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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the world and all that is in it belong to You. You built our Earth on the deep waters and laid its foundations in the ocean depths. Great and marvelous are Your works. Give Your Senators this day Your hand of mercy so that they will feel Your peace and be guided by Your wisdom. Remind them that their value comes not only in actions in the work arena but also in reflection and meditation and prayer when they are not on Capitol Hill. Keep them close to You and constantly aware of Your abiding spirit in their lives. As they make time for quiet deliberation and circumspection, may they grow in the assurance of Your power.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the next hour will be equally divided between Democrats and Republicans. The majority will control the first half and the Republicans will control the final half.

At 11:30 the Senate will proceed to executive session to consider the nomination of John Fowkles to be U.S. District Judge for the Western District of Tennessee. At noon there will be a roll-call vote on the confirmation of that nomination.

The Senate will recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

At approximately 2:25 p.m., there will be a cloture vote on the motion to proceed to S. 2237, which is the Small Business Jobs and Tax Relief Act.

MEASURE PLACED ON CALENDAR—S. 3364

Mr. REID. Mr. President, I understand that S. 3364 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The majority leader is correct.

The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3364) to provide an incentive for businesses to bring jobs back to America.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

SMALL BUSINESS TAX CUTS

Mr. REID. Mr. President, my Republican colleagues talk a good game on taxes, but Democrats' record of cutting taxes for small businesses speaks louder than Republican rhetoric.

Since President Obama took office, taxes have been cut for small businesses 18 times. Today he will advance a plan to cut taxes for small firms for the 19th time in just 3½ years.

The Small Business Jobs and Tax Relief Act would put money back into the coffers of true job creators. Under our plan business owners who hire new workers or give raises to current employees would get a 10-percent tax credit. Our legislation would also cut taxes for firms that invest in new equipment, allowing more than 2 million businesses to grow faster.

These two proposals will create almost 1 million new jobs, and economists from across the political spectrum agree this is the most effective and efficient way to give the economy a badly needed boost. If my Republican colleagues want their record to match their rhetoric, they will end their filibuster of this worthy measure, and they will vote to support the real job creators.

Unfortunately, while Republicans agree we should cut taxes, their approach is completely different from ours. Congressional Republicans want to lavish huge across-the-board tax cuts on billionaire hedge fund managers and mega-rich celebrities such as Donald Trump.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Unlike our proposal, the Republican plan, which passed the House of Representatives, would not do a thing to encourage hiring. More than 99 percent of businesses in America would qualify for this extravagant tax break—even if they didn't create a single new job or raise wages for one solitary employee. In fact, fabulously rich so-called small business owners such as Kim Kardashian and Paris Hilton could qualify for these wasteful giveaways. Even though three-quarters of Americans oppose more tax breaks for the wealthiest few, nearly half of the benefits of this $46 billion Republican proposal would go to millionaires and billionaires.

Mr. President, we Democrats want to cut taxes for small businesses, but the Republican alternative that passed the House of Representatives is simply the wrong way to do it.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

THE ECONOMY

Mr. MCCONNELL. Mr. President, last Friday morning the American people woke up to the news that the economy is on life support. The first response of the President of the United States was that we are headed in the right direction.

Let's just think about that for a second. The President's first reaction to the news that more Americans signed up for disability last month than got jobs was to flash a thumbs up and head back to the campaign trail, just like his first reaction to a question about the economy at a recent White House press conference was to say that the private sector is doing just fine.

Well, obviously, answers like that just aren't going to cut it. The President's advisers must be telling him that much. So yesterday the President—the man at the wheel—changed his tune by doing his Washington best to change the subject.

For 3½ years, this White House has shown an utter lack of imagination when it comes to jobs and the economy. If the solution doesn't involve more government, they are not interested. That is all they have. So yesterday the President went back to the same well one more time. After 3½ years of more government, more debt, more spending, more taxes, and more regulations, he demanded even more.

Yesterday the President issued an ultimatum: Raise taxes on about 1 million business owners to fund more government, and I will not raise taxes on the rest of you. That was his considered response to this crisis.

Let's leave aside for a second the complete and total absurdity of raising taxes on job creators in the middle of what some are calling the slowest recovery ever. Leave that aside and ask yourself a more fundamental question: Whose money is it in the first place?

Why should small businesses be put on the defensive about keeping money they have worked for and earned? It seems as though every day for the past 3½ years we have woken up to stories about waste and abuse in government—whether it was a bankrupt solar company or the $800,000 party some government agency threw for itself or this week's report that we overspent on unemployment benefits by about $14 billion.

As far as I am concerned, there should not even be a debate. The government doesn't need any more money. It is the government that should be answering to us for the tax dollars it has wasted and misdirected. It is the President who should be on the defensive. He is the one who pledged he would cut the deficit in half by the end of his first term but doubled it instead. He is the one who spent the first 3½ years of his administration shattering spending records.

Now he wants us to believe he will direct new tax revenue toward tackling the deficit? Look, yesterday's announcement was many things, but let's be honest. It wasn't a plan for deficit reduction, and it sure wasn't a plan for job creation. First and foremost, it was a distraction. By any standard the President has a nightmarish economic record. By demanding higher taxes on the few, he is trying to direct attention from it.

Second, it is deeply ideological. The President has already admitted that the last thing we need to do in the middle of a recession is raise taxes. He knows that yesterday's proposal would only make the economy worse. He knows that. His goal isn't jobs, it is income redistribution. It is his idea of fairness, which means you earn and he takes. His definition of fairness means you earn and he takes.

Third, it is purely political. The President's top priority for the last year hasn't been creating jobs; it has been saving his own. Let me say that again. The top priority of the President hasn't been creating jobs for anybody else; it has been saving his own job. His advisers seem to think if they create enough scapegoats that he will slip by in November.

That is why he has spent the past year trying to convince the public that somehow his predecessor is more responsible for the economic failures of the past 3½ years than he is; that all the bailouts and the trillions in borrowed money and the government takeover of health care and the onslaught of bureaucratic redtape and regulations are somehow irrelevant to the fact that we are mired in the slowest economic recovery in modern times; that we are just one more stimulus away from an economic boom; that the fact that we have had unemployment above 8 percent for 41 straight months has nothing to do with the policies he put in place in his first 2 years in office; that all these massive pieces of legislation he touted were somehow hugely historic yet, at the same time, completely unrelated to the joblessness, uncertainty, and decline we have seen almost every day since.

It is this kind of economic thinking that leads to the kind of proposal the President announced yesterday, which says a tax hike is harmful to middle-income earners but somehow meaningless for the 940,000 business owners who will get slammed by this tax hike, as well as all the other tax hikes the President has in store for them at the end of this year.

The sad truth is the President isn't just ignoring the economic problems we face; he is exacerbating them. He is running us headlong to the cliff that is fast approaching in January. Frankly, it is hard to imagine a President deliberately doing all these things he knows will only make things worse, but that is where we are. Now it is incumbent upon the rest of us to outline a better path. And that is what we support—commonsense progrowth policies that liberate the private sector. It starts by repealing a health care law that is stifling businesses, by ending the senseless regulations that are crushing businesses, by ending the threats of tax hikes on businesses that can't afford them, and by putting our faith in free enterprise over the dictates of a centralized government. In the Obama economy, we need policies that are designed to create jobs, not destroy them.

No one should see an income tax hike next year—no one—not families, not small businesses, no one. We should extend all income tax rates while we make progress on fundamental tax reform.

It is time to put the failed policies of the past 3½ years aside and try something else. Washington has done enough damage to the economy already. Let's focus on the kinds of progrowth jobs proposals the Republican-led House has already passed. And above all, let's do no harm. It is time to give the private sector and the innovators and the workers who drive it a fighting chance.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

THE ECONOMY

Mr. DURBIN. Mr. President, it has been 3 years—3 years—since my colleague from Kentucky who just spoke announced to America that his highest priority as a Senate leader was to make sure Barack Obama was a one-term President. That was his highest priority. And since that time, we have seen a record number of Republican filibusters on the floor of the Senate.

They have broken all records in terms of efforts to stop even to allow a vote on the priorities of the Obama administration. For the Republican leader to then come to the floor and bemoan the fact that the President has not done more suggests he believes we are victims of political amnesia. And we are not.

We know the President came with a stimulus bill when we were losing 800,000 jobs a month. That is what we were losing the month the President was sworn in. He came with a stimulus bill to turn the economy around and to give tax breaks to businesses and individuals. And we ended up getting three Republicans who joined us over the objection of their leadership. We needed those three to break the Republican filibuster on the President's effort to get the economy moving forward again.

When it came time for health care reform, Senator BAUCUS, chairman of the Senate Finance Committee, invited the Republicans to sit down and construct a bipartisan bill with us, and they walked away—they walked away and then started a Republican filibuster against any change in health care reform. Does anyone remember the Republican alternative for health care reform? Of course not because there wasn't any. They didn't have a bill. They didn't even have a good idea. They were just here to say no and to use their filibuster to achieve it, and that story has repeated itself over and over again.

In trying to rein in Wall Street greed so we didn't go through another recession like the one we are living through now, not enough Republicans would step up and support that. We faced a Republican filibuster again.

So for the Republican leader to come to the floor and bemoan the fact that certain things have not occurred here is to ignore the reality that he said his highest priority was to make Barack Obama a one-term President, and he has demonstrated that with an endless stream of Republican filibusters.

TAX CUTS

Now, let's get down to tax cuts. What President Obama said yesterday was this: To every single American, your first $250,000 of income—your first $250,000—will continue to receive a good tax break. There will be no increase in taxes on the first $250,000 of income. For 98 percent of Americans, that is great because they make less than $250,000, so they are not going to see any tax increase by the President's proposal. But for the 2 percent who make more than $250,000, the President's suggestion was to go back to the tax rates, for that money earned over $250,000, go back to the tax rates of the Clinton years, which was a time of dramatic economic expansion and the last time we in Washington balanced a budget. Now, that is not a radical idea, it is a sensible idea.

You can't come to the floor of the Senate day after day, week after week posing for holy pictures about dealing with the deficit—my goodness, the deficit—and then when we suggest raising taxes on only 2 percent of the American people, say: Oh, that is unacceptable. The only way to reach fiscal stability and deal with the deficit and debt is to put it all on the table, to make sure spending and revenue are on the table. And if we can't touch income over $250,000 for the top 2 percent of Americans, we will never honestly deal with the deficit crisis.

The Republican leader came to the floor and said: Well, last week's employment numbers were not that encouraging. And I would join him in saying I wish they were better too. I am not going to say this is where I want to be, but I will say this: For 28 straight months—28 straight months—under President Obama, we have seen increases in private sector employment. Jobs are being lost in the public sector. We know that. They are being lost back home as State and local governments and others are reducing their payrolls. That is part of it. It is one of the reasons we haven't seen a more fulsome growth in employment. That is a reality. But private sector job growth has continued for 28 straight months.

So for the Republican leader to suggest that the President took this news and then went out on the campaign trail, he forgot something. Last Friday President Barack Obama signed the bipartisan Transportation bill—a bill that will create and keep more than 2 million Americans working in this country building the infrastructure we need. This is a bill we have been waiting on for 3 years, and the President signed it, and I am glad he did. It helps Illinois, and it helps the Nation.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Let me also say that we can do more things to help get this economy moving forward. The first thing I would like to see is for the Republicans to end their filibuster against the small business bill we will have before us today. What does this bill do? This bill says to small businesses across America: We will give you a tax credit if you will create jobs or if you will expand your payroll—a tax credit—and we will give you a quicker depreciation on those items of equipment—technology and capital—that you purchase now.

This would be a shot in the arm. It is a recipe every Republican has sworn to Grover Norquist they are going to stand by come hell or high water—to cut taxes, cut taxes on small businesses so they will create jobs, give them a break to buy equipment so they can depreciate it more quickly and create more jobs with those who are supplying them. What is wrong with this notion? It is supposed to be the Republican credo: cut taxes, and for small business. Can't we agree on that? No. We are facing a Republican filibuster on that too.

Well, it is an illustration, in my mind, of an example of a bill that can move us forward with 1 million new jobs. Why won't the Republicans join us? Well, because they have said over and over again that they want this President to be a one-term President. They do not want success. They don't want job creation on his watch. They want as miserable a record as they can help produce to take into the November elections.

In fact, one Republican Senator said 2 weeks ago in the press: I hope the defense contractors start laying people off with the prospect of spending cuts in the future, and the sooner the better. Don't wait until after the elections; do it now.

How can he say that when we have to face these workers and their families? We don't want anyone laid off; we want people to have an opportunity to work good-paying jobs.

I think we understand what we face today. We have to come together as a nation with solutions that aren't part of the Presidential campaign rhetoric.

I served on the Simpson-Bowles Commission. I think it was a responsible way forward. I didn't agree with all of it, but it was a responsible way to move forward on deficit reduction. But we also put everything on the table in terms of deficit reduction. We conceded the fact that we can't start the cutting that is needed until we bring ourselves strongly out of this recession, and we are moving forward on that path. It is time for us to continue that movement forward on a bipartisan basis.

I am asking for somebody to throw open the windows and bring in some fresh air here in the Senate this afternoon. When we vote on the small business tax credits to create more jobs across America, I am asking the Republicans to join us. This is not about President Obama, this is about America, its workers, its families, and our economy. If there was ever a time when we should come together on a bipartisan basis, it is now. We need to knock down the Republican filibuster, bring this bill to the floor, and do our very best to create new jobs and move this country forward.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I rise once again to discuss the production tax credit for wind energy, and I wish to urge all my colleagues to extend it as soon as possible.

I have been coming to the Senate floor on an ongoing basis to highlight the tremendous growth of the wind energy industry from Colorado, to Texas, to Pennsylvania. Today I would like to talk about the future of clean energy jobs in the great State of Rhode Island.

If we look around our country, we find success stories everywhere, and wind energy is a bright spot for communities across America that supports good manufacturing jobs in places such as the United States and Rhode Island, and this is despite the great recession.

Rhode Island has dedicated itself to building a clean energy future, a key

part of which is offshore wind energy. The entire eastern seaboard has massive offshore wind potential, and Rhode Island is one of the first States to begin construction on a project off of its coast. If we look at the chart I have here, we can see the potential for job creation, and we also see that Rhode Island is on track to meet 75 percent of its energy needs through offshore wind development.

Rhode Island has been the beneficiary of a number of companies locating themselves there, but one in particular I wish to call attention to is TPI Composites. It has been manufacturing wind turbine blades at its facilities in Warren, RI, for years. The decision to move to Warren was a good one for TPI because Rhode Island is known for its manufacturing acumen. And good-paying jobs have been the result of TPI's locating itself in Warren, RI.

In fact, I might also mention that President Obama just paid a visit to a TPI facility in Iowa last month. TPI has also opened a facility just across the Rhode Island State line in Fall River, MA. They will also focus on the development and manufacturing of wind blades for offshore wind turbines.

But I want to return to the reason I am coming to the floor of the Senate on a daily basis. With the looming expiration of the production tax credit, orders for new wind blades have dropped and TPI has been forced to cut its Rhode Island workforce by 15 percent. In fact, its new facility in Fall River sits empty and idle as new wind blade development has been put on hold.

This is why I keep coming to the floor—because we need to pass an extension of the wind production tax credit. It equals jobs. We need to pass it as soon as possible. It is a travesty that we have not extended the wind production tax credit, particularly at a time when we still need to create more jobs.

I know the two Senators from Rhode Island agree with me. Communities such as Warren, RI, have benefited from the growth in the wind energy industry, but they are still hurting because of the great recession. Our failure to act is making things worse. We face a stark choice: We can let the PTC expire and continue to lose good-paying Rhode Island jobs or we can invest in America's future and take advantage of a manufacturing sector that is poised to expand.

The development of offshore wind is coming to the eastern seaboard, and the opportunities for American manufacturers such as TPI to grow their business and beat our international competitors are right there within our grasp. There is simply so much more economic growth possible if we would just simply extend the PTC.

Our inaction is stunting the growth of this important industry today. That is why I urge my colleagues to join us in extending the wind PTC as soon as possible.

I am pleased my colleagues from Rhode Island—who of course know their home State better than I could ever hope to—have joined me, Senator REED and Senator WHITEHOUSE. They know the difficult economic challenges their State has faced and they know how important the production tax credit is to jobs in their State. They have spent their public service careers fighting for the middle class, fighting for policies that create good-paying, American-based jobs. I am very much interested in hearing what they have to say on this important subject. So as my colleagues have come to expect, I will be back on the floor tomorrow talking about the wind PTC every day, until we pass the extension of it.

I look forward to hearing from my colleagues from the State of Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I commend the Senator from Colorado, Senator UDALL, for his leadership on this very important issue. I also want to commend my colleague Senator WHITEHOUSE, who has been extraordinarily effective as a national leader on energy policy and ocean policy.

As Senator UDALL pointed out, we are at a very critical moment. Nationally, with the support of the wind production tax credit, or the PTC, nearly 500 facilities across 44 States manufacture components for the wind energy industry. These products are critical to our future. The U.S. content of wind turbines installed in the United States has grown from 25 percent prior to 2005 to 60 percent today, according to the American Wind Energy Association. So we are actually seeing a situation in which American components are displacing foreign components in wind turbine installations that are being deployed here in the United States. That is an encouraging sign, because it means more jobs in manufacturing and it means more American content in products that would be purchased by Americans. This is fundamentally premised on the availability of the wind PTC, and so we have to maintain it. If we do not, then we are again at the mercy of world markets in which we suspect that there are countries that are supporting, directly and indirectly, their wind energy sectors very aggressively.

We need comprehensive reform of our Tax Code. That will be discussed, I am sure, in the months ahead. But we can't forget that this production tax credit for wind and credits for other clean energy resources support manufacturing jobs across this country, saves money for middle-class families, and increases our global competitiveness. As we think about tax reform, we also have to think about those programs that produce jobs, and this program is one of those job-producing tax provisions.

We in Rhode Island have taken steps, as Senator UDALL has alluded to, to try to position ourselves to be at the forefront of clean energy development and wind production, particularly offshore wind production. Due in part to strong State policy—and I will commend my colleagues in the State government—we ranked fifth in the country according to the American Council for an Energy Efficient Economy's annual energy efficiency scorecard. Our main utility, National Grid, and our State leaders are taking very aggressive steps to lower the amount of energy we use, which helps us in terms of our competitiveness across the globe and with other States in the country.

