

3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 674, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided and controlled between the Senator from Montana and the Senator from Utah.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally charged.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 212, H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care related programs, and for other purposes.

Harry Reid, Christopher A. Coons, Joe Manchin III, Kay R. Hagan, Dianne Feinstein, Benjamin L. Cardin, Al Franken, Mark Begich, Mark R. Warner, Jeff Bingaman, Tom Udall, Amy Klobuchar, Jeanne Shaheen, Barbara A. Mikulski, Kent Conrad, Michael F. Bennet, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care-related programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), and the Senator from Utah (Mr. LEE), the Senator from Illinois (Mr. KIRK), and the Senator from South Carolina (Mr. DEMINT).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—94

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Risch
Boozman	Inouye	Roberts
Boxer	Isakson	Rubio
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Johnson (WI)	Sessions
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Shelby
Carper	Kohl	Snowe
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Coats	Lautenberg	Thune
Coburn	Leahy	Toomey
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Vitter
Coons	Manchin	Warner
Corker	McCain	Webb
Cornyn	McCaskill	Whitehouse
Crapo	McConnell	Wicker
Durbin	Menendez	Wyden
Enzi	Merkley	
Feinstein	Mikulski	

NAYS—1

Rockefeller

NOT VOTING—5

DeMint	Kirk	Pryor
Hatch	Lee	

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

● Mr. PRYOR. Mr. President, due to a prior family obligation, I was unavoidably absent for tonight's vote. I ask the RECORD show that had I been present for vote No. 198, I would have voted yea on the motion to invoke cloture on the motion to proceed to H.R. 674.●

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1815 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Mr. President, I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. DURBIN. Mr. President, on vote No. 197, the confirmation of Scott Wesley Skavdahl to be U.S. District Judge for the District of Wyoming, I was unavoidably absent. Had I been present, I would have supported the nomination and voted yea.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12170 ON NOVEMBER 14, 1979—PM 32

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, is to continue in effect beyond November 14, 2011.

Our relations with Iran have not yet returned to normal, and the process of implementing the agreements with Iran, dated January 19, 1981, is still under way. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2011.

BARACK OBAMA.
THE WHITE HOUSE, November 7, 2011.

MESSAGE FROM THE HOUSE
RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on November 4, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was signed on November 4, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2930. An act to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

H.R. 2940. An act to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061.

The message further announced that the House has passed the following bill, without amendment:

S. 1487. An act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Ms. KAPTUR of Ohio and Mr. HONDA of California.

The message further announced that pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal

Year 2010 (Public Law 111-259), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. CONWAY of Texas.

MEASURES PLACED ON THE
CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2930. An act to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

H.R. 2940. An act to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

EXECUTIVE AND OTHER
COMMUNICATIONS

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

EC-3804. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R Series Airplanes, and Model A300-C4-605R Variant F Airplanes (Collectively Called Model A300-600 Series Airplanes); Model A310 Series Airplanes; Model A318 Series Airplanes; Model A319 Series Airplanes; Model A320-211, -212, -214, -231, -232, and -233 Airplanes; Model A321 Series Airplanes; Model A330-200 and A330-300 Series Airplanes; and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0388)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0569))

received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3806. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0218)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3807. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0381)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3808. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0224)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3809. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; M7 Aerospace LP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0832)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3810. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328-100 and -300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1163)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3811. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0033)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3812. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2-1C, A300 B2-203, A300 B2K-3C, A300 B4-103, A300 B4-203, and A300 B4-2C Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0389)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.