

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

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

#### SEC. 512. PAYGO SCORECARD ESTIMATES.

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

**SA 1466.** Mr. REID (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; as follows:

To amend the title so as to read:

A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

**SA 1467.** Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 1959, to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes; as follows:

At the end, add the following:

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.J. Res. 95.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 95) making further continuing appropriations for fiscal year 2012 and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. This is a 6-day continuing resolution. The House is going to come back in Monday and then papers have to get to the President. It takes time.

I ask unanimous consent the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The joint resolution (H.J. Res. 95) was ordered to a third reading, was read the third time, and passed.

#### SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

Mr. REID. Mr. President, I ask the Chair lay to before the body a message from the House.

The PRESIDING OFFICER laid before the Senate the following message:  
S. 278

*Resolved*, That the bill from the Senate (S. 278) entitled “An Act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Sugar Loaf Fire Protection District Land Exchange Act of 2011”.*

##### SEC. 2. DEFINITIONS.

*In this Act:*

(1) DISTRICT.—*The term “District” means the Sugar Loaf Fire Protection District of Boulder, Colorado.*

(2) FEDERAL LAND.—*The term “Federal land” means—*

(A) *the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009; and*

(B) *the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.*

(3) NATIONAL FOREST.—*The term “National Forest” means the Arapaho-Roosevelt National Forests located in the State of Colorado.*

(4) NON-FEDERAL LAND.—*The term “non-Federal land” means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled “Sugarloaf Fire Protection District Proposed Land Exchange”, and dated November 12, 2009.*

(5) SECRETARY.—*The term “Secretary” means the Secretary of Agriculture.*

##### SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—*Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—*

(1) *the Secretary shall accept the offer; and*

(2) *on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.*

(b) APPLICABLE LAW.—*Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—*

(1) *the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and*

(2) *as a condition of the land exchange under subsection (a), the District shall—*

(A) *pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and*

(B) *enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.*

(c) ADDITIONAL TERMS AND CONDITIONS.—*The land exchange under subsection (a) shall be subject to—*

(1) *valid existing rights; and*

(2) *any terms and conditions that the Secretary may require.*

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—*It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.*

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—*In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.*

(2) VALUE OF FEDERAL LAND.—*The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.*

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—*The Secretary shall deposit in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a) any amount received by the Secretary as the result of—*

(A) *any cash equalization payment made under subsection (b); and*

(B) *any sale carried out under subsection (e).*

(2) USE OF PROCEEDS.—*Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest System.*

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—*The non-Federal land acquired by the Secretary under this section shall be—*

(1) *added to, and administered as part of, the National Forest; and*

(2) *managed by the Secretary in accordance with—*

(A) *the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and*

(B) *any laws (including regulations) applicable to the National Forest.*

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—*Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.*

(2) WITHDRAWAL.—*On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.*

Mr. REID. I ask unanimous consent the motion to concur in the House amendment to S. 278 be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

#### HUBZONE QUALIFIED CENSUS TRACT ACT

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of S. 1874 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1874) to require the timely identification of qualified census tracts for purposes of the HUBZone program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (S. 1874) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1874

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “HUBZone Qualified Census Tract Act of 2011”.

#### SEC. 2. DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(b) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(1) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under subsection (a) upon which the list published under subsection (a) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(2) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under paragraph (1), upon which the list of qualified census tracts published under subsection (a) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

#### SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

#### HAQQANI NETWORK TERRORIST DESIGNATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 1959 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1959) to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I express my appreciation to everyone for removing their holds and allowing this matter to go forward. It is a very important statement that we make as Americans regarding our foreign policy.

Mr. President, I ask unanimous consent that the Burr amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 1467) was agreed to, as follows:

(Purpose: To provide that the Act may not be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan)

At the end, add the following:

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

The bill (S. 1959), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1959

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Haqqani Network Terrorist Designation Act of 2011”.

#### SEC. 2. REPORT ON DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) A report of the Congressional Research Service on relations between the United States and Pakistan states that “[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan”.

(2) The report further states that, in mid-2011, the Haqqanis undertook several high-

visibility attacks in Afghanistan. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. A September 13 attack on the United States Embassy compound in Kabul involved an assault that sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(3) The report further states that “U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network”.

(4) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Chairman of the Joint Chiefs of Staff Admiral Mullen stated that “[t]he Haqqani network, for one, acts as a veritable arm of Pakistan’s Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations”.

(5) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that “we are taking action to target the Haqqani leadership on both sides of the border. We’re increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage.”.

(6) At the same hearing, Secretary of State Clinton further stated that “I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans.”.

(7) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as “a Haqqani Network commander” who has “overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts.” The designation continued, “Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police”. According to Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, Khan also has links to al-Qaeda.

(8) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban’s Mira shah Regional Military Shura, was designated by the Secretary of State as a terrorist in March 2008, and in March 2009, the Secretary of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadran.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this