We have also tried to be a leader in offshore wind, for obvious reasons. We are the Ocean State. We are linked to the ocean, inextricably and historically. Offshore wind is something that could be a huge benefit not only for ourselves but for our region.

Quonset Point is a former naval base which was closed in the 1970s. Fortunately, through the work of our predecessors, it became the site of submarine construction. Now it can also be the site of the assembly of turbines because of our access to the coast, because of the investments we made in terms of cranes, because of the investments we have made in shoring up the docks and the bulkheads. We are positioned to be a leader in the assembly of offshore wind turbines.

Part of this is not just the assembly expertise, but part of it is also the fact that we have done the fundamental environmental work necessary to make sure this economic development is environmentally sound as well as economically sound. Our local leaders have created the Ocean Special Area Management Plan, or Ocean SAMP, which essentially helps guide the locations for proper placement of wind turbines in the ocean. Among other considerations, it takes into consideration the geology, the tide, the fishing patterns, and the recreational use of the waters. They have come up with a very sophisticated plan, so we are well positioned to start creating this offshore wind production facility with the jobs onshore.

Also, as my colleague, the Senator from Colorado, pointed out, we have companies in the State that are leaders in the onshore wind industry. TPI Composites is one of them. It started as a boat builder. It used fiberglass to fabricate hulls for boats. It was sophisticated, it was state of the art. But then they shifted several years ago, because they saw the direction of this wind power development worldwide, and they started producing fiberglass blades for wind power. They have a wonderful facility in Warren, RI, and they were on the verge of expanding.

But again, as the Senator from Colorado pointed out, because of the uncertainty of extending the wind production tax credit and because of many other factors, unfortunately they have had to reduce some of their workforce. We want to see them start growing

again. We want TPI to be, as it is, a world leader in the production of this type of technology. It is sophisticated. These are good jobs. They are manufacturing jobs. They are American jobs. They are the kind of work we want to be doing worldwide, so that when you go anyplace in the world and you look up, you will see a blade whose tooling, engineering, and manufacturing processes were made in Warren, RI, not in China or elsewhere.

We have a challenge in Rhode Island with 11 percent unemployment. So these are the kinds of jobs we not only want for the moment, but we want for the future, because they are valuable. They are not just a contribution in the short run for putting people to work, they are a contribution in the long run, to our economy, to better use of energy, to better environmental quality, to a host of values that will turn out to have huge benefits for the people of Rhode Island and the people of this Nation.

I commend the Senator from Colorado for his consistent and persistent efforts to ensure we do not forget the wind production tax credit, and that we are still working hard to ensure we are able to support American manufacturing.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am delighted to join my senior colleague from Rhode Island, Senator JACK REED, on the Mark Udall national economic tour of the renewable energy production tax credit, and I am delighted that daily tour has touched on Rhode Island today.

This renewable energy production tax credit is a vital part of our energy security strategy. It is pretty simple. It provides a per-kilowatt hour corporate tax credit for energy that is produced by various clean energy systems, such as wind, biomass, hydro, or geothermal. It makes a lot of sense. We need to do it. The problem is that it expires at the end of this year. And given the way that wind, biomass, solar, and other such projects have to be financed in advance and built over time, the market effect of the expiration of this production tax credit at the end of this year is already being felt in projects that are not going forward now or are under a cloud right now because of the uncertainty we are creating.

We know what happens when we allow the production tax credit to fail: The installations of this kind of equipment drop dramatically. The Department of Energy estimates that new wind installations will be virtually nonexistent next year if the production tax credit is allowed to expire. I don't know if there is a State in the Union in which people are not seeking to build wind energy to capture this free and abundant resource. All those projects will become nonexistent if this does not continue. It doesn't make any sense at all.

In Rhode Island, it is particularly important not only because we don't have a lot of domestic energy sources—so this is a good one for us as a domestic energy source—but also because of the jobs these projects support. We are not supporting international shipping tycoons who bring the oil over here, we are not supporting Saudi princes who pump the stuff or other folks from OPEC or around the world. We are supporting engineers in America, manufacturers in America, assemblers in America, factory workers in America, when we go this route.

My home State is still at 11 percent unemployment, so we have no tolerance for knocking down these jobs. This is not an acceptable energy strategy, it is not an acceptable jobs strategy. It is self-defeating for America's interests.

Senator REED mentioned TPI Composites. It is a great company. It is in Warren, RI. In the Warren and Bristol area, there is a real constellation of incredibly talented folks and small companies that are affiliated with the boat building industry. TPI and others do composite work—hulls, spars, masts, products that are light, strong, fast, and that help Rhode Island build the fastest and the best boats in the world. This technology has been transitioned from plain boat building and hull building to building the giant wind vanes that turn on these giant wind turbines.

This is an important industry for us and it is a valuable American industry. The idea that we would burn foreign oil rather than building composite wind vanes in Warren, RI, makes no sense at all. We are in the final stages of getting the Department of Interior's approval to build offshore wind turbines in Rhode Island. Senator REED and I have worked very hard to get TIGER grant funding to Quonset Point, where they have hardened up the pier so that a crane can operate on it. You don't see much on the pier now. It is flat, but it was dug out, steel was put in, and concrete was put down. Had we driven the crane out on the old pier, it would have crumbled down into the water and taken the crane with it. So we had to harden up the pier to put this crane out there, and the crane is now in a position to take these big wind turbines, which are too big to put on a truck and too big to put on a train. You have to build and assemble them shoreside and then barge them out to a location. We can do that now at Quonset Point. The project is expected to create 600 to 800 new jobs, and it could expand beyond that and position this Rhode Island facility as a hub for regional wind energy manufacturing.

This is important to us. We need this production tax credit. It goes along with a long history of government support for emerging industries. When the commercial airline industry was beginning to open, it had immense government support from subsidized airmail, from military contracts, from aeronautics R&D. The reason we took it from the Wright Brothers at Kitty Hawk to massive Boeing factories—which is still one of the world leaders in aircraft production—is because along the way the government supported American industry because they knew—we knew—this was an industry that had to compete with overseas manufacturers and needed our support.

In the same way, the clean energy industry is in an arena of international competition in which our country and our companies are competing with foreign interests. We are competing with foreign companies and we are competing with the foreign governments that back them. Unfortunately, many in this building don't see that. All they see is the old, dirty, polluting fossil fuel industry and competition for the fossil fuel industry from clean energy. So they want to knock it down. Never mind that the well-established fossil fuel industries get far more in terms of government support than emerging clean energy technologies. The Environmental Law Institute points out that the United States has invested nearly six times more in subsidies for fossil fuel from 2002 to 2008 than we did in renewable energy. So it is not that their hands are clean of government support; they are here sucking up all the government subsidies they can, and they don't want clean energy to compete with them. They want to knock it down. That is a terrible mistake. We cannot allow the heavy hand of the fossil fuel industry lobbyists to stamp out competition in clean energy. It may be good for big oil, but it is not good for America, because we are in international competition to lead the world and be the manufacturers of wind, solar, geothermal, and other technologies. We are going to end up buying it. We want to also have built it. And, if we can, we want to be exporting it as well. We need to support these industries as they continue to develop and continue to grow so we can once again lead the world as we have in the past.

I thank Senator UDALL of Colorado for his leadership. He persistently and patiently comes every day to help make this point, and I am delighted he happened to choose Rhode Island as his point of focus today because Rhode Island truly does wrap it up. It is energy security, energy independence, local jobs and getting ahead and winning the game of international competition for this new technology.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I didn't come to the floor to speak about the wind energy tax credit, but I wish to say to my colleagues on the other side of the aisle that I agree with them, and they probably know I agree with them because I am the author of the wind energy tax credit of 1992. I often tell people that when we worked so hard on that, I did not have the slightest idea it would turn out to be such a

big thing; that Iowa would be second in wind energy production in the Nation. I think Texas is No. 1. For sure, I did not know we would have manufacturing in our State as a result of it. We have had companies come from Spain, from Germany and then we have had from Colorado and Arizona component manufacturers that have come to Iowa. There are about 4,000 people, maybe 5,000 people, employed in my State in that, so I hope we can get it reauthorized.

Mr. WHITEHOUSE. If the Senator will yield for a question.

Mr. GRASSLEY. Yes.

Mr. WHITEHOUSE. I not only salute what the Senator from Iowa has done on the production tax credit, but I also recognize that one of our great Rhode Island companies that is developing bioprocessed algal fuels has opened its major facility in the Senator's State, and there is a very good Iowa-Rhode Island connection on the development of algal fuels. I appreciate the fact our two States are able to work together so this Rhode Island company can have such a significant facility in Iowa.

Mr. GRASSLEY. For the Senator from Rhode Island, I believe that Rhode Island facility went to an existing ethanol plant in Shenandoah, IA—southwest Iowa.

Mr. WHITEHOUSE. It did.

TAXES

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about the issue of taxes—that is now a big issue—not about the issue the majority will set before the Senate to talk about today and tomorrow and however long it takes but the issue we heard about from President Obama yesterday, the talk about the need to raise taxes on those earning more than $250,000. We heard this from him again just yesterday, as we did last year quite a bit and the year before quite a bit, when he spoke in support of increasing taxes on the so-called wealthy.

In his speech yesterday, he made the following points: that those making under $250,000 deserve certainty and they deserve it now; another point is that it is OK to increase taxes on small business owners making more than $250,000 because those tax increases would affect less than 3 percent of the small business owners; another point, that those making more than $250,000 are not paying their fair share; and another point, that we cannot afford to extend the 2001 and 2003 bipartisan tax relief to these households because of the impact on the deficit; and last, that if Congress sent him a bill to extend the 2001 bipartisan tax relief just for those making under $250,000, he would sign the bill into law right away.

I come to the floor to highlight what the President is not telling the taxpayers. First, on the issue of certainty, the President fails to mention what his plans are for the dozens of tax provisions that expired at the end of last year and the dozens more that are expiring at the end of this year. These provisions affect everyone from teachers who dip into their own pockets to purchase school supplies to families and students struggling to pay for higher tuition. They also include key incentives for businesses to invest in new equipment and engage in research needed to produce the products of tomorrow.

The President also failed to mention what he would do about the alternative minimum tax that threatens an ever-increasing number of middle-class Americans each year, the same middle class that the President is telling the world he wants to protect—and nothing wrong with protecting the middle class. Over the past several years, legislation was enacted in regard to the alternative minimum tax to avoid and avert this crisis happening to the middle class, and we did it through a series of patches to increase the exemption amount so these 30 million middle-class taxpayers are not hurt with the alternative minimum tax.

The President also fails to mention whether he continues to support the middle-class tax increases he included in his budget proposal. This is how the President proposes to tax the middle class. Would he reinstate the personal exemption phaseout and the Pease limitation on itemized deductions? Additionally, would he impose a new 28-percent limitation on itemized deductions? Each of these provisions comes with its own income thresholds and phaseout rules that increase complexity and increase taxpayer burden.

Finally, the President fails to mention the tax increases he supported to pay for the health care reform legislation. These provisions include a bigger haircut on the deductions for medical expenses, lower contribution amounts for flexible savings accounts, and taxes on artificial knees and hips that medical device manufacturers have to pass on to the patients.

Given all the looming tax increases the President failed to mention in his speech yesterday, it is difficult to see how extending just the 2001 and 2003 bipartisan tax relief provides certainty to taxpayers, including small business. The President agrees they are job creators and engines of our economy, so the President recognizes a fact of life that middle-class small businesspeople are job creators. Unfortunately, he defends his tax increase this way on small businesses, by claiming the impact will be minimal because only 2 to 3 percent of the small businesses would be subject to this tax increase. What the President fails to mention is that this 2 or 3 percent account for a large amount of economic activity and a large amount of the jobs created. We often talk—people on both sides of the aisle—about small business providing 70 percent of the new jobs being created in America.

I wish to see how the Joint Committee on Taxation, which is a nonpartisan congressional organization—and I wish to emphasize the nonpartisan aspect of this because we often refer to them as authorities in this area. According to this joint committee, 53 percent of the flowthrough business income would be subject to the President's proposed tax increases—so as I said, 70 percent of the new jobs created here—but this 2 or 3 percent also accounts for about 25 percent of all employment in America.

The President claims he wants to give the 97 percent of small businesses a sense of permanence. Yet the tax relief for those in this group is only for another year. How do we get permanence if we only want to provide tax policy for 1 year? It does not add up.

The President continues to claim we cannot afford to extend tax relief for those earning above $250,000 because of our current deficit situation, but he fails to mention any ideas for reducing the deficit by controlling spending or by enacting tax reform, which is the only real way to provide a sense of permanence and eliminate the uncertainty we all agree keeps small and even larger corporations from hiring.

At the start of his administration, the President established the Simpson-Bowles Commission to come up with a framework to address our current out-of-control spending as well as to reform the Tax Code. The Commission issued a report over 1 year ago that included substantive proposals on how to reform the Tax Code. There are some proposals in the Simpson-Bowles plan I like and some proposals I do not like. I like that it would streamline the Tax Code, reduce tax rates across the board, broaden the tax base, enhance economic opportunity in the process. At the same time, it violates one of my core tenets of tax reform: that it not increase taxes overall. But the Simpson-Bowles plan is at least a serious proposal. I think most everybody recognizes that.

However, the President failed to embrace the Simpson-Bowles plan and offered a token framework for corporate tax reform. While the President agrees our current corporate tax rate is too high, his framework is overly vague and provides little in the way of simplification. Instead, as one commentator put it, his proposal on corporate tax reform simply ''rearranges the deck chairs on the Titanic.''

That being said, at least the President took a position on lowering the corporate tax rate to 28 percent. This is in stark contrast to his ideas on individual tax reform he put on the table yesterday. Even thinner on details, his overarching principle for individual tax reform seems to be the wealthy should pay their fair share. Yet after years of talking about the wealthy paying their fair share, he never defines what rate or amount of tax constitutes fair share for individual taxpayers. Adopting this rhetoric seems to indicate support for using the Tax Code to reduce income disparity between the highest and lowest taxpayers. However, data from the nonpartisan Congressional Budget Office—again I emphasize nonpartisan—

shows the so-called wealthy already pay the bulk of the taxes and that our Tax Code is highly progressive.

I put a chart up. This chart will show that if all Federal taxes are considered, the top 5 percent of households pay an average effective rate of about 28 percent and account for nearly 45 percent of all Federal receipts. In contrast, the bottom 20 percent, as we can see, pay average effective tax rate of about 4 percent and account for less than 1 percent of all Federal receipts. All Federal taxes include individual income taxes, corporate tax, excise, and payroll tax.

The disparity is even greater when we only consider individual income taxes. This is actually a better measure, since the President proposes to increase just income taxes on the so-called wealthy.

If we look at the chart that is before us, we will see that the bottom 40 percent of households have an average effective tax rate below zero. In contrast, the top 5 percent have an average effective tax rate of nearly 18 percent and account for 61 percent of income tax receipts.

I have highlighted the top 5 percent in these charts because these are the households generally earning more than $250,000—in other words, these are the wealthy households, according to the President.

When we look at these numbers, it is fair to ask the President, once again, to define what he means by ''fair share.'' How high is the President willing to raise taxes to meet this objective? In other words, if this 5 percent is paying 61 percent of all the income tax receipts, how much more do they have to pay to satisfy the President in order to pay their fair share? In other words, define ''fair share.''

I have always stated that taxpayers should pay what they owe, not one penny more and not one penny less. Anyone who looks at my record will see I have fought long and hard to shut down loopholes and to ensure taxpayers of all income levels pay what they legally owe. However, I hold a fundamentally different view from the President on how the economy works and what the government's role should be and the rate of taxation in contributing to the government's role in enhancing the economy.

I believe the money one earns is that individual's money, not a pittance that a taxpayer can keep based upon the good graces of the government. I generally believe individuals have the right to enjoy the fruit of their success. I believe the best way to increase the wealth and livelihood of all Americans is through progrowth policies that increase the size of the economic pie, not by redistributing the pie based upon some unspecified definition of fairness.

I believe 18 percent of the gross domestic product of this country is good enough for the government to collect and spend, and for the most part it has been that way over a 50-year average of taxes. That benchmark of 18 percent is what the government has collected consistently regardless of the statutory tax rates. Whether tax rates have been high or low, they generally bring in about the same amount of money. In other words, just because they raise tax rates on the so-called wealthy people does not necessarily mean that we get the influx of revenue that some believe we will get. This is obviously something the President has not considered.

As I have done so often in recent years, I have come to the Senate floor to say we still end up with the same amount of money regardless of what the effective tax rate is because higher income individuals have the ability to choose the form of income they will receive. They also have a greater ability to decide when they will recognize this income, such as through the sale of stock, as a way to limit their taxable income in a given year. They also have accountants and attorneys to help them legally shield income from the view of the IRS. As taxes go up, so does the incentive to reduce one's income through legal and nonlegal means.

I have a chart that shows annual revenues as a percentage of gross national product in relationship to top marginal tax rates. This is in a period of time since World War II. So getting back to what I previously said, over a long period of time the revenue coming into the Federal Treasury tends to be about the same amount. I think this averages out to about 18.2 percent of GDP.

We can see during the Eisenhower years the marginal tax rate was 90 percent. Starting with Kennedy, it became 70 percent. Starting with Reagan, it became 50 percent. Once again, starting with Reagan, it came down to 30 percent. When Bush, the father, didn't keep his promise of, ''Read my lips; no new taxes,'' he gave in on that, it went back to 40 percent. Now under the 2001–2003 tax bills, it is at 35 percent. The President says we need to raise the tax rate back to this level.

As this chart shows, we can have high marginal tax rates or low marginal tax rates, but the people of this country have decided they are going to send just so much money to us bums in Congress to spend. So they decide how much we are going to get, and we can raise marginal tax rates, we can do what the first President Bush did, but we are still going to get about the same amount of revenue. So I hope the President takes that into consideration and also considers the negative aspect when marginal tax rates are reduced.

This means we are not going to be able to tax our way to surpluses. We are going to have to make substantial adjustments on the spending side to bring it in line with revenues. In other words, the bottom line of what I would like to tell the President is that the American people of this country have not come to the conclusion that they are undertaxed. They have come to the conclusion that Congress spends too much, and the problem isn't on the tax side; the problem is on the expenditure side.

