating any employment opportunity unless the employer has been adjudicated finally to have unlawfully undertaken such actions--

``(1) without advance notice to the labor organization, if any, representing the bargaining unit of the affected employees, of the economic reason(s) for the relocation, shut down, or transfer of existing or future work; or

``(2) as a primary and direct response to efforts by a labor organization to organize a previously unrepresented workplace.".

SA 399. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. NATIONAL RIGHT-TO-WORK.

(a) *Amendments to the National Labor Relations Act.*--

(1) **RIGHTS OF EMPLOYEES.**--Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ``except to" and all that follows through ``authorized in section 8(a)(3)".

(2) **UNFAIR LABOR PRACTICES.**--Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended--

(A) in subsection (a)(3), by striking `` :

Provided, That" and all that follows through `` retaining membership";

(B) in subsection (b)--

(i) in paragraph (2), by striking "or to discriminate" and all that follows through "retaining membership"; and

(ii) in paragraph (5), by striking "covered by an agreement authorized under subsection (a)(3) of this section"; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) *Amendment to the Railway Labor Act.*--Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 400. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. GAINFUL EMPLOYMENT.

The final regulation issued by the Secretary of Education on June 2, 2011, entitled "Program Integrity: Gainful Employment--Debt Measures" and amending part 668 of title 34, Code of Federal Regulations, shall have no force or effect.

SA 401. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. TERMINATION OF GLOBAL CLIMATE CHANGE RESPONSE FUND.

(a) *In General.*--Effective beginning October 1, 2011, section 1609 of the Energy Policy Act of 1992 (42 U.S.C. 13388) is repealed.

(b) *Remaining Amounts.*--Any unobligated amounts remaining in the Global Climate Change Response Fund on October 1, 2011, shall be deposited in the general fund of the Treasury.

SA 402. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. 22. PERMANENT ESTATE TAX RELIEF.

(a) *In General.*--Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) *Effective Date.*--The repeal made by this section shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

SA 403. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ECONOMIC DEVELOPMENT ADMINISTRATION.

(a) *Termination of Authority.*--Beginning on October 1, 2011, the Economic Development Administration is terminated.

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(b) *Collection Authority.*--The Secretary of the Treasury may collect any amounts owed to the Federal Government under any loan agreement entered into by the Economic Development Administration in effect on September 30, 2011--

- (1) in accordance with the terms or conditions of that loan agreement; or
- (2) as otherwise provided by law.

SA 404. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PROHIBITION ON AWARD AND DESIGNATION OF FUNDS.

Notwithstanding any other provision of law, none of the funds made available under this Act or an amendment made by this Act shall be awarded to or designated for an area or entity named for any living Member of Congress.

SA 405. Mr. BROWN of Massachusetts (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. __X. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) *In General.*--The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

(b) *Rescission of Unspent Federal Funds to Offset Loss in Revenues.*--

(1) **IN GENERAL.**--Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(2) **IMPLEMENTATION.**--The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) **EXCEPTION.**--This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 406. Mrs. HUTCHISON (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. __X. EXTENSION OF CERTAIN OUTER CONTINENTAL SHELF LEASES.

(a) *Definition of Covered Lease.*--In this section, the term "covered lease" means each oil and gas lease for the Gulf of Mexico outer Continental Shelf region issued under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) that was--

(1) not producing as of April 30, 2010; or

(2) suspended from operations, permit processing, or consideration, in accordance with the moratorium set forth in the Minerals Management Service Notice to Lessees and Operators No. 2010-N04, dated May 30, 2010, or the decision memorandum of the Secretary of the Interior entitled "Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf" and dated July 12, 2010.

(b) *Extension of Covered Leases.*--The Secretary of the Interior shall extend the term of a covered lease by 1 year.

(c) *Effect on Suspensions of Operations or Production.*--The extension of covered leases under this Act is in addition to any suspension of operations or suspension of production granted by the Minerals Management Service or Bureau of Ocean Energy Management, Regulation and Enforcement after May 1, 2010.

SA 407. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 22. PROHIBITION ON INTEREST CHARGES FOR ON-TIME PRINCIPAL PAYMENTS.

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

``(z) *Prohibition on Interest Charges for On-time Principal Payments.*--Each mortgagee (or servicer) with respect to a mortgage under this section may not impose, nor may the Secretary require the imposition of, any interest charge on such a mortgage as a result of the loss of any time period provided by the mortgagee (or servicer) within which the mortgagor may fully repay the principal balance amount of the mortgage, with respect to--

``(1) any days in the billing cycle that precedes the most recent billing cycle in which such amounts were repaid; or

``(2) any amounts repaid in the current billing cycle that were repaid within such time period.".

SA 408. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. REMOVAL OF INSURANCE MORATORIUM FOR INDUSTRIAL BANKS.

Section 603(a) of the Bank and Savings Association Holding Company and Depository Institution Regulatory Improvements Act of 2010 (12 U.S.C. 1815 note) is amended--

(1) in paragraph (1)--

(A) in subparagraph (A), by adding ``and" at the end;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in each of paragraphs (2) and (3), by striking "an industrial bank, a credit card bank," each place that term appears and inserting "a credit card bank"; and

(3) in paragraph (3), by striking "the industrial bank, credit card bank," each place that term appears and inserting "credit card bank".

SA 409. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. LIMITED ANTITRUST EXEMPTION.

(a) *In General.*--The antitrust laws, as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), and the law of unfair competition under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not apply to any joint discussion, consideration, review, or action by or among merchants, financial institutions, or payment networks negotiating and entering into agreements with respect to fees.

(b) *Definitions.*--In this section:

(1) **FINANCIAL INSTITUTION.**--The term "financial institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) and includes a Federal credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(2) **PAYMENT NETWORKS.**--The term "payment network" means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure or software that route information and data to conduct transaction authorization, clearance, or settlement, and that a person uses in order to accept as a form of payment.

SA 410. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. __X. POSTAL SERVICE POLICY.

Section 101(b) of title 39, United States Code, is amended--

(1) in the first sentence, by striking "a maximum degree of"; and

(2) by striking "where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being" and inserting ". It is".

SA 411. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. __. PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

SA 412. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

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