History also shows that tax increases just lead to spending increases. Often on the floor of the Senate I quote Professor Vedder of Ohio State University who has studied tax increases and spending for more than two decades. Some of his research goes back to World War II. His most recent work on this subject was with Steven Moore and published in the Wall Street Journal:

> Over the entire post World War II era through 2009, each dollar of new tax revenue has been associated with $1.17 in new spending.

So we raise a dollar here, and we spend $1.17 over there. It is pretty obvious that bringing in more revenue isn't going to reduce the deficit.

Another study by the National Bureau of Economic Research states that when it comes to fiscal adjustments:

> Those based upon spending cuts and no tax increases are more likely to reduce deficits and debt over Gross Domestic Product ratios than those based upon tax increases. In addition, adjustments on the spending side rather than on the tax side are less likely to create recessions.

So we know increasing taxes, including on targeted groups, is not going to reduce the deficit. American workers and businesses deserve tax reform and tax certainty. There is bipartisan agreement that we need comprehensive tax reform. What we need to get that done is real leadership, to be sure.

Lack of leadership is not because of lack of interest. The Senate Finance Committee, on which I serve, has held more than a dozen tax reform hearings during this Congress. The Senate Budget Committee has also held tax reform hearings. What has been lacking is what is so important in this town, Presidential leadership.

The President's speech yesterday was just that, a speech. As I outlined, he spoke only about extending certain tax relief measures for those earning under $250,000. However, he failed to address other looming tax increases and failed to discuss how his other tax increase proposals provide the certainty that he claims he wants to provide.

It is easy for the President to engage in election year antics and goad Congress to send him a bill. Unfortunately, that is not leadership, and such speeches do nothing to help individuals and small businesses.

If the President really was concerned about preventing tax increases on the middle class and small businesses, he would at least be working with leaders in his own party to make sure they all agreed on who the wealthy in this country really are and who ought to have their taxes increased.

Democratic leaders in the House and Senate have signaled that they support extension of lower income tax rates for those making up to $1 million. In fact, a year ago this week, we in the Senate were debating the majority party's ''millionaire tax resolution.''

So if the President really wanted Congress to send him a bill that provided certainty to the taxpayers, he would make it a priority to get it done. Unfortunately, he is busy traipsing around the country raising money for his reelection. That is not leadership, and it is certainly not going to provide timely tax relief to the millions of taxpayers who need it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF JOHN THOMAS FOWLKES, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of John Thomas Fowlkes, Jr., of Tennessee, to be United States District Judge for the Western District of Tennessee.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Tennessee on the floor, and I will make sure he has plenty of time to speak. If not, I will ask unanimous consent for extra time for him.

Today we will vote on only 1 of the 16 judicial nominations reported favorably by the Judiciary Committee that have been stalled for no reason from receiving a Senate vote. Regrettably, Senate Republicans are following through on their partisan opposition to the President by seeking to slam the door on qualified, consensus judicial nominees who have bipartisan support. In doing so, they seek to take advantage of the delaying tactics that they have been employing for the last 3½ years. This is all to the detriment of the American people.

I am disappointed that Senate Republicans are choosing politics over the needs of the American people and seek to justify their actions with a warped sense of payback. This is not the time for settling imaginary scores. Their self-interested approach is what contributes to the low opinion the American people have of Congress. What the American people and the overburdened Federal courts need are qualified judges to administer justice. They are not helped by these partisan games. Following the most extended period of historically high vacancy rates in the history of our district courts, nearly 1 in every 11 Federal judgeships remains vacant. This is more than twice the vacancy rate by this date during the first term of President Bush.

This chart, available at http://www.leahy.senate.gov/imo/media/doc/BushObama%20-%20Judicial%20-%207-10-12%20-%20Area%20-%201st%20term.pdf, should help people understand how far behind we remain in filling the judicial vacancies to provide the Federal judges that the American people need to get justice in our Federal courts. This compares judicial vacancies during the first terms of President Bush and President Obama. It shows the stark contrast to the way in which we moved to reduce judicial vacancies during the last Republican Presidency.

This chart shows that the Senate can do better because it has done better. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became chairman in the summer of 2001, there were 110 vacancies. As chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans and confirm President Bush's consensus judicial nominations well into 2004, a Presidential election year. At the end of that Presidential term, the Senate had acted to confirm 205 circuit and district court nominees. By July 2004 we had reduced judicial vacancies to 29.

By comparison, vacancies have long remained near or above 80, while little comparative progress has been made during the 4 years of President Obama's first term. There are still 77 vacancies as of July 2012—that is more than 2½ times the number of vacancies at this point in President Bush's first term.

Each day that Senate Republicans refuse because of their political agenda to confirm these qualified judicial nominees who have been reviewed and voted on by the Judiciary Committee is another day that a judge could have been working to administer justice. Every week lost is another in which injured plaintiffs are having to wait to recover the costs of medical expenses, lost wages, or other damages from wrongdoing. Every month is another drag on the economy as small business owners have to wait to have their contract disputes resolved. Hard-working and hard-pressed Americans should not have to wait years to have their cases decided. Just as it is with the economy and with jobs, the American people do not want to hear excuses about why Republicans in Congress will not help them. More importantly, they do not want to hear that the supposed justification is partisan. This is precisely the reason why Congress's approval rating among the American people is so low.

The nonpartisan American Bar Association has been sounding the alarm for some time that we need to do better with respect to the judicial vacancy crisis. The president of the ABA wrote the Senate leaders again on June 20 urging them to work together to schedule votes for three consensus, qualified circuit court nominees awaiting Senate confirmation so that they may serve the American people. The response was more excuses from the Republican leadership rather than any positive action. In the past, the Senate has worked together to confirm consensus circuit court nominees, especially during times of high vacancies. For example, Senate Democrats confirmed 11 circuit court nominees of President George H.W. Bush in 1992. The only exception to the practice of confirming consensus circuit court nominees in Presidential elections years with high vacancies was when Senate Republicans shut down the process of a Democratic President in 1996. The Republican leadership is apparently planning to stick with its shutdown of confirmations just as it did in 1996 when they prevented the confirmation of circuit court nominees for an entire yearlong session of the Senate. It was wrong then and it is wrong now.

Since May 31, Senate Republicans have consented to consideration of only five judicial nominees. That is a far cry from the 30 confirmed in the last months of 2004 at the end of President Bush's first term that brought his total of circuit and district court confirmations to 205. It is also a far cry from the 22 confirmed in the last months of 2008 at the end of President Bush's second term. They are continuing the obstruction that has unnecessarily delayed confirmation of consensus circuit and district court nominees for months and resulted in our being more than 40 confirmations behind the pace we set in President Bush's first term.

Like so many matters on which they have flip-flopped since the American people elected President Obama—everything from the individual mandate for private health insurance that they originated and used to favor to the deficit reduction commission—they now contend that they are invoking the Thurmond rule even though they denied its existence when President Bush was in office. Just 4 years ago the current Republican leader said that ''there is no Thurmond rule'' and the current ranking Republican on the Judiciary Committee called it ''plain bunk.'' The Senate Republican caucus held a forum to demonstrate that no such practice or rule existed and that judicial confirmations should continue in the last several months of a Presidential term. With President Obama, they have chosen to flip-flop and use the so-called

Thurmond rule as an excuse for shutting down Senate confirmations. Election year politics should not trump the needs of Americans seeking to obtain justice in our Federal courts. Senate Republicans' newly stated reliance on the Thurmond rule is really just another excuse for more of the stalling tactics that we have been seeing since President Obama was elected.

Nor is this the first time that they have been urged to work with us to confirm consensus judicial nominees to address the vacancy crisis. In his 2010 year-end report on the federal judiciary, Chief Justice Roberts called attention to the problem of overburdened courts across-the-country and the need to fill judicial vacancies. That followed in the tradition of Chief Justice Rehnquist who called out the obstruction of President Clinton's judicial nominees. These are not Democratic partisans. Each served in Republican administrations and was appointed by a Republican President because of their conservative credentials and each has been a deeply conservative Supreme Court Justice.

What Senate Republican leaders now contend has been ''exceptionally fair treatment'' of President Obama's judicial nominees has, in fact, amounted to months of unnecessary delays and their having expanded contentiousness to include judicial nominees who should be noncontentious. Their practice has been a virtual across-the-board stalling of judicial nominees. That is what has led to the backlog in confirmations and the months of delays in the consideration of consensus nominees, which has been demonstrated over and over again.

Let us take a look at how they have been stalling circuit court nominees. The nonpartisan Congressional Research Service in its recent report confirms what I have been saying. I also have prepared this chart, which is taken from the CRS report, and is available at http://www.leahy.senate.gov/imo/media/doc/CRS%20chart%20-%20my%20version.pdf.

They report that the median time circuit court nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's circuit court nominees to 132 days for President Obama's circuit court nominees. Any objective observer would concede that President Obama has made a significant effort to work with home State Senators from both parties and that his nominees have been less ideological and should be less controversial than his predecessor's. Yet the result of Republican foot dragging and obstruction is that they are nonetheless delayed and stalled. They have filibustered nominations that they then turn around and support like that of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99 to 0 and Judge Denny Chin of New York to the Second Circuit, who was filibustered for 4 months before he was confirmed 98 to 0.

Those interested in the Tennessee nominee today will remember how hard we had to work for almost 10 months, despite the support of Senator ALEXANDER and Senator CORKER, to get Senate Republicans to allow consideration of the nomination of Judge Jane Stranch to the Sixth Circuit. Despite being approved by a bipartisan majority of the Judiciary Committee, Judge Stranch's nomination nevertheless languished on the floor for nearly 10 months because of Republican obstruction. I personally had to come before the Senate to take the extraordinary step of propounding a unanimous consent request to consider her nomination, with the support of the senior Senator from Tennessee. So it is hard to see any difference between this supposed application of the Thurmond rule and how Senate Republicans have treated nearly all of President Obama's circuit court nominees since the President took office—including those with support of Republican home State senators.

Among the circuit court nominees they are blockading now are two from States with Republican home State Senators' support: William Kayatta from Maine and Judge Robert Bacharach from Oklahoma, as well as a nominee to the Federal Circuit who had the support of virtually all the Republican Senators on the Judiciary Committee.

While Senate Democrats have been willing to work with Republican Presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic Presidents including those with the support of Republican home State Senators. During the last 20 years, only 4 circuit nominees reported with bipartisan support have been denied an up-or-down vote during a Presidential election year by the Senate. All four were nominated by President Clinton and blocked by Senate Republicans. Senate Republicans are threatening to add the current circuit nominees pending before the Senate to that list. In the previous 5 Presidential election years, a total of 13 circuit court nominees has been confirmed after May 31. It is notable that 12 of the 13 were nominees of Republican Presidents.

When Republican Senators try to take credit for the Senate having reached what they regard as their ''quota'' for circuit confirmations this year, they should remember that the Senate would not even have had an up-or-down vote on three of the five of them without the majority leader first having to file for cloture to overcome Republican obstruction—Adalberto Jordan of Florida to the Eleventh Circuit, Paul Watford of California to the Ninth Circuit and Andrew Hurwitz of Arizona to the Ninth Circuit. And the other two, Stephanie Dawn Thacker of West Virginia to the Fourth Circuit and Jacqueline Nguyen of California to the Ninth Circuit, were unnecessarily stalled since last year until the leader forced the issue by filing for cloture on 17 judicial nominees, ultimately reaching a deal with the Republican leader to vote on only some of the many long-stalled nominees. That is not cooperation. That is stalling, and it is why the Senate has yet to vote on a single circuit court nominee nominated by President Obama this year.

Adalberto Jordan, Stephanie Thacker and Jacqueline Nguyen had all been reported with bipartisan support from the Judiciary Committee last year but their confirmations were stalled by Republicans into this year. In my view, they could and should have been confirmed last year. Senate Republicans broke from the longstanding tradition of confirming consensus judicial nominees at the end of last year. Indeed, Senate Republicans broke from this tradition the last 2 years. When it comes to confirming consensus judges for the benefit of the American people, they choose to ignore tradition.

The two other circuit nominees who were confirmed this year—Paul Watford and Andrew Hurwitz of the Ninth Circuit had their hearings and committee votes delayed at the request of Senate Republicans. If not for this stalling by Senate Republicans, these circuit nominees could also could have been confirmed last year.

Since 1980, the only Presidential election year in which no circuit nominee who was nominated that year and confirmed that year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees. So when the American people hear Senate Republicans crowing about how they have cooperated to confirm five circuit court nominees this year, they should know the truth.

The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring are still awaiting a vote after July 4 is no excuse for not moving forward this month to confirm the circuit nominees who were voted out of the Judiciary Committee with bipartisan support. That was the point of the letter to Senate leaders from the ABA last month when the Republicans' partisan plan to stall out the rest of the year was first publicly acknowledged.

We remain far behind in filling judicial vacancies to provide the Federal judges that American people need to get justice in our Federal courts, as the previous chart demonstrates. Comparisons of judicial vacancies during the first terms of President Bush and President Obama show just how far behind we really are.

Judicial vacancies during President Obama's first term long remained near or above 80, while little comparative progress was made for years. There are still 77 vacancies as of July 2012. By this time during President Bush's first term we had reduced 110 vacancies down to 29. By this time during President Bush's first term the Senate had

confirmed 44 more circuit and district court nominees than the Senate has during this Presidential term.

Despite these facts, certain Senate Republicans contend that their resistance should be excused because two Supreme Court justices, who most of them opposed, were confirmed in President Obama's first term. This is another hollow excuse and is no justification for not moving ahead with the confirmations of William Kayatta, Judge Bacharach, Judge Shwartz, and Richard Taranto to circuit vacancies or with the nearly two dozen judicial nominees that we could easily consider and confirm this year. The American people who are waiting for justice do not care about excuses. They do not care about some false sense of settling political scores. They want justice. Just as they want action on measures the President has suggested to help the economy and create jobs rather than political calculations about what will help Republican candidates in the elections in November.

Indeed, despite confirming two Supreme Court justices in President Clinton's first term, the Senate was able to confirm 200 circuit and district court judges by the end of 1996. And in 1992, at the end of President George H.W. Bush's term, the Senate was able to confirm 192 circuit and district court judges despite confirming two Supreme Court Justices. At this point, Republicans have allowed the Senate to confirm only 153 of President Obama's circuit and district court nominees. That is a far cry from what we have been able to achieve in addition to our consideration of Supreme Court nominations when the Senate was being allowed to proceed to consider judicial nominees reported with bipartisan support. This artificial ceiling on confirmations is Republicans imposing a new standard for partisan purposes.

Likewise, Republicans' newfound affection for the Thurmond rule ignores the facts. In the Presidential election year of 1992, for example, with a Republican President, the Democratic majority in the Senate proceeded to confirm 66 new judges including 11 circuit judges. Republicans have no good justification for not proceeding to confirm the judicial nominees reported with bipartisan support by the Judiciary Committee this year. We can and we should be doing more to help the American people.

The American people do not want to hear excuses from Senate Republicans about why the Senate cannot proceed to confirm judges who are well-qualified and have received significant bipartisan support. There is no good reason that the Senate should not vote on the circuit court nominees thoroughly vetted, considered and voted on by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the First Circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the committee 2 months ago. There is no reason the Senate cannot vote on the nomination of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who was supported by Senator COBURN during committee consideration, and also by the State's other Republican Senator, Senator INHOFE.

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal Circuit. He was reported almost unanimously by voice vote nearly 3 months ago, and is supported by conservatives such as Robert Bork and Paul Clement. He is also nominated to the Federal Circuit, which has never before been a controversial court.

The one circuit court nominee who was reported out of committee with a split rollcall vote—Judge Patty Shwartz of New Jersey—should not have been controversial. She has been a Federal magistrate judge for the last 8 years and was a Federal prosecutor for 14 years, where she rose to become chief of the Criminal Division. She also has the bipartisan support of New Jersey's Republican Governor, Chris Christie.

Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These are not controversial nominees. Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support.

Today, the Senate will vote on the nomination of John Fowlkes to fill a judicial vacancy in the U.S. District Court for the Western District of Tennessee. Judge Fowlkes has the support of his home State Republican Senators, Senator LAMAR ALEXANDER and Senator BOB CORKER. His nomination was reported with near unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. Judge Fowlkes was rated unanimously well-qualified by the ABA Standing Committee on the Federal Judiciary, the highest possible rating.

Judge Fowlkes currently serves as a criminal court judge in the 30th Judicial District at Memphis, Tennessee, where he has been a judge for approximately 5 years. He previously held several positions in public service, including as a Federal prosecutor for 13 years and as an assistant district attorney general in Shelby County for 10 years. Judge Fowlkes also served briefly as an assistant public defender at the Shelby County Public Defender's Office. His diverse range of experience makes him particularly well qualified to serve on the Federal bench.

Once we confirm Judge Fowlkes, I hope that Senate Republicans will reconsider their ill-conceived partisan strategy and work with us to meet the needs of the American people. There is no reason the Senate cannot vote to confirm the other 15 well-qualified judicial nominees reported by the Committee. There is no good reason we cannot work together to help solve the problem of high judicial vacancies and better serve the American people.

I see the two distinguished Senators from Tennessee on the floor.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. TESTER.) The senior Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the distinguished Chairman of the Judiciary Committee for his courtesy in allowing Senator CORKER and me a chance to speak about Judge Fowlkes from Tennessee. I do not intend to get into a lengthy dispute with the Senator from Vermont about the relative merits of the two political parties approving judges. But I do have to admire his persistence and creativity in always coming up with a way in how Democrats approve more Republican judges than Republicans approved Democratic judges.

I notice that our ranking member, Senator GRASSLEY, will put a statement in the RECORD today making a clear statement about what the record is. But if I may borrow from that: Today's vote will be the 152nd nominee of President Obama confirmed to district and circuit judges. We have also confirmed two Supreme Court nominees during President Obama's term. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During President Bush's entire second term, the Senate confirmed a total of only 119 district and circuit court nominees. With Judge Fowlkes' confirmation today, we will have confirmed 33 more district and circuit nominees for President Obama than we did for President Bush in similar circumstances.

That is according to Senator GRASSLEY's comments, which will be printed in the RECORD. I would have to say to my friend from Vermont, my memory is good enough that about this time 4 years ago, when we had a Republican President, I think I remember the majority leader of the Senate, Senator REID, and Senator LEAHY both suggesting it was time that we slowed things down and not confirm any more circuit judges until we saw how the election came out in November. So we are basically, in our opinion, applying, in the fairest possible way in the Senate, the Thurmond-Leahy rule that has been developed over time.

If there are excellent nominees by the President to the circuit courts, well, the election is only 4 months away. If he is reelected, they can be confirmed in November and December. If he is not, then his successor will have a chance to make those nominations.

Let me speak today about a matter that I believe we have great agreement on in the Senate, with the President,

and that is the nomination of the President of Judge John Fowlkes to fill a vacancy on the U.S. District Court for the Western District of Tennessee.

As the Governor of Tennessee, I had the responsibility of appointing about 50 judges over 8 years. I looked for good intelligence, good temperament, good understanding of the law, and respect for those who came before the court. I did not feel it was my responsibility ever to inquire how a judge might decide on a particular case before he took the position.

So I took some time to look into Judge Fowlkes' background when President Obama nominated him. I was delighted with what I found. I am pleased to recommend him to our colleagues. His performance has been praised throughout his career in the community of Memphis and Shelby County where he is best known. His leadership, his citizenship, his high professionalism, his courtesy to others are the words I often hear. I have letters from bar association members who say he has a creative and independent mind; from others in Memphis who say he is passionate about the community in which he lives, appearing at civic events repeatedly, committing over 50 hours of service annually to the Memphis Area Legal Services, and actively supporting the Boy Scouts.

So it is with great pleasure that I recommend to our colleagues today President Obama's nominee, Judge John Fowlkes, to fill a vacancy on the U.S. District Court for the Western District of Tennessee.

The PRESIDING OFFICER. The junior Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to second what the great Senator from Tennessee LAMAR ALEXANDER said. I want to speak for a moment about the same nomination, with the same amount of energy, and the fact that I am very excited about this person being nominated.

When the White House began looking for someone to fill this position, I talked to numbers of people down in Shelby County about Judge Fowlkes, and people whom I respected, people who have been involved in the community for years. I can tell you, from every single person I talked to, they talked not only about his record but also the kind of person he was. He has served in many positions.

He has been a public defender, a district attorney, a U.S. Attorney, he was the chief administrative officer for the largest and most populous county in the State of Tennessee. Now he serves as a criminal court judge. At every stop, he has excelled and earned a reputation for professionalism and integrity. I think his experience certainly makes him very well-prepared for this position and the responsibilities he will carry out.

I am glad to join with Senator ALEXANDER, Senator LEAHY, and others. I hope we have an overwhelming vote today for this nominee, who I believe will be an outstanding Federal judge. I ask all of my colleagues to join us in supporting this person, who, again, I think will be exemplary on the bench, as he has been throughout his entire life.

Mr. GRASSLEY. Mr. President, I support the nomination of John Thomas Fowlkes, to be U.S. district judge for the Western District of Tennessee.

Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of a Presidential election year, we continue to confirm consensus district judge nominees. Today's vote will be the 152nd nominee of this President confirmed to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

I continue to hear some Members repeatedly ask the question, ''What is different about this President that he has to be treated differently than all these other Presidents?'' I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistent with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term the Senate confirmed a total of only 119 district and circuit court nominees. With Judge Fowlkes' confirmation today, we will have confirmed 33 more district and circuit nominees for President Obama than we did for President Bush, in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today, we will exceed the number of district court judges confirmed. We have already confirmed 5 circuit nominees, and this will be the 25th district judge confirmed this year. Those who say that this President is being treated differently either fail to recognize history or want to ignore the facts.

Judge Fowlkes received his B.A. from Valparaiso University in 1975 and his J.D. from University of Denver School of Law in 1977. From 1978 to 1979 he worked as an assistant public defender at the Shelby County Public Defender's Office, where he represented indigent defendants. In 1979, he joined the Shelby County District Attorney General's Office and served as an assistant district attorney for the next 10 years. There he tried nearly 150 jury trials, handling homicide, assault, sex offense, robbery, and burglary cases. In 1989, he became an assistant U.S. attorney, trying criminal cases until 2002. As an AUSA, he tried over 100 jury trials and handled all appellate level work. During his time at the attorney's office, Judge Fowlkes was a first assistant for several years, directing day-to-day operations of the office. From 2002 to 2007, Judge Fowlkes was the chief administrative officer for Shelby County. He was not engaged in the practice of law during this period.

In 2007, then-Governor Phil Bredesen appointed Judge Fowlkes to be a criminal court judge for Division VI of the 30th Judicial District at Memphis. In November 2008, he was elected to a full, 8-year term. In 2011, he was elected by judges of the 30th Judicial District to serve as presiding judge.

The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Fowlkes as ''well qualified.''

I support the nomination and congratulate Judge Fowlkes on his confirmation today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is, Will the Senate advise and consent to the nomination of John Thomas Fowlkes, Jr., of Tennessee, to be United States District Judge for the Western District of Tennessee.

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. SANDERS) would have voted ''aye.''

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 173 Ex.]

YEAS—94

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

NAYS—2

DeMint	Lee

NOT VOTING—4

Burr	Kirk
Chambliss	Sanders

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED Continued

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

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

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

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative 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. 341, S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Kent Conrad, Tom Harkin, Richard Blumenthal, Jeff Bingaman, Carl Levin, Al Franken, Daniel K. Inouye, Richard J. Durbin, Benjamin L. Cardin, Max Baucus, Charles E. Schumer, Jeff Merkley, Patty Murray, John D. Rockefeller IV, John F. Kerry.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2237, a bill to provide temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), and the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 80, nays 14, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—80

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

NAYS—14

Ayotte	Inhofe	Risch
Cornyn	Johanns	Sessions
Crapo	Johnson (WI)	Shelby
DeMint	Manchin	Wicker
Graham	McCain	

NOT VOTING—6

Cardin	Kirk	Rockefeller
Chambliss	Lee	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, today we begin debate on a bill called the Small Business Jobs and Tax Relief Act. There are some positive elements to this legislation, but I remain amazed that the Democratic majority has decided to pursue this bill to support small businesses when looming tax increases threaten to crush these very same small businesses.

Rather than address the expiration of the 2001 and 2003 tax relief, which is denying certainty to small businesses and holding back hiring and economic development, we are discussing this legislation. The President and his allies who are pursuing this legislation are patting themselves on the back for supporting small businesses, but puffing their chest as the saviors of America's job creators while doing nothing to address the coming fiscal cliff is like a person asking for the keys to the city after throwing a water balloon at a house fire.

Our small businesses and our economy face an existential threat with the coming tax hikes. Not only have Senate Democrats done nothing to bring some certainty to this situation, but President Obama actively undermined these businesses with his White House campaign event yesterday, during which he expressed his commitment to raising taxes on these small businesses.

So as we debate this bill, we need to keep that backdrop in mind. As the President proposes with this bill to give with one hand to small businesses, with the other hand he is prepared to sock those same people in the jaw. Small businesses are just one facet of our economy that will be hit with the largest tax increase in history if Congress and the President fail to act before January 1, 2013. But given that small businesses are the engine of job creation in our economy, the impact of these tax increases will reach far and wide, undermining economic growth and hampering innovation and job creation. Taxpayers are on the edge of a fiscal cliff. Yet instead of leading them to safety, the President's campaign is telling us to march forward.

The consequences will crush American taxpayers. In February, the Washington Post referred to this $4.5 trillion tax hike as ''taxmageddon.'' Federal Reserve Chairman Ben Bernanke described it as a ''massive fiscal cliff'' when testifying before Congress. If

these tax hikes are allowed to occur, it will raise taxes on virtually all flowthrough business income in the United States come January 1, 2013.

This is especially harmful to small businesses because the vast majority of small businesses are organized as flowthrough business entities such as partnerships, S corporations, limited liability companies, and sole proprietorships.

So unless the Congress acts to prevent these massive tax increases, the vast majority of small businesses in the United States will be hit with a massive tax increase next year. It is hard to conceive of a greater impediment to job creation. All of these tax increases and the economic uncertainty they cause are going into the investment and hiring decisions of business men and women today.

Even President Obama agrees that two-thirds of the new jobs in our economy are created by small businesses. I do not know anybody who disagrees with that. With unemployment stuck at an unacceptably high level of 8.2 percent, we must not allow this tax increase to happen. America is slowly recovering from one of the greatest recessions in modern history. The Vice President rightly said that for millions of Americans it feels as if they are living through a depression. Paul Krugman recently stated we are in a depression.

I just finished reading Robert Caro's recent book on Lyndon Johnson. He discusses in that book the tax cuts of President Kennedy and how important they were and how Lyndon Johnson handled it after the horrific death of our President.

(Mr. FRANKEN assumed the chair.)

Those tax cuts solved a lot of problems. One of the things, if I recall it correctly, President Johnson said was that without them we would not have been able to pull out of the difficulties we were in.

Yet with a fragile recovery and a weak jobs market, President Obama seems content to sit idly by and allow this scheduled $4.5 trillion tax hike to occur.

I believe Congress needs to act now in order to prevent this tax hike on America's families and job creators.

As we can see on this chart, we have the tax legislation to-do list. It is critically important for our economy and the American people that we act now to extend the tax relief signed into law by President Bush and extended by President Obama.

Notice we did have hearings on tax extenders and we did have hearings on the fourth item on the chart to prevent the 2013 tax hikes, but we have had neither a markup or a floor presentation on any of those four—tax extenders, the AMT patch, death tax reform, and preventing the 2013 tax hikes.

The 2013 tax hikes is the most crucial piece of legislation Congress must address this year, if not during the entire 112th Congress. If we allow this tax relief to expire as scheduled at the end of the year, almost every Federal income taxpayer in America will see an increase in their rates. Some will see a rate increase of 9 percent, while others will see a rate increase of 87 percent.

Because the vast majority of small businesses are flowthrough business entities, such as partnerships, the income from these businesses flows through the business directly onto the small business owners' individual tax returns. Therefore, any increase in individuals' tax rates means those small businesses get hit with a tax increase. This tax increase lands on these small business owners, even if they do not take one penny out of their business. Thus, even if a small business reinvests all its income from the business to hire more workers, pay the workers they already have or purchase equipment, they would still get hit with this looming tax hike.

Our economy simply cannot afford to take on such a fiscal shock. President Obama promised that if we would just pass his $800 billion stimulus bill, unemployment would not go above 8 percent. It has now been 40 months in a row since the stimulus passed that unemployment has been above 8 percent.

Looking at this problem more broadly, economists estimate that if these current tax policies are allowed to expire, the economy could contract by approximately 3 percentage points. That would be a large hit to an economy that is still weak and recovering from the fiscal crisis of 2008. Adding another fiscal crisis by neglecting to extend these tax policies may cause even further damage. For those on the other side of the aisle, including the President, who argue we should raise the top two tax rates because it is the fiscally responsible thing to do, I will point out a few things.

First, according to the Congressional Budget Office, 80 percent of the revenue lost from extending the 2001 and 2003 tax relief provisions is found among those making less than $200,000 per year if single and $250,000 if married.

Second, the nonpartisan official scorekeeper for Congress on tax issues, the Joint Committee on Taxation, tells us that 53 percent of all flowthrough business income would be subject to the President's proposed tax hikes. Because the vast majority of small businesses are organized as flowthrough business entities, as I mentioned above, this is especially harmful to small businesses. Given the agreed-upon importance of small businesses to our economic recovery, it is a mystery to me why the President and his Democratic allies would pursue tax increases on these very job creators. We simply cannot afford to raise taxes on over half this business income.

This would take the marginal tax rate on small businesses from 33 percent and 35 percent to 39.6 percent and 41 percent, respectively.

Look at this particular chart and the increase in small business top marginal rates. Here, the blue line starts to go up in 2012. As we can see, the marginal rates will go to 40 percent and up to 41 percent.

It seems clear what the agenda of the Senate should be. We should be focused like hawks on moving us back from the fiscal cliff and preventing ''taxmageddon.'' Yet at a time when we should be working to prevent a massive tax increase, President Obama and his Democratic allies are spinning their wheels trying to raise taxes on politically unpopular groups.

These tax hikes are already scheduled to go into effect. Congress doesn't have to do anything, and everyone will pay more in taxes come 2013. That is not a good sign, given that some people have called this a do-nothing Senate.

Let me refer to the Senate Democratic leadership's tax legislation to-do list.

I am sure some people are tired of the mantra among conservatives that Democrats want to raise taxes and Republicans don't, but we say it because it is true. At liberal think tanks, their employees go to work every morning and think about how they can raise taxes.

My friends on the other side of the aisle, knowing their constituents already feel overtaxed, spend countless hours devising ways to raise taxes in a way that only hits politically unpopular groups or, in the case of ObamaCare, they worked tirelessly to hide the nature of the individual mandate tax and the true impact of the law's over $500 billion in taxes.

The President is now devoting his entire reelection campaign toward tax hiking in the name of fairness. In the Senate, we have already voted twice on the proposal of my colleague from New Jersey, Senator MENENDEZ, to raise taxes on oil and gas companies. We voted twice on it.

First, we had hearings in the Senate Finance Committee last year. As I said then, that was nothing more than a dog and pony show. Everybody knew it. Then the leadership brought the bill directly to the floor, skipping the process of a markup.

A few months ago, we voted on the silly Buffet tax—the Buffet rule tax hike bill—without hearings and without a markup. This is not serious tax policy. The Buffet tax is a statutory talking point and not a very good one at that.

First, the President said it was about deficit reduction. We pointed out to him it raised only $47 billion in revenue over 10 years, a drop in the bucket given the President's trillions in deficit spending. We pointed out that implementing the Buffet tax the way President Obama suggested in his most recent budget would lose nearly $1 trillion over the first 10 years alone. Specifically, President Obama proposed replacing the AMT with the Buffet tax.

So the White House shifted gears. Now the Buffet tax was about fairness. But when we pointed out that his

redistributionist scheme, if redirected to a lower tax bracket, would only yield an $11-per-family tax rebate, he criticized Republicans for demonizing him as a class warrior.

The President needs to come clean about what the Buffet tax is. It is nothing less than a second and even more damaging alternative minimum tax, one that would force many small business owners and job creators to pay a minimum of 30 percent of their income in tax.

As the Wall Street Journal said on April 10:

> The U.S. already has a Buffett rule. The Alternative Minimum Tax that first became law in 1969 . . . . The surest prediction in politics is that any tax that starts by hitting the rich ends up hitting the middle class because that is where the real money is.

What is rich about the Buffett rule is that Mr. Buffet would be able to avoid his own Buffett tax. What is the President doing? Why, with ''taxmageddon'' around the corner, are President Obama and his liberal allies dithering with these harmful tax increases?

The answer is pure and simple: politics.

Let's not forget that every minute Democrats spend playing politics is a minute we don't spend preventing the largest tax increase in American history.

It is time for the Senate Democratic leadership to get serious and to focus on preventing this massive tax hike.

Instead of focusing on preventing this massive tax hike on small business, however, the President and the congressional Democratic leadership have doubled down on their small business tax hike strategy. The President's speech yesterday was simply a rehash of the same old ineffective arguments about why we should raise taxes on small businesses. His claims that it is necessary to rein in the debt and deficit are not credible at all, considering he has added trillions of dollars to the debt since he has been in office. The Senate Democratic leadership will not even present a budget proposal of their own for the Senate to vote on.

''Taxmageddon'' is coming. The only good news is that Congress can prevent this historic tax increase. I have an amendment to this bill that will prevent this historic tax increase and will pave the way for significant tax reform in 2013.

That is where my focus will be until this tax hike is prevented, and I hope my colleagues will join me in preventing this looming tax increase on the American people.

Forty of my colleagues on the other side of the aisle voted to temporarily extend this tax relief in 2010. They should do so again.

President Obama once said it would be foolish to raise taxes during an economic downturn, and he acted accordingly. I compliment him for doing so.

Our economy remains weak today. The only thing that appears to have changed is that President Obama has apparently determined that his path is class warfare.

My hope is my colleagues who have supported this tax relief in the past will put the President's shortsighted and self-interested partisanship aside and vote on behalf of their constituents to extend tax relief to America's families and small businesses.

I finished reading this book about Lyndon Johnson and about his ascension to the Presidency of United States of America. For most of the time before President Kennedy's unfortunate death, Lyndon Johnson was kind of a fish out of water. He didn't know what to do. He wasn't utilized very well. He was totally loyal to the President. But once the murder of our President occurred, he was very sensitive to the feelings of the Kennedy family, the Kennedy widow and the Kennedy children. He was sensitive to the President's brothers. He didn't move into the White House until after everything was taken care of. But he decided he was going to make sure the President's tax cuts went through. Naturally, there was serious involvement with the civil rights bill at that time, something many of our southern Senators—most all Democrats—did not want to pass. He knew if they brought that up first, the tax bill would never pass. It is an extremely interesting book by Robert Caro as to how the President was able to get the tax cuts through ahead of bringing up the civil rights bill and then bringing up the civil rights bill and putting pressure on Republicans and Democrats to do what should have been done many years before.

I pay tribute to President Johnson, who, of course, in the eyes of many Democrats and Republicans, had a mixed record, but he was a master in helping President Kennedy's tax bill go through. And because of that, we had a period of decent expansion.

I don't think I will ever fully understand why my colleagues on the other side of the aisle don't seem to understand the importance of cutting taxes during a time when we are in real difficulty. They still want to spend more by increasing taxes, which they never seem to use to pay down any deficits. We use them to spend more than ever before. They could take a page out of Lyndon Johnson's book and really out of the book of President John F. Kennedy, who was smart enough to know, intelligent enough to know, and caring enough to know that during times of great difficulty tax rate reductions are very important.

Mr. President, I wish we could work together a little bit better. I wish both Democrats and Republicans would get off their high horses and start to band together and work on what is wrong with our country instead of what is wanted as far as political advantage goes. Taxing 940,000 small businesses—which is what our bipartisan leaders in the Senate have said—is like asking to go into a deeper depression. It is like saying we don't care.

What is really interesting is that a lot of these taxes are going to be socked onto the people who earn less than $120,000 a year through the health care bill. And further, with regard to the health care bill, which is now considered a tax, the bottom 10 percent of all wage earners or of all people in our society are going to pay a pretty whopping percentage of the taxes that are going to be assessed. They are the ones who are going to get hit harder than anybody else.

I think our colleagues on the other side ought to really study this and figure it out. And the points I am making are from many bodies who are supposed to be nonpartisan. We simply cannot allow tax Armageddon to occur. And by using this ploy, the President is just playing politics instead of doing what really ought to be done. I think more of him than that, and I hope that I am right and that he will get off his high horse, quit playing the class warfare game, and start doing what is right for America. He would be better off if he did, I guarantee that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

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

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

UNITED NATIONS

Mr. ISAKSON. Madam President, I come today to share with the Senate a letter which I have written to Ambassador Susan Rice, the United States Permanent Representative to the United Nations. It is a letter I have written over a grave concern I have over actions that have taken place recently in the United Nations but also reflects back on some things that have happened in the last year or so that are very troubling to me and, quite frankly, very troubling to my constituents.

As I know the Presiding Officer is aware and as all the Senate is aware, the U.N. convened this month in New York a conventional arms trade treaty, where they are looking at an international treaty on limitations and governance over small arms shipment and trade between countries.

I have expressed my concern about the threat to the United States second amendment, our constitutional right to bear arms, and my concern over the U.N. subordinating U.S. law to itself. But I have never ever been as concerned as I am today to find out that Iran has been named, without objection, as a member of the conference that will lead this debate.

I want to talk about it for a few minutes, because a lot of U.N. politics and

U.N. governance and U.N. practices are not understood by the American people. But when the U.N. has one of these conferences working toward a treaty, they will appoint a general conference or a general bureau or a board which is made up of members of the U.N. who will work out the details on the conference and then submit the entire convention to the United Nations.

There is a process in the United Nations where anyone can object to the appointment or to any other motion that may be made on the floor, because the U.N. operates under what is known as consensus, which is the absence of an objection. If there is an objection to a motion that is made, then a vote takes place.

Iran has been seeking a position on this U.N. conference on small arms and arms trade treaty agreement for some time. That has been known.

This is the same Iran the U.N. has sanctioned four times in the last 3 years for its progress on its nuclear arms program and the enrichment of nuclear material. It is the same Iran that as recently as last week the U.N. sent its former chief head president to try to negotiate a settlement on the horrible things that happened in Syria. This is the same Iran that is accused of shipping arms to Syria and to the Asad regime, which has resulted in the killing of over 17,000 Syrians in the last year.

How in anybody's right mind could they allow a country that is in the process of doing that and that has been sanctioned four times by the U.N. to ascend to a position to negotiate a conference on a treaty on small arms on behalf of the U.N?

I have written this letter to Secretary Rice because I have great respect for Ambassador Rice, and I know she is doing a great job. But I cannot understand for the life of me why the United States would not use its right to object to the appointment of a country such as Iran on any treaty, much less one on arms and the Arms Trade Treaty. It reminds me of what happened a year ago when North Korea went on the disarmament committee in the United Nations. Today, Syria is seeking a position on the Human Rights Commission. These types of appointments to people who are often serial violators of the governance of the committee they are trying to seek is laughable and puts the United Nations and the United States in an embarrassing position.

I have written Secretary Rice to find out the answer to this question: Did we have the opportunity to object to Iran being named to the conference? If we did, why didn't we object to that? How in the world can we be expected to have any confidence in what comes out of the conference if, in fact, one of the worst perpetrators in the world is being appointed to the conference? I hope the Secretary will inform me so that I can inform my constituents because, frankly, I cannot explain it.

I have great concern that any U.N. treaty on small arms would, intentionally or unintentionally, affect the second amendment rights of the American people. I am a great supporter of the second amendment, and I have had a concern all along. I signed a letter with Senator MORAN from Kansas last week to the Secretary registering my objections and concerns about the threat of that treaty itself, but to find out now that one of the 15 members writing the treaty and negotiating it this month in New York City is the nation of Iran concerns me greater.

I ask unanimous consent to have printed in the RECORD my letter to the Permanent Representative to the United Nations, Susan E. Rice, of the United States and New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 10, 2012.

Hon. SUSAN E. RICE,
United States Permanent Representative to the United Nations, United States Mission to the United Nations, United Nations Plaza, New York, NY.

DEAR AMBASSADOR RICE: I write today concerning the United Nations (U.N.) Conference on the Arms Trade Treaty being held this month in New York City. I have already expressed my concerns and objections over the danger that the U.N. Arms Trade Treaty poses to our sovereignty and to our Second Amendment rights. I now write to voice my strong concern over the recent inclusion of Iran as a member of the Conference's Bureau/General Committee, and the failure of the United States to exercise its right to block this action.

On July 3, 2012, the members of the Conference unanimously supported Iran's bid for membership on the Conference's Bureau/General Committee. The Conference supported Iran's inclusion in the Bureau/General Committee despite both Iran's continued pursuit of a nuclear weapons program in defiance of numerous U.N. Security Council Resolutions and a recent U.N. report detailing Iran's central role in enabling the continuing massacre of Syrian civilians by Bashar al-Assad's regime.

Situations such as these are not without precedent. Just last year, North Korea ascended to the presidency of the U.N.-backed Conference on Disarmament, and recent reports have indicated that Syria is actively pursuing membership on the U.N. Human Rights Council. Given this recent history, the possibility of Syria joining such a body at a time when it is slaughtering thousands of its own citizens does not appear as implausible as it should.

It is my understanding that the United States had the opportunity to oppose Iran's membership. If this is true, it is particularly troubling that Iran faced no opposition. As Iran becomes increasingly isolated on the international stage a unanimous vote in favor of its membership on an international panel legitimizes the regime. The United States must vocally lead the opposition to any attempt by Iran to use an international body to further its aims. I am requesting a full explanation as to why the United States did not oppose Iran's membership on the Bureau/General Committee of the U.N. Conference on the Arms Trade Treaty, and a commitment that the United States will do all that it can to oppose Syria's membership on the U.N. Human Rights Council.

My constituents regularly voice their concerns that their tax dollars go toward supporting the United Nations, an organization that many of them see as operating in direct opposition to U.S. interests. As a member of the United Nations and as a permanent member of the Security Council, our resolve must be the catalyst for the United Nations to assert itself as a positive force in unifying the world community against tyranny, terrorism and totalitarianism. I look forward to your response and look forward to sharing it with my constituents.

Sincerely,

JOHNNY ISAKSON,
U.S. Senate.

Mr. ISAKSON. Madam President, I ask unanimous consent to have printed in the RECORD a letter from the Members of the House of Representatives—over 100 of them—to the President and Secretary of State Clinton regarding the U.N. arms agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, June 29, 2012.

PRESIDENT BARACK OBAMA,
Pennsylvania Avenue, NW, Washington, DC.
SECRETARY OF STATE HILLARY CLINTON,
C St., NW, Washington, DC.

DEAR PRESIDENT OBAMA AND SECRETARY CLINTON: We write to express our concerns regarding the negotiation of the United Nations Arms Trade Treaty (ATT), the text of which is expected to be finalized at a conference to be held in New York during the month of July. Your administration has voted in the U.N. General Assembly to participate in the negotiation of this treaty. Yet the U.N.'s actions to date indicate that the ATT is likely to pose significant threats to our national security, foreign policy, and economic interests as well as our constitutional rights. The U.S. must establish firm red lines for the ATT and state unequivocally that it will oppose the ATT if it infringes on our rights or threatens our ability to defend our interests.

The U.S. must not accept an ATT that infringes on our constitutional rights, particularly the fundamental, individual right to keep and to bear arms that is protected by the Second Amendment, as well as the right of personal self-defense on which the Second Amendment is based. Accordingly, the ATT should not cover small arms, light weapons, or related material, such as firearms ammunition. Further, the ATT should expressly recognize the individual right of personal self-defense, as well as the legitimacy of hunting, sports shooting, and other lawful activities pertaining to the private ownership of firearms and related materials.

The U.S. must also not accept an ATT that would interfere with our nation's national security and foreign policy interests. The ATT must not accept that free democracies and totalitarian regimes have the same right to conduct arms transfers: this is a dangerous piece of moral equivalence. Moreover, the ATT must not impose criteria for determining the permissibility of arms transfers that are vague, easily politicized, and readily manipulated. Specifically, the ATT must not hinder the U.S. from fulfilling strategic, legal, and moral commitments to provide arms to allies such as the Republic of China (Taiwan) and the State of Israel. Indeed, the State Department acknowledged in June 2010 that the ATT negotiations are expected to introduce such regional, country-specific challenges. Finally, the ATT should not contain any language that legitimizes the arming of terrorists—for example, by recognizing

any right of resistance to ''foreign occupation''—or implies that signatories must recognize the jurisdiction of the International Criminal Court.

Furthermore, the U.S. must not agree to an ATT that would damage U.S. economic interests. The ATT must not create costly regulatory burdens on law-abiding American businesses, for example, by creating new onerous reporting requirements that could damage the domestic defense manufacturing base and related firms. Furthermore, the ATT must not pressure the U.S. to alter either the criteria or the decision-making system of its current arms export control system, which Secretary Clinton has called the ''gold standard'' of export controls. The ATT should not in any way skew domestic debate on export control reforms, as the U.S. continues to modernize export controls to increase U.S. global competitiveness, create jobs for American workers, and strengthen our allies.

Lastly, regardless of negotiated text, the Administration must make clear in its reservations, understandings, and declarations that the ATT places no new requirements for action on the U.S., because U.S. law is already compliant with the treaty regime or that the treaty cannot change the Bill of Rights or the constitutional allocation of power between the federal and state governments. Moreover, the U.S. must not accept the creation of any international agency to administer, interpret, or add to the ATT regime because it might represent the delegation of federal legal authority to a bureaucracy that is not accountable to the American people.

We urge this Administration to uphold the principles outlined above in the ATT negotiations at the July conference and any future venues for discussion. Should the final ATT text run counter to these principles or otherwise undermine our rights and our interests, we urge this Administration to break consensus and reject the treaty in New York. Further, the Constitution gives the power to regulate international commerce to Congress alone, and the ATT will be considered non-self-executing until Congress enacts any legislation to implement the agreement. As members of the House of Representatives, we reserve and will maintain the power to oppose the appropriation or authorization of any taxpayer funds to implement a flawed ATT, or to conduct activities relevant to any ATT that has been signed by the President but has not received the advice and consent of the Senate.

Sincerely,

MEMBERS OF CONGRESS.

Mr. ISAKSON. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AFFORDABLE CARE ACT

Mr. HARKIN. Madam President, 2 weeks ago the Supreme Court did the right thing and settled once and for all the question of whether the Affordable Care Act is constitutional. As I said on the floor 2 weeks ago, the fight is over; the law is constitutional, and it will stand. Some have been saying this is a great win for the President or for Democrats. I don't see it that way. I believe this is a great victory for the American people, for small businesses, and for our economy.

Now is the time to move past the political distractions and focus on the task before us: implementing the law to bring quality, affordable health coverage to every American.

Unfortunately, tomorrow the House of Representatives will take a step in exactly the opposite direction. They have cracked open their old, tired playbook and will vote once again to repeal the Affordable Care Act. This is the second time the House has taken this vote to repeal the entire Affordable Care Act, and they have failed every time to pass it in the Senate. The House has voted 30 times to repeal all or part of the Affordable Care Act. Again, they have not been successful on any one of those in the Senate, in this Chamber. If you say there hasn't been a vote—yes, in this Chamber, the Senate, last year every Member of the Republican caucus voted to repeal health reform. That failed as well. This is just cynical politics.

My Republican friends don't expect their bill to repeal the Affordable Care Act to actually become law; they just want to put on grand political theater. Their strategy, dreamed up by the same old cast of characters, such as Karl Rove, is to gin up the rumor mill, scare people with lies and distortions while offering no ideas of their own. They don't offer any new ideas because they don't have any.

Neither the House nor Senate Republicans agree on any plan that controls costs, brings down premiums, or covers as many people as the Affordable Care Act. In fact, a Republican Senator was recently asked to describe his plan for the health care system if the Affordable Care Act were repealed. Here is his answer: ''What we need to do is have a lot of hearings.'' That is their plan? I don't think that qualifies as a plan. That won't help the millions of people who would lose access to affordable health insurance coverage.

Republicans in Congress are pandering to the extreme rightwing—those who want to tear down everything this President has accomplished, regardless of the cost. Their strategy only makes sense if you are absolutely obsessed with two things: tearing down health reform and tearing down this President.

What would repeal mean for average Americans? Well, I have looked at this a different way. People used to think of the Republicans as being against the Affordable Care Act, but I want to delineate what the Republicans would be for if they were to succeed in repealing the Affordable Care Act. If you vote to repeal the Affordable Care Act, here is what you are for:

You are for putting dollar limits on insurance coverage of more than 100 million Americans, which would allow insurance companies to stop paying benefits right when you get really sick. They will stop paying benefits. That is what you are for if you are for repealing the Affordable Care Act.

If you are for repealing the Affordable Care Act, you are for kicking more than 3 million young people off of their parents' insurance policy right now.

If you vote to repeal the Affordable Care Act, you are for allowing insurance companies to cancel people's coverage when they are sickest—just cancel the policy.

You would be for allowing insurance companies to spend Americans' premium dollars on CEO buildings, marketing, or fancy buildings rather than health care. In the Affordable Care Act, we have a medical loss ratio requirement, and because of that, policyholders nationwide, this year, by August 1, will receive more than $1 billion in rebates from insurers. What that means in the future is that insurers will have to spend 80 to 85 percent of the premiums they get on health care—not advertising, corporate jets, or big CEO salaries—on health care. If you vote to repeal the Affordable Care Act, you will vote to just let them go back to their old ways, and they can spend 50 cents of every premium dollar on health care, and the rest they can spend on high salaries and fancy buildings and conventions in the Cayman Islands and places like that.

If you vote to repeal the Affordable Care Act, you are for allowing insurance companies to deny people coverage or to increase their premiums if they have a preexisting condition. Nearly half of all Americans have some form of a preexisting condition. So I guess that is what you would be for if you vote to repeal the health care bill.

If you want to repeal the bill, you are for taking affordable coverage away from more than 30 million people, and you are for making insured Americans pay for tens of billions of dollars of uncompensated care when uninsured people show up in the emergency room. This has been estimated to cost American families an average of $1,100 in extra premiums annually.

If you vote to repeal the Affordable Care Act, you are for charging as much as $300 in copays for lifesaving, preventive services that Americans now get for free, services such as mammograms, colonoscopies, and other cancer screenings. More than 85 million people have already used these free services so they can stay healthy, get in charge of their illnesses, or catch something early on when it costs less.

If you are for repealing the Affordable Care Act, you are for increasing prescription drug costs on seniors by an average of $600 a year. That is because in the Affordable Care Act we close this doughnut hole. More than 5.2 million seniors and people with disabilities, I might add, have saved a total of $3 billion already on prescription drug spending in the doughnut hole since we enacted the law. If you are for repealing this law, you are for making seniors pay more money for prescription drugs, pure and simple.

If you vote to repeal this law, you are voting to deprive States and localities of vital funding to combat chronic diseases, such as cancer, diabetes, and heart disease, and to ensure that our kids have access to lifesaving vaccines. Why do I say that? Because in the

health reform bill, there is a prevention and public health fund that is already saving lives, getting money out to communities for these very services, and cutting health care costs. So if you vote to repeal the Affordable Care Act, you are saying that we are not going to combat chronic diseases such as cancer and diabetes and heart disease.

All of these protections I have enumerated have been enjoyed by a certain select group of Americans for decades. What select group of Americans do you suppose I am talking about who have had these protections for decades? I suggest that every Member of Congress, the Senate and House, look in the mirror. We have enjoyed these for a long time. How many times have we heard in the past when we were debating and having hearings on the Affordable Care Act before we voted on it—how many times have we heard from our constituents that ''we need the same kind of health care coverage you guys have in Congress.'' That is what we did. We didn't have higher premiums because of preexisting conditions; there is no exclusion because of that. We have had no lifetime or annual limit on benefits, no cancellation of coverage when we got sick, and no copays for preventive services. In health reform, we basically gave the American people the same services we in Congress have enjoyed for a long time.

When a Member of Congress votes to repeal the Affordable Care Act, he or she is saying that these consumer protections are great for us—we will keep them—but they are too good for you, the rest of the American people. That is the kind of cynicism that takes your breath away.

Finally, let me point this out on the mandate that has gotten so much publicity lately. Quite frankly, the issue of this mandate—or, as I call it, a free rider penalty—has a long, bipartisan history. Seven current Republican Senators have previously endorsed a mandate. Many more Republican Senators had endorsed it, and they are no longer here because they either retired or were defeated. Former Massachusetts Governor Mitt Romney included a similar free rider penalty as the centerpiece of RomneyCare in Massachusetts. In fact, he said this: ''No, no, I like mandates. Mandates work.''

So we ought to stop these silly political games. The Republicans' obsession with repealing health reform is based strictly on ideology. They oppose the law's crackdown on abuses by health insurance companies and any serious effort by the Federal Government to secure health insurance coverage for tens of millions of Americans who currently have no coverage. It is really about giving control back to their good friends—the wealthy, powerful insurance companies—so they can raise your rates and hold on to your money by denying you benefits and making egregious profits.

We all remember William Buckley's famous admonition to conservatives. He said that the role of conservatives is ''to stand athwart history, yelling stop.''

William F. Buckley. Again, he said: The role of conservatives is to stand athwart history, yelling stop.

Well, in 1935, President Roosevelt and the Congress passed Social Security, providing basic retirement security for every American. Republicans yelled stop. They fought it bitterly. Seventy-five years later they are still trying to undo Social Security.

In 1965 President Johnson and the Congress passed Medicare, ensuring seniors had access to decent health care coverage. Republicans yelled stop. They fought it bitterly. Forty-five years later, they are still trying to undo Medicare.

Well, here they go again. Here they go again, trying to undo the Affordable Care Act. As I have said before, they are on the wrong side of history.

I think we should listen to the American people and leave our ideological obsessions behind and work together to make the law even better. The choice is to go forward or to be dragged backward. It is time to come together as a united American people to create a reformed health care system that works not just for the healthy and the wealthy but for all Americans.

Mr. President, I think it is important also to put a human face on this matter. Let's just put a human face on what this bill does. I have shown some of these people before. Let's talk about Emily Schlichting.

She testified before our committee. She suffers from a rare autoimmune disorder that would have made her uninsurable in the old days. But thanks to the Affordable Care Act, as a student, she is able to stay on her parents' policy until she is 26. Here is what she said at our hearing last year. She said:

> Young people are the future of this country and we are the most affected by reform—we're the generation that is most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country.
>
> —Emily Schlichting, a student in Omaha.

Then there is Sarah Posekany of Cedar Falls, IA. She was diagnosed with Crohn's disease when she was 15. During her first year in college she ran into complications from Crohn's disease and was forced to drop her classes in order to heal after multiple surgeries. Because she was no longer a full-time student, her parents' private health insurance company terminated her coverage. They stopped it. Four years later, after many health care interventions, she found herself $180,000 in debt and forced to file for bankruptcy. She was able to complete one semester at Hawkeye Community College but could not afford to continue. Because of her earlier bankruptcy—because of her earlier bankruptcy due to her health—every bank she applied to for student loans turned her down. But now, thanks to the new law, people like Sarah will be able to stay on their parents' health insurance plan until they are age 26.

Again, are we just going to say to people like Sarah and Emily: Tough. You got a bad break. Tough luck. Are we going to say that just to make some political point because of some ideological obsession?

The Affordable Care Act protects children with preexisting conditions now. That protection will be expanded to all adults in 2014—in just a couple of years. Well, actually, now that I think about it, in about a year and a half, every adult American will have that coverage and be able to get affordable coverage even though they have a preexisting condition.

That could mean a lot to Eleanor Pierce. She is from Cedar Falls, IA. Here is Eleanor Pierce. When her job with a local company was eliminated, she lost her health insurance. She could purchase the COBRA insurance, but it was completely unaffordable to her. So she searched for coverage on the private individual market but was denied access because of her preexisting condition of high blood pressure. The only plans that would cover her came with premiums she could never hope to afford without any income.

So here is Eleanor, age 62, suffering from high blood pressure, and she had no choice but to go without insurance and hope for the best. But, Mr. President, hoping for the best is not a substitute for regular medical care. One year later, Eleanor Pierce suffered a massive heart attack. When all was said and done, she had racked up $60,000 in medical debt.

So, again, are we going to leave people like Eleanor without coverage, with mounting debt and declining health just to make some political point? These are real people the Affordable Care Act is now helping.

Well, as I have said before, the Affordable Care Act is for every American. But many of the benefits that are in place now, Republicans would take away by voting to repeal it. Many like Eleanor, who will be helped when it is fully implemented in 2014, will be denied the ability, the wherewithal to have affordable health care coverage so they can have good preventive health care measures, so they can get in to see a doctor and get medical care before they have to go to the emergency room.

I am told that tomorrow the House of Representatives will once again vote to repeal the Affordable Care Act. But once again they are on the wrong side of history. It is time to come together. Let's work together now to implement the law. It is constitutional, it is the law, let's get it implemented, and let's make sure we don't go down the road of political theater—political theater—due to ideological obsessions.

I know it is a campaign year. I have been in a lot of campaigns myself. They are tough, I know that. But there comes a point when we have to put politics aside for what is good for the

American people. Now is the time to put aside the politics on the Affordable Care Act. Let's get to the business of implementing it.

As I said, Governor Romney is the nominee of the Republican Party for President. I am sure they will do everything they can to elect him. I understand that, and that is fine. That is the American way. I wouldn't have it any other way. But just keep in mind, when he was Governor, he put in a health care system in Massachusetts that is very much like the Affordable Care Act, which included a mandate. Governor Romney himself said: No, no, I like mandates. Mandates work.

Well, it is time to move ahead. Let's implement the bill, and let's get over this political theater the House is going to embark on tomorrow.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RESTORING THE GULF OF MEXICO

Mr. NELSON of Florida. Mr. President, last week, we passed some significant legislation, and it was one little glimpse of a bright shining moment of bipartisanship. The overall Transportation bill passed overwhelmingly. The magnificent leadership of the chairman of the committee, Senator BOXER, and the ranking member, Senator INHOFE, was a good example of how government, in general, and this institution, the Senate, should operate to get things done. We went through the amendatory process, and I noticed the two leaders of the Environment and Public Works Committee fought off all the amendments that would have been killer amendments. They accepted some they believed strengthened the bill, and then we passed the bill seventy-four to nineteen. So it was overwhelming and it was bipartisan.

As a part of the process of that bill, several months ago, when the Transportation bill was on the Senate floor, I had the privilege of offering an amendment—again, bipartisan—to restore the Gulf of Mexico after the effects of the BP oilspill. That emanated from the fact that we have a fine that will be levied by a Federal judge in New Orleans. The law allows for the judge to assess a fine per barrel of oil spilled in the Gulf of Mexico.

In this case, we are talking about some real money. We are talking about almost 5 million barrels spilled in the Gulf of Mexico. The fine could be anywhere from a $5 billion fine all the way up to a $20 billion fine. So the question became: Once the fine is determined and approved by the court, where is that money going to go? The Gulf State Senators argued we should be able to have this come back to help the people and the environment of the gulf who were harmed.

There are so many effects, and we do not know what is going to be the ultimate result of all of this, particularly on the health of the gulf.

Five million barrels in the gulf is a lot of oil. The question is, the natural processes of the bacteria in the water that consume oil that naturally leak through the ocean floor—is the gulf so overwhelmed with all that oil that the bacteria are not able to consume it? Since this came from a ruptured well 5,000 feet below the surface of the water, how much oil is still down there, where it is hard to get any kind of research done because of the depth and the pressure.

That is what we need to know. We need to know for the future and we need to know for all the people who have their livelihood by the gulf, be it the seafood industry—but that not only affects the gulf. The gulf provides seafood for the entire country.

I am coming here to say we have an incredible success in a bipartisan way. I remind the Presiding Officer that we passed that amendment on to the Transportation bill, the RESTORE the Gulf of Mexico Act, in this Chamber 76 to 22. It was a huge bipartisan vote. Last week was a time to celebrate, and it was a time to celebrate for our whole country for a lot of reasons.

Yesterday, I went back to the shores of the gulf to share with the people what the specifics are of the legislation we passed and, once the court decides what the fine is, how that money is going to flow and what it is going to do for our people to improve their economies and the environment and for the long-term outlook of the health of the gulf. I wish to bring this to the attention of the Senate because the gulf doesn't just belong to the gulf coast counties of five Gulf States; it belongs to all Americans, and the President signed it into law last Friday.

I wish to thank those people in the Senate, in the House, and the President for signing it, a wide array of staff and stakeholders, the cities and the counties whose tireless efforts led to the enactment of the RESTORE Act. It aims to make sure the gulf does recover.

The chorus of support behind the success of this bill is enormous, and it would take me until the next Congress to thank everyone. But in addition to Senator BOXER and Senator INHOFE, I wish to mention the spark plug behind this whole effort was Senator MARY LANDRIEU of Louisiana, whose State has suffered mightily. Senator SHELBY and Senator BAUCUS, the chairman of the Finance Committee, who helped us come up with sources of revenue that we had to have to satisfy the General Accounting Office, Senator WHITEHOUSE, all these Senators were involved. Indeed, when we filed the bill 1 year ago, we had Senators from all 5 Gulf States as cosponsors, another display of bipartisan cooperation.

Think back to 2 years ago when this disaster began. It was about 10 at night on April 20, 2010, 52 miles off the coast of Louisiana. The Macondo 252 oil well suddenly kicked, leading to an explosive blowout that claimed the lives of 11 Americans. For the next 87 days, almost 5 million barrels of crude oil gushed into the gulf.

Fishermen pulled the gear off their boats and replaced it with booms and skimmers, tourists canceled their vacations, waiters came to work to find that there were no customers, and the oil continued to coat the marshes that are the nursery habitat for juvenile shrimp and so many of the other critters that spawn in and around the marshes. Some of the beaches that draw tourists every summer were coated. Even for those beaches that did not have oil, the perception was that there was oil on our beaches and the tourists did not come and it killed an entire tourist season.

That is why, in addition to Louisiana being affected with their environment and their shrimping industry and their fishing industry, the economy of Florida, where oil got onto the westernmost beaches—as a matter of fact, there was that famous photograph of Pensacola Beach with the white sugary sand beaches, and it looked like the entire beach was covered. That shot around the world and people started canceling vacations.

Only a few tar balls got as far east as Panama City Beach, and the rest of the gulf coast beaches all the way down to the southern tip of Florida, no oil, but the tourists stopped coming. When the tourists stop coming, there is nobody in the hotels and the hotel workers can't work, there is nobody in the restaurants and all those workers aren't working and all the ancillary businesses that depend on that major component of the economy. Then, of course, the seafood industry—the source of one-third of our domestic seafood in this country, the Gulf of Mexico. Of course, the fishing industry was devastated, even those who could fish outside the danger zone of where the oil was lurking. People stopped buying gulf seafood because they were afraid it was tainted. Even when the oil was finally shut off after 3 months, the gulf was left with this public perception that the gulf was tainted.

If we remember back, the President asked the Secretary of the Navy, Ray Mabus, to recommend a strategy to restore the gulf. Why Ray Mabus? Because he had been a Gulf State Governor, Governor of Mississippi. After he did his first tour, Secretary Mabus labeled the gulf a national treasure, and he recommended that a significant portion of the Clean Water Act fines to be levied against BP be sent back to the region for environmental and economic recovery. Over the last couple weeks, the President, the Congress, stakeholder groups from across the country and across the political spectrum have made this commitment to restore this

national treasure, and the result is that we passed the RESTORE Act.

Over the next 6 months, the Department of Treasury is going to develop procedures in which to implement the RESTORE Act. The Ecosystem Restoration Council, established by the act, will build on the recommendations of Secretary Mabus, the task force, and others to develop a draft comprehensive plan to address the environmental needs of the gulf. It is a Federal-State council. Once we know the outcome of the Justice Department's lawsuit against BP—and there are rumors that there is a settlement in the works. If that settlement were to be true and the judge approves it, the money will be ready to flow under the procedures being set up under this Federal-State council as initially determined by the Department of the Treasury.

The reason I wish to speak is not only to thank the many people who helped us accomplish this major milestone, but I also want to put into the CONGRESSIONAL RECORD why certain provisions in the RESTORE Act are there.

As the sponsor of the amendment, I want this legislative intent to be understood as the law is implemented. Certainly, I want understood from my perspective, as one of Florida's two Senators, what we have done. But it is important to flesh it out, if it hasn't been said already in testimony in committee as well as testimony as given in the speeches on the floor.

The RESTORE Act sends 80 percent of all the Clean Water Act fines back to the gulf through four mechanisms. The first is to direct equal allocation among the five Gulf States.

In the spring of 2011, in our State, the Florida legislature passed and the Governor signed legislation to ensure that the most affected counties receive the bulk of any oil spill funding that comes to the State. This is different in the allocation of this first pot of money in the State of Florida from what was indicated in the other four Gulf States. In the case of Florida, it is memorialized in law that 75 percent of the funds for Florida in this first pot of money would be spent in the eight disproportionately affected counties in the Florida Panhandle—so from the west, Escambia County all the way to the east to Wakulla County—while the remaining 25 percent would be spent in other counties. That allocation of funding is mirrored in the RESTORE Act and it is now law. This is important. Because while there are places across the State that suffered from the misperception of oil, the panhandle counties were some of the hardest hit. So when it comes to the first allocation, the intent was to have those eight counties receive 75 percent of the funds in that first pot and for the other counties along the gulf coast of Florida to receive the remaining 25 percent.

If that State law is changed in the future, I want it clearly known that the legislative intent of the sponsor of this bill was what was just said: the 75–25 allocation—not to be squirreled off into some other purposes in the State government but to go to the counties that were affected by the spill.

The Senate-passed version of the RESTORE Act included impact allocation formulas for disproportionately affected counties and for other gulf coast counties that took into account things such as population and proximity to the oil spill. These impact allocations were meant to provide a reasonable and transparent method for accounting for impacts between gulf coast counties in Florida. The Florida Association of Counties convened working groups of the disproportionately affected counties to determine such a method.

When we got into the conference committee with the House, the House didn't go along with that particular internal approach so that language was not included in the final public law. But I want the record stated that was the intent of the Senate-passed bill, and as I have just come from the gulf coast yesterday, I understand from the county commissions all up and down the gulf that they intend to work with the cities and the other affected parties to try to follow that method they had recommended to us that we put into the Senate-passed bill.

The eight panhandle counties worked hard to reach a consensus, and it is my expectation they are going to continue to honor those collective decisions to come up with a fair and reasonable method of allocating the money. Throughout the spill and for the recovery efforts that are moving forward, the gulf region worked as one gulf, with Louisiana shrimpers standing shoulder to shoulder with Florida county commissions because, together, the gulf would be stronger and better. I urge all the stakeholders to continue this unified, consensus-driven process. Any one city, any one county or State restoration effort will only help the region if you look at it as a whole.

I said there were four pots and each of the pots has a specified amount, a percentage of the total fine money. Each of them has certain criteria. The first pot I described will be divvied up among the five Gulf States, equal parts to each State, and distributed according to the formulas I mentioned.

The second pot is an amount of money specified to be directed under a Federal-State council. It will be for the purposes of restoration of the environment of the gulf.

A third pot will be according to State plans, operating under the criteria put together by all of the stakeholders, including a representative from all the gulf coast counties in Florida, and ultimately approved by the State-Federal council.

The last pot, the final 5 percent of the allocation of the moneys, is to be an investment in the long-term science and monitoring of the gulf ecosystem. When the oil began to spill we immediately realized how little we knew about the gulf. Many commercially and recreationally important fish stocks in the gulf have never had a stock assessment. We did not know what the fisheries were. We knew organizations were closing down certain fish stocks to protect the species, but it was never done with up-to-date data. To know how to restore a whole ecosystem we have to know what has been harmed and how we go about straightening it out. So half of the science funding is going toward a grant program to collect data, observe and monitor the fish, the wildlife, and the ecosystem of the gulf in the long term.

From the beginning this program has been a priority of mine because our fishing industry is so important—commercial fishing, recreational fishing, and charter fishing.

By the way, the protection of these fisheries is not just for the fish in the gulf because so many of these critters that are spawned in the marshes and bayous of the gulf, in the near-shore habitats of the gulf, are species that migrate to all the oceans of the world. I want to reiterate that this program is intended to provide a long-term investment in gulf science.

Years ago, in Alaska, after the Exxon-Valdez spill, it took 5 years for the herring population to collapse and it has not recovered in the 19 years since. We do not want this to happen in the Gulf of Mexico fisheries. If this gulf science program looks only at the short term we may not be able to adequately assess the real impacts.

This funding is also meant to supplement existing efforts and not to supplant them. I want that clear in the legislative intent. The health of the gulf, the fishing industry, and the tourism industry all rely on accurate, up-to-date science—which is lacking, by the way, not just in the gulf but in all our fisheries.

There is a strict cap on the administrative expenses of 3 percent so that the RESTORE funds produce on-the-ground results rather than plugging budgetary shortfalls.

The science pot, the fourth pot, is divided in two. I have described the long-term science looking at the fisheries. The remaining half of the science pot will go to centers of excellence to be established in each of the five Gulf States. University and research institutions in Florida have been a vital part of the response to the Deepwater Horizon incident. Since the 1960s, Florida research institutions have worked together to benefit oceanographic science in the State. This coordinated effort is called the Florida Institute of Oceanography. This institute is essentially Florida's marine science brain trust and its members have done excellent science work, particularly since the oil spill.

This model has produced excellent results that avoid the duplication and make the most effective use of the resources in the State. That is why the RESTORE Act includes language that

specifies that in our State of Florida, a consortium of public and private research institutions in the State—a total of 20 with 7 associate additional members, including the two State resource agencies—is going to be the ones named to carry out the center of excellence in our State. This language is intended to provide for the Florida Institute of Oceanography to carry out this program as the centralized voice of the ocean science in Florida.

I want that clearly understood for any who read about this legislation in the future. That was the legislative intent with regard to the center of excellence in the State of Florida. Each of the other States has their own procedures.

This past week I have been on the gulf coast quite a bit to tell folks about what I am sharing here today. This new law is going to provide some of the necessary resources and a framework to restore the gulf coast and the waters of the Gulf of Mexico. Just like plugging the Macondo well was a step in the right direction, this is another monumental step. But obviously our work is not done here.

The Department of Justice is still negotiating with BP to ensure that they are held responsible for the damage done, and it is time to implement RESTORE, because we want to eat gulf seafood forever at Fourth of July barbecues. Parents want to see their children playing on the white sand beaches of the gulf. They want them to visit the Gulf Islands National Seashore and all up and down, from the Perdido River in the west all the way to the tip of the Florida Keys at Key West.

I am going to continue to work with our colleagues to move this process forward in a way that adequately restores this national treasure of the Gulf of Mexico for many future generations.

I appreciate the opportunity to share this and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. 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. BURR pertaining to the introduction of S. 3367 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BURR. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask that the order for the quorum call be rescinded.

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

The assistant majority leader.

CHILD MARRIAGE

Mr. DURBIN. Mr. President, I rise today to discuss a disturbing article which most of us saw on the front page of the Washington Post. It is entitled ''In Niger, hunger crisis raises fears of more child marriages.'' It was written by Sudarsan Raghavan. The article highlights child marriages around the world. It is a human rights atrocity that steals the future, the health, and the lives of little girls and even boys in many developing countries.

In many of these countries girls are treated like chattel or commodities, sold into marriages with older men to settle debts or for dowries to help families survive. In Niger—the focus of the Post article—a famine is raising fears that more families will turn to that practice and marry off their little girls to gain economic security and even survival.

Niger happens to have the highest prevalence of child marriage with one out of two girls marrying before the age of 15, and some are as young as 7.

Can you imagine? Women, look around you. If you see another woman, know that in Niger one of you would have been married before you were 15 years old. That is exactly what happened to Balki Souley.

Balki Souley was married at 12 years of age. Let me show this poster of her. She is now 14. She recently lost her first child during childbirth at age 14. She almost died herself. Her small body was just too frail to handle the difficulty of facing labor. While Niger has the world's highest rate of child marriage, it is not the only place this scourge occurs. It can be found all over the world and is most prevalent in Africa and southern Asia.

Recently the Senate acted to ensure that the U.S. government is adequately addressing this global human rights tragedy by passing the International Protecting Girls by Preventing Child Marriage Act. Senator OLYMPIA SNOWE and I were joined by a bipartisan group of 34 Senators in introducing this legislation. We have now passed this legislation in the Senate not once but twice.

Unfortunately, despite the bipartisan support for this bill in the Senate, the Republican leadership in the House refuses to act on this legislation. With every day that failure in the House continues, more and more little girls around the world, such as Balki are forced into early marriage.

This means more girls in developing countries will lose their freedom, have their childhood innocence stolen, and may, in fact, lose their lives. It means more young girls will be forced into sexual relationships with men two or three times their age, and it means more girls will suffer the devastating and often deadly health consequences that accompany forced child marriage such as sexually transmitted diseases and birth complications for the child and mother.

That is not what America stands for. I am calling on Speaker BOEHNER, Majority Leader CANTOR, and House Foreign Affairs Committee Chairman ILEANA ROS-LEHTINEN to bring this bill to a vote in the House immediately.

Read the article, consider the photographs in the Post and other places. The lives of these girls in developing countries across the world are literally in your hands.

Mr. BAUCUS. Mr. President, Mother Teresa once said, ''Be faithful in small things because it is in them that your strength lies.''

Small businesses matter; they are the store fronts in our main streets; they are the idea creators in our technology sector; and they are the employers of our people.

In Montana small businesses matter even more, since small firms make up 97.6 percent of our employers and create almost 70 percent of the private-sector jobs.

We know small businesses are hurting because we see the job numbers. True, unemployment rates are holding steady, but we need to do better.

Monthly job growth hit its highest point in 20 months in January, creating 275,000 new jobs. But job growth slowed substantially to 77,000 in April and 69,000 in May—its lowest point since May of last year—and 80,000 in June.

Similarly, U.S. GDP grew by 3.0 percent in the fourth quarter of 2011 but has slowed to 2.2 percent for the first quarter of 2012.

We need to give businesses the boost they need to take the risk in hiring that additional employee or investing in that additional piece of equipment. The Small Business Jobs and Tax Relief Act introduced by Senator REID does just that. It gives businesses a 10-percent tax credit for increased payroll, allows businesses to write-off 100 percent of their business purchases made this year, and expands the ability of businesses to claim an AMT credit in lieu of bonus depreciation.

The hiring credit makes it cheaper for small businesses to employ workers or raise wages. The extension of bonus depreciation would help small businesses that purchase equipment to write off those purchases more quickly. The proposal would also help the businesses that sell the equipment. Bonus depreciation sparks investment, increases cash flows, and creates jobs.

These measures work because they provide incentives. They require companies to do something beneficial in order to obtain the corresponding tax benefit—either to hire American workers or invest in capital in the United States.

The Reid bill is in stark contrast to that offered by Representative CANTOR. His small business jobs bill is a mere giveaway. It gives businesses a 20 percent deduction for simply earning income. The Cantor bill allows businesses to avoid paying taxes on one-fifth of their profits as long as they employ fewer than 500 people and pay twice the amount of the deduction in wages. But rather than creating jobs or investing in business, the Cantor bill incentivizes the opposite. Because it provides a temporary reduced rate, the Cantor bill

incentivizes businesses to defer making investments, hiring new employees or increasing wages in 2012 in order to increase profits. That is because, the larger the profits, the larger the tax deduction under the Cantor bill.

That does not make sense for what we need as a Nation. Those businesses that need the boost are those that may be struggling to make a profit right now. Indeed, this could be a risk-taking retailer or technology start-up that may not have any income at all this year. Those businesses would not be helped by Representative CANTOR's proposal. Nor does it make sense to spend $46 billion for only 1 year of the provision as proposed by Representative CANTOR.

We should be working to create certainty for our small businesses—reducing tax rates for all businesses without magnifying budget deficits or exacerbating our long-term fiscal challenges.

We should oppose the Cantor bill and support the Reid bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, so ordered.

The assistant majority leader.

THE DREAM ACT

Mr. DURBIN. Eleven years ago, I introduced the DREAM Act. It was legislation to allow a select group of young immigrant students with great potential to be a bigger part of America. The DREAM Act gave the students a chance to earn their way into legal status. It wasn't automatic. They had to come to the United States as children, be long-term residents, have good moral character, graduate from high school, and complete at least 2 years of college or military service.

It has had a strong history of bipartisan support over 11 years. I first introduced it with my Republican lead sponsor, Senator ORRIN HATCH of Utah, when it was first introduced. When the Republicans last controlled the Congress, the DREAM Act passed the Senate in a 62-to-36 vote with 23 Republicans voting yes. It was part of comprehensive immigration reform. Unfortunately, that bill didn't pass.

The Republican support for the DREAM Act diminished for political reasons. The vast majority of Democrats, despite our support, can't stop a Republican filibuster when the bill has been called for consideration. I am still committed to the DREAM Act. I am committed to work with any Republican or any Democrat who wants to help me pass this important legislation.

Even though we have to wait on Congress to act, these young people who would benefit from the DREAM Act can't wait any longer. Unfortunately, many are now being deported or at least they were. They don't remember the places they are being deported to, and certainly in many instances they don't speak the language. Those still here are at risk of deportation themselves. They can't get a job and find it difficult to go to school. They have no support from the government in terms of their education.

That is why President Obama and Homeland Security Secretary Janet Napolitano decided the Obama administration would no longer deport young people who are eligible for the DREAM Act. Instead, the administration said they would permit these students to apply for a form of relief known as ''deferred action'' which puts on hold deportations and allows them—on a temporary, renewable basis—to live and work in America. I strongly support this decision. I think it will go down in history as one of the more significant civil rights decisions of our era, and I salute President Obama for his courage in reaching this conclusion.

Remember that the students we are talking about didn't come to this country because of a family decision. They were brought here as babies and as children. As Secretary Napolitano said, immigrants who are brought here illegally as children ''lack the intent to violate the law.'' It is not the American way to punish kids for their parents' wrongdoing.

The Obama administration's new policy will make America a stronger country by giving these talented immigrants a chance to contribute more fully to the economy. Studies have found that DREAM Act students can contribute literally trillions of dollars to the U.S. economy during their working lives. They will be our future doctors and engineers and soldiers and teachers. They will make us a stronger Nation.

Let me be very clear: The Obama administration's new policy is clearly lawful and appropriate. Throughout our history, the government has decided who they will prosecute and who they will not based on law enforcement priorities and available resources. Previous administrations in both political parties have made those decisions on deportations, and the Supreme Court recognizes the right of a President to decide what agency will make a decision to prosecute or not prosecute. Listen to what the Supreme Court said in a recent opinion on Arizona's immigration law:

> A principal feature of the removal system is the broad discretion exercised by immigration officials . . . Discretion in the enforcement of immigration law embraces immediate human concerns.

The administration's policy isn't just legal; it is smart and realistic. There are millions of undocumented immigrants in the country. It would take literally billions of dollars to deport all of them. It will never happen. So the Department of Homeland Security has to set priorities. The Obama administration has established a deportation policy that makes it a high priority to deport those who have committed serious crimes or who may be a threat to public safety. The administration said it is not a high priority to deport DREAM Act students. I think the administration has its priorities right.

This isn't amnesty. It is simply a decision to focus limited government resources on those who have committed serious crimes and to basically say to DREAM Act students: You have an opportunity to remain here in a legally recognized, temporary, and renewable status.

That policy has strong support in Congress. It was RICHARD LUGAR, a Republican from Indiana, who joined me 2 years ago in writing to President Obama to ask him to do this. Last year Senator LUGAR and I were joined by 20 other Senators who stood together with us, including majority leader HARRY REID, Judiciary Committee chairman PATRICK LEAHY, and Senator BOB MENENDEZ.

According to recent polls, the American people think the President made the right decision. For example, a Bloomberg poll found that 64 percent of likely voters, including 66 percent of Independents, support the President's policy on DREAM Act students compared to 30 percent—less than half—who oppose it.

Some Republicans outside Congress have also expressed support. For example, Mark Shurtleff, the attorney general of Utah, said:

> This is clearly within the president's power. I was pleased when the president announced it . . . until Congress acts, we'll be left with too many people to deport. The administration is saying, Here's is a group we can be spending our resources going after, but why? They're Americans, they see themselves as Americans, they love this country!
>
> Mark Shurtleff, Attorney General of Utah.

It is easy to criticize the President's policy on the DREAM Act in the abstract. What I have tried to do on a regular basis is to introduce those who follow the Senate proceedings to the actual students who are affected by this.

One of them is Kelsey Burke. Kelsey was brought to the United States from Honduras at the age of 10. Her family settled in Lake Worth, FL, where she started school in the sixth grade. By the time she was in eighth grade, she was taking advanced placement classes. She was accepted into the Criminal Justice Magnet Program at Lake Worth High School. She developed a passion for the law and started to dream about becoming an attorney. She continued to take honors classes and then enrolled in college at Palm Beach State College. She graduated from high school with a 3.4 GPA, a criminal justice certificate, and already 15 college credits.

In 2008, Kelsey was granted temporary protected status which allows immigrants to remain in the United

States temporarily because it is unsafe for them to return to their home country. With temporary protected status, Kelsey is able to work legally, although she is still not eligible to stay here permanently or to become a citizen. After she began working, Kelsey was able to afford college. Keep in mind Kelsey and other DREAM Act students are not eligible for Federal student loans or any other Federal financial aid. Going to college for them is harder than it is for most kids.

While working full-time, Kelsey went to Florida Atlantic University, graduating with a major in public communications and a minor in sociology. She was indeed the first member of her family to graduate from high school and college. She now works as a paralegal at a law firm in Palm Beach County. She is very active in her community. She serves on the board of the Hispanic Bar Association, volunteers at the neighborhood community center, and coaches youth soccer. Her dream is to become a U.S. citizen, and she wants to be an attorney. Of course, not being a citizen is an obstacle to her ever becoming a member of the legal profession in this country. Here is what she said when she wrote to me:

> I desire to help others pursue their passion, to fight for their dreams, and to make a positive difference . . . Others forgot where they came from and how their ancestors got here; and what coming to America represents. I have been blessed and want to use my knowledge and experience to help other immigrant families.

I am a child of one of those immigrants. My mother was an immigrant to this country. I now have been honored to serve in the U.S. Senate, a first-generation American. I am proud of my mother's immigrant heritage and my heritage as well. In my office behind my desk is my mother's naturalization certificate. At about age 23 she became a citizen. I keep that certificate there as a reminder of my family roots and a reminder of this great country. It is the immigrant contribution to America that adds to our diversity, gives us strength, and I think brings a lot of special people to our shores who are willing to make great sacrifices to be part of this great Nation.

These young people affected by the DREAM Act were too young to make that conscious decision, but the parents who brought them here weren't, and they were making that decision for them. Now we want these young people to have a chance for their generation to make this a stronger Nation. I ask my colleagues: Would we be better off if Kelsey were asked to leave? I don't think so. I think her having grown up in this country and overcome so many obstacles is an indication of what a strong-willed and talented young woman she is. We need so many more just like her.

The President has given Kelsey and others some breathing space here with his decision on the DREAM Act. Now it is time for us to accept the responsibility not only to deal with the DREAM Act but also to deal with the immigration question. We cannot run away from the fact that it is unresolved and has been for years. We need to work together on a bipartisan basis to make certain we have an immigration system that is fair, reasonable, and will continue to build this great Nation of immigrants, bringing to the shores of this country those who have made such a difference in the past and will in the future.

I thank all of my colleagues, including the Presiding Officer, for his strong support of the DREAM Act. The President's decision has given us a new opportunity to introduce these young people to America in a legal, protected status on a renewable basis.

Mr. President, I yield the floor for my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

OHIO MANUFACTURING

Mr. BROWN of Ohio. Mr. President, I so appreciate the leadership of Senator DURBIN on the DREAM Act. Nobody has kept the DREAM Act alive more than he, and nobody has spoken more passionately or cares more about young people. The point of so much of what he is talking about is giving people an opportunity. If they work hard and play by the rules, they can get ahead in this country. While I do not come to the floor today to talk about immigration and the DREAM Act, I support what Senator DURBIN is doing.

I come to speak about something else that is related to allowing people to have the opportunity to get ahead, and that is Ohio manufacturing and why it is so important to our country.

The best ticket to the middle class in the last 100 years in the State of Ohio and all over the country has been people making things. The way to create wealth is to either mine it or grow it or make it. The Presiding Officer in his State of Colorado understands all three of those. In Colorado they mine ore, they grow crops, they make products, as they do in Ohio. Ohio is increasingly becoming an energy State in many ways and a leading farm State. Our biggest industry in a sense in Ohio is agriculture. We are also the No. 3 manufacturing State in the United States of America. Only Texas and Colorado produce more than Ohio does. They are States two and three times our size in population and, in area, more than that.

We know that from 2000 to 2010, we lost one-third of the manufacturing jobs in this country. We lost more than 5 million manufacturing jobs, which disappeared, suffered tens of thousands of plant closings, thousands of communities abandoned or crippled, teachers laid off, librarians laid off, police and firemen laid off, families broken because of these manufacturing job losses. More than 15,000 manufacturing jobs were lost between 2000 and 2010. Since early 2010, we now have 500,000 more jobs than we had in the early 2000s. In other words, for the first time in a decade, we are actually seeing manufacturing job gains. A big part of that is what has happened to the auto industry.

I spent much of last week all over my State but especially visiting places in northern Ohio where manufacturing and especially auto manufacturing is so important. I talked to business owners who are grateful and enthusiastic about what happened with the auto rescue. The auto industry was literally dying in Ohio and across the country. At this point 4 years ago, in late 2008 and early 2009, if the U.S. Congress, the President—the House and Senate—hadn't stepped in, my State would be in a depression. Since then, we are seeing major investments—in many cases hundreds of millions of dollars of investment—tens of millions spent on major investments in Toledo, OH, by Chrysler; major investments in Ohio by GM, major investments in Ohio by Ford, and major investments in Ohio by Honda. We all understand the auto industry is alive and well and coming back.

But many of these auto suppliers—companies that make brackets or bolts or wheel covers or glass or a number of other products that all go into auto assembly—many of these manufacturers, including component manufacturers of parts for the auto industry, talk about competing against China. For too long, they tell me—and I recognize—China has been manipulating its currency to give Chinese exports an unfair advantage. The Chinese Government also gives illegal subsidies to their domestic industries for the purpose of exporting and dumping products in the American market. The term ''dumping'' simply means they subsidize it so the product itself is priced under the cost of producing it. It is called dumping it in our market.

If that weren't enough, China skirted trade volume even further with illegal duties that affected more than 80 percent of U.S. auto exports to China, including Ohio-made vehicles such as Jeep, assembled in Toledo, and Acura, assembled in Marysville. We can't afford to let China take the wind out of our sails.

Last week, the day after Independence Day, the administration announced it would stand with American workers and fight back against China's discriminatory tariffs on American automobiles. When they use illegal international trade law—when they put illegal tariffs on American products—it means the Chinese keep prices so high for American-made autos—artificially high—the Chinese simply won't buy them. Chinese motorists won't buy them. So they, in effect, by using these tariffs, have kept American products made by American workers in the United States of America, out of China. We buy so much from China. We can buy products in almost any store in America that were made in China. We buy so many of their products, but

they do all they can—illegally in many cases—to keep our products out.

Now is the time to stand for American workers, to stand for suppliers in Dayton who provide aluminum and zinc for casting, workers in Defiance, OH, who specialize in heavy-gauge steel for our domestic automobile industry. That is why the President's decision, the United States Trade Representative's decision, aimed at defending American jobs was so important. We know what rescuing the auto industry meant for us. It was not only about preventing crises, but it could have been an economic depression, especially in the industrial Midwest. Hundreds of thousands of Ohioans depend on the auto industry: workers, suppliers, manufacturers, drivers, truckers, sales representatives, dealerships.

For those of us in Congress who supported rescuing the auto industry, doing so meant standing for the hundreds of thousands of Ohioans and hundreds and hundreds of thousands of Americans, as much as it was about supporting the Big Three.

Today the domestic auto industry is back on course. GM is the leading car company in the world. It is earning significant profits. As I said, plants in Toledo and Lordstown and Defiance are hiring workers. Honda, Chrysler, Ford, GM, have all announced those various multimillion dollar investments in Ohio alone, not to mention many other States I named earlier.

We have to continue making the investments in manufacturing that matter for our recovery and our economic competitiveness. I was just on a conference call with rural housing advocates in Ohio. We know historically in this country what leads us out of depression: manufacturing and housing. We are doing significantly better in manufacturing. Remember earlier in my short little talk, that we lost 5 million manufacturing jobs from 2000 to 2010. We have gained 500,000 since then, including in Ohio almost every single month over the last 30 months or so. Manufacturing is doing its part to pull us out of this recession. We have got to do better in housing. That is a subject for another discussion. But the manufacturing part is so important.

One place we must remain vigilant is the enforcement of trade laws. That is what the President is doing. We know that enforcing trade law is not just right for manufacturing, it is right for job creation. The International Trade Commission's ruling in December 2009 led to a broader measure on imports to support domestic producers of steel pipe, such as V&M Star Steel in Youngstown. By addressing illegal Chinese trade practices, this decision helped increase demand for domestic production. It played a significant role in V&M Star's decision to do something that people did not expect would happen anytime soon. V&M Star Steel made a decision to build a new $650 million seamless pipe mill in Youngstown, OH, bringing, I believe, about 1,000 building trades jobs, building the structure of the plant, and now several hundred jobs as they begin production—a new steel plant in Youngstown, OH, one of the major steel-producing centers in the country that had come on hard times, particularly in steel; a new steel mile in Youngstown, OH, because the President of the United States, because the International Trade Commission, because the Department of Commerce, because Congress pushed for it, actually enforced trade rules, and look what happened. So trade enforcement matters.

We also need to be vigilant in currency manipulation. Our trade deficit in auto parts with China grew from about $1 billion 10 years ago to almost $10 billion today. These massive illegal subsidies the Chinese are engaging in are worsened by indirect predatory subsidies such as currency manipulation. That is why my legislation, the Currency Exchange and Oversight Reform Act, the largest bipartisan jobs bill that has passed the Senate in the last 2 years, is so important. It got more than 70 votes in the Senate. Both parties supported it. The House of Representatives had passed a similar measure one other time. Now we are simply asking Speaker BOEHNER to schedule this bill for a vote. If it is scheduled for a vote, if the House votes on it, they will pass it, I would predict, with at least 300 votes, because large numbers of Members of both parties want to see the House of Representatives move. They voted for it before. We need Speaker BOEHNER to actually bring it to a vote.

It means standing for American jobs when China cheats. Without aggressive enforcement of trade laws, this unlevel playing field will cost hundreds of thousands of American jobs. It is born from the realization that stakes are too high for our workers, our manufacturers, our economy if we do not fight back. We need an all-hands-on-deck approach, at the U.S. Trade Rep, at the Department of State, at the Department of Commerce, to be involved and more aggressive, especially by initiating more trade actions.

We know our trade actions stabilized the auto industry. We know enforcement of trade law translates into steel jobs and paper jobs and tire jobs and other jobs. We know it is time to continue fighting for and investing in American manufacturing.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

HONORING OUR ARMED FORCES

SERGEANT JAMES SKALBERG, JR.

Mr. GRASSLEY. Mr. President, today I wish to pay tribute to SGT James Skalberg, Jr., who made the ultimate sacrifice on June 27, in Wardak Province, Afghanistan. James was driving his vehicle when an improvised explosive device detonated, injuring him fatally. My thoughts and prayers go out to his wife, Jessica, his son, Carter, his parents, James and Kelli, and all his other family and friends who are grieving his loss.

Sergeant Skalberg grew up an athlete. He graduated from Nishna Valley High School in Hastings, IA in 2005, and enlisted in the Army in 2007. James deployed to Iraq with his unit in 2008 through 2009 and deployed again to Afghanistan in 2011. His awards and decorations include the Bronze Star Medal, Purple Heart, Army Commendation Medal, Army Achievement Medal, Army Service Ribbon, Overseas Service Ribbon, Driver's Badge, Air Assault Badge, and Combat Action Badge.

James is remembered by his family as having been loved by everyone for being a gentleman in every respect. He was remembered by teachers and coaches as a star player and caring student. He was carefree, easy going, reliable, levelheaded, and loving. He was a family man who loved his wife since they met as teenagers in high school, and his son, Carter, whom he hoped to one day teach to play basketball.

James was the kind of man we can be proud to call a native son of Iowa. He stood as an example to others in his actions and his character. We owe SGT James Skalberg, and others like him, our most sincere gratitude and appreciation for their willingness to make the ultimate sacrifice for our great country. I call on my colleagues in the Senate and every American to pay tribute to this brave American.

TRIBUTE TO NORTH CAROLINA AIR NATIONAL GUARD

Mr. THUNE. Mr. President, today I wish to honor six brave airmen with the North Carolina Air National Guard who died or were seriously injured while fighting South Dakota's White Draw Fire.

Lt. Col. Paul Mikeal, Maj. Joseph McCormick, Maj. Ryan David, and Senior Master Sgt. Robert Cannon were killed July 1 when their C–130 firefighting plane crashed near Edgemont, SD, as they battled a large forest fire in the Black Hills. Two crewmembers survived the crash but were left in critical condition.

Men and women in our armed forces put their lives on the line every day for

their fellow servicemembers and for all Americans. They serve in the hope that these daily sacrifices will ensure a safer and more prosperous United States. Their actions are not in vain nor forgotten, and members of our armed services are continually in our thoughts and prayers.

Airmen fighting these fires are necessarily exposed to dangerous conditions in order for firefighters on the ground to have the chance to contain these wildfires. The importance of these domestic actions by the Air National Guard cannot be overstated. They are fighting to save our homes, our businesses, and our communities from devastating fires, often flying in very dangerous terrain.

The names of the fallen airmen will be added to a memorial at the unit's headquarters and their service likewise praised. Great Americans such as these continue to answer the call whenever and wherever they are needed. Our hearts go out to the families and friends of Paul, Joseph, Ryan, and Robert, and I ask my colleagues to join me in commemorating the lives of these men.

RECOGNIZING J. CARL GANTER AND CIRCLE OF BLUE

Mr. LEVIN. Mr. President, I extend a hearty congratulations to J. Carl Ganter, director and founder of Circle of Blue in Traverse City, MI, on receiving the 2012 Rockefeller Foundation Innovation Award. Innovation and collaboration are two components critical to solving the challenges we face as a State and as a nation. Organizations like Circle of Blue are leading the charge, helping to inform our discussions and to guide us on a path toward lasting, comprehensive solutions.

Circle of Blue has focused its efforts on the global freshwater crisis for more than a decade and has successfully united an international network of leading journalists, scientists, and data experts to shed light on this issue and to illuminate a better path forward. This work has spurred meaningful, dynamic, and workable processes and information that are helping to solve real and pressing problems for communities in need.

Through this effort, Circle of Blue has put forth enlightening reports on the nexus between water, food, and energy. Conducted both in China and the United States, this integrated, crosscutting work demonstrates that current practices are not only environmentally unsustainable, but can be economically disruptive. In both instances, Circle of Blue has utilized this innovative approach to build broad collaborations and solutions-focused processes that are charting a course toward a brighter future.

There is little doubt we live in a deeply interconnected world, and the fundamental economic, social, and environmental challenges we face are linked. Under Ganter's able leadership, Circle of Blue has built a breakthrough model of data collection, design, reporting, and convening that places an emphasis on these linkages holistically. By facilitating collaboration between policymakers, scientists, academics, businesses, and the general public, this organization is on the cutting edge of developing processes to creatively implement these solutions. As Mr. Ganter recently stated, ''We are listening better. We are becoming more nimble in how we work and collaborate. We are empowering people at all levels with better information to make better decisions.''

By discerning emerging trends, highlighting solutions, and facilitating meaningful collaboration, Circle Of Blue is a powerful partner in a number of areas. The Rockefeller Foundation Innovation Award is a tremendous honor, one this organization richly deserves. What is most clear to me is that the best has yet to come, and I look forward to the fruits their work will surely bear in the future.

TRIBUTE TO TOM MAHR

Mr. CONRAD. Mr. President, I rise today to recognize a truly exceptional member of my staff who recently departed after 22 years of service in the Senate. Tom Mahr is one of the longest-serving members of my staff, and he has made invaluable contributions to important debates and the drafting of key pieces of legislation in the Senate over the past 2 decades. He will be missed.

Like many staff members, Tom began his career on Capitol Hill as an intern. I tapped him to join my staff in January 1988 as a legislative correspondent. Tom excelled from the start, and it was not long after that he began a steady path to increasing levels of responsibility. His first major effort as a banking legislative assistant was during the Savings and Loan bailout. He provided me with sound advice, and I was one of only 8 Senators to vote against the bailout.

Tom left briefly to complete graduate school at Princeton; he rejoined my staff in 1991, working on a number of important issues, including what to do to help the economy. When I joined the Finance Committee in 1993, Tom was assigned to work on trade issues. For North Dakota, with its significant agricultural interests, ensuring fair trade agreements and opening new markets for our products was vital. In those days, the rapid rise in imports of wheat and barley from Canada was negatively affecting farmers in North Dakota. Addressing this was a top priority for me, and Tom was a key part of the effort. With his guidance and strategic advice, I was successful in getting the U.S. Trade Representative to negotiate an agreement under which the Canadians agreed not to flood our markets.

In the mid-1990s, Tom took over the health care portfolio in my office. Health care was an integral part of the major budget battles that took place then, when the Speaker of the House was proposing to slash Medicare spending to pay for tax cuts. Tom was deeply involved and assisted in staffing me on the Chafee-Breaux bipartisan group, which ultimately produced a bipartisan budget proposal in 1996 that garnered 46 votes over the opposition of both leaders. Tom spearheaded Medicare and Medicaid changes, including improvements to rural Medicare programs and securing reimbursement for telehealth services, that became part of the 1997 Balanced Budget Act. During that time I worked with others to prevent budget legislation from block-granting nutrition programs. Winning that amendment during consideration of the 1996 welfare reform bill was an incredibly important legislative accomplishment, in terms of helping to protect the most vulnerable in our society, a priority that Tom has always had with his work on health and other issues.

In the summer of 1997, I was tasked by Leader Daschle to lead a Democratic Senate task force to develop legislation to implement the proposed tobacco settlement between the State attorneys general and a number of private tobacco plaintiffs. Tom played an integral role in developing that bill and negotiating improvements as it moved through the Senate. That bill was seen as the gold standard for public health and it won key support from the White House.

In 1998, Tom became my legislative director, a position he held until July 6, 2012. I have relied on Tom's advice, counsel, and strategic thinking on so many key initiatives that I have advanced for both North Dakota and the country. You name it, Tom was a part of it. He has been a trusted advisor during key debates from the resolution authorizing the war in Iraq that I voted against to budget and tax issues to Medicare prescription drugs and health reform. And he has led negotiations on many critical bills that I have introduced or played a role in developing.

Tom has proven himself as a strategic thinker when it comes to putting together the farm bill compromises necessary to achieve legislative success in the Senate. He has worked tirelessly with other Senate offices during the critical stages of the last three farm bills to ensure the best possible outcomes for North Dakota, while also addressing the needs and concerns of other States.

On energy, Tom has a deep understanding of the challenges and opportunities our Nation faces. He was instrumental in my efforts with the bipartisan energy group, the Gang of 10. It grew to 20, 10 Democrats and 10 Republicans. Through our efforts, we were able to come together on a bipartisan, comprehensive energy package to reduce fuel prices, lessen our dependence on foreign energy, and strengthen our economy. The New Energy Reform Act

legislation produced by the group represented a true compromise, incorporating commonsense ideas, and it was fully offset. Tom could always be counted on to think ahead, anticipate obstacles, and develop solutions that were critical to reaching an agreement.

Tom is one of the smartest people I have ever had working for me, and he has brought that knowledge and his sound judgment to so many successful efforts. He is enormously talented, hard-working, dedicated, and incredibly loyal. And he has earned the greatest respect of other Senators, staff, and many constituents he has worked with through the years.

Tom will be leaving my office to serve as policy director for Minority Whip STENY HOYER in the U.S. House of Representatives. We are fortunate that he will continue using his incredible talent to serve the public good. While I will miss him terribly, I am so pleased that he has chosen to continue in service to Congress and our great Nation.

I am so grateful for the leadership Tom has provided in my office these past 22 years. The country is very fortunate to have someone of his caliber in public service. It is with deepest gratitude for his years of service to me, the State of North Dakota, the Senate, and the Nation that I wish him all the best in the next stage of his career.

TRIBUTE TO MAJOR GENERAL FREDERICK HODGES

Mr. INHOFE. Mr. President, I wish to recognize MG Fredrick (Ben) Hodges for his professional service and dedication to duty as the U.S. Army's Chief of Legislative Liaison over the last year. In this capacity, Major General Hodges was responsible for advising the Secretary of the Army, the Chief of Staff of the Army, and other senior Army leaders on all legislative and congressional matters. During this period of extraordinary change and challenges facing the Army, he masterfully led the Army's outreach to the Congress. Due to the exceptional manner in which he has performed, Major General Hodges has been selected to become the NATO Land Component Command Stand-Up Team Chief in Turkey.

Major General Hodges adeptly understood the importance of fostering a strong and durable relationship with Congress. He now completes his third assignment with the Army's Legislative Liaison, having served for over five years in support of the Congress. He worked tirelessly on behalf of the Army to earn both the trust and confidence of Members of Congress and their staffs. His candor and ready accessibility to Congress ensured comprehensive support for the Army. Major General Hodges handled some of the most complex and sensitive issues faced by the Army in the last decade.

Throughout his career, Major General Hodges has been the consummate soldier's soldier and is known for having an open mind and candor while addressing the issues affecting the Army today. He is a tremendous advocate for soldiers both within the Pentagon and here on Capitol Hill. His advice, counsel, and friendship have been very valuable to us in the Senate, and he will be sorely missed.

A native of Quincy, FL, Major General Hodges graduated from the U.S. Military Academy in May 1980 and was commissioned as a second lieutenant in the infantry. Following successful completion of the basic course and Ranger School, he was assigned as a platoon leader and company executive officer in Germany. Upon return to the United States, Major General Hodges commanded infantry units at the company, battalion, and brigade levels in the 101st Airborne Division, AASLT. During his command of the ''Bastogne'' Brigade, Major General Hodges' leadership was instrumental in the successful invasion of Iraq during the early stages of Operation Iraqi Freedom.

Major General Hodges has also served in a variety of Army staff positions throughout his distinguished career. Ranging from tactics instructor at the Infantry School to senior battalion observer/controller at the Joint Readiness Training Center, he has ensured that our soldiers are properly trained in their war-fighting functions. As a staff officer, Major General Hodges has served as the aide-de-camp to the Supreme Allied Commander Europe, chief of staff for the XVIIIth Airborne Corps, and director of the Pakistan/Afghanistan Coordination Cell. Major General Hodges' operational assignments include deployments to both Iraq and Afghanistan as the assistant chief of staff, CJ3, Multi National Corps-Iraq and as the deputy commander for Stability, Regional Command South, International Security and Assistance Force, Kandahar, Afghanistan. Throughout the various assignments and deployments, Major General Hodges always accomplished his mission and cared for his soldiers, and took great care of the Army families under his command.

We extend our heartfelt thanks to MG Ben Hodges, to his wife Holly, and to his children Ben and Madeline, for their dedication and service to the Nation. Words cannot characterize properly the extraordinary character of Major General Hodges's accomplishments.

The Nation thanks him and wishes him success and happiness in his next assignment.

TRIBUTE TO MR. JOHN PETTERWAY, JR.

Ms. LANDRIEU. Mr. President, today I ask my colleagues to join me in recognizing and celebrating the 101st birthday of Mr. John Petterway, Jr., of Shreveport, La. Mr. Petterway turned 101 on June 4, 2012.

Along with celebrating his 101st birthday, Mr. Petterway has also recently celebrated the 99th birthday of his wife, Alzetta Petterway, and their 70th wedding anniversary.

Mr. Petterway served in the U.S. Army during World War II, from June 1943 to September 1945. He was in the European Command where he served in Africa, Italy, and France. Mr. Petterway was recently honored by the Caddo Parish Commission, in Shreveport, LA, as the parish's oldest living World War II veteran.

After Mr. Petterway completed his service in the U.S. Army, he returned to Shreveport where he and his wife still reside. Long after his military duty and career, Mr. Petterway and his wife have stayed extremely active within their church and community.

It is with a heartfelt sincerity that I ask my colleagues to join me along with Mr. Petterway's family in honoring and celebrating the life of this extraordinary person.

RECOGNIZING NATIONWIDE CHILDREN'S HOSPITAL

Mr. PORTMAN. Mr. President, today I wish to congratulate Nationwide Children's Hospital of Columbus, OH for being ranked seventh in the country on the 2012 US News and World Report's Honor Roll for Children's Hospitals.

Nationwide Children's Hospital earned this distinction after receiving top 50 hospital distinctions in ten different departments. Its gastroenterology, cardiology and heart surgery, pulmonary, and neurology and neurosurgery departments were all ranked on the top ten lists in their respective categories.

Since 1892, Nationwide Children's Hospital has been serving the pediatric needs of millions of young buckeyes across Central Ohio. Children's Hospital provides an invaluable service for many Ohio families every year and continues a unique Ohio tradition of excellence in the healthcare industry.

This well-earned commendation arrives at an appropriate juncture for Children's Hospital as it is about to dedicate a new 2.1 million square feet expansion of its clinical and research departments. This expansion is the largest of its kind in US medical history.

Mr. President, I would like to again congratulate the staff of Nationwide Children's Hospital on this tremendous honor.

RECOGNIZING CINCINNATI CHILDREN'S HOSPITAL

Mr. PORTMAN. Mr. President, today I wish to commend Cincinnati Children's Hospital Medical Center for being ranked third in the country on the 2012 US News and World Report's Honor Roll for Children's Hospitals.

The hospital began as The Hospital of the Protestant Episcopal Church in 1883 and has since transformed into one of the nation's leading pediatric care facilities. Through its outstanding

clinical care, research and education, CCHMC serves children and families in the greater Cincinnati community and has improved child health around the Nation and throughout the world.

Cincinnati Children's Hospital Medical Center has grown significantly over the past 127 years, becoming one of the five largest employers in the region. Not only does the hospital provide outstanding patient care, but it is also responsible for many medical and research breakthroughs that have changed medicine forever. These breakthroughs include the oral polio vaccination and the invention of the first heart-lung machine, among many others.

Cincinnati Children's Hospital ranked in the top 10 in all pediatric specialty areas listed in the US News and World Report survey, and earned a top three spot on the survey's honor roll. The hospital treats patients from all over the region as parents bring their children to Cincinnati to ensure the best treatment available. It is an honor to have such a prestigious and dedicated hospital in my hometown of Cincinnati, Ohio.

I would like to recognize Cincinnati Children's Hospital for this tremendous accomplishment, which is a result of the hard work and dedication of many within the organization and community.

ADDITIONAL STATEMENTS

RECOGNIZING THE RANGELEY LAKES HERITAGE TRUST

● Ms. COLLINS. Mr. President, the Height of Land in Maine's Rangeley Lakes Region is a crown jewel among my State's abundant natural treasures. The panorama of lakes and mountains, streams and valleys, offered by this lofty perch in the Western Mountains, is among the most spectacular sights in New England.

I rise today to congratulate a remarkable group of local citizens, the Rangeley Lakes Heritage Trust, for their hard work and commitment over more than 2 decades to protect and preserve this extraordinary place and to make it accessible to all. The Height of Land Overlook on the Rangeley Lakes National Scenic Byway, officially dedicated on July 15, 2012, demonstrates the great partnership they have formed with State and Federal Government, conservation organizations, businesses, and neighbors to achieve lasting accomplishments.

Since the Rangeley Lakes Heritage Trust was formed in 1991, it has conserved more than 12,800 acres of land, including 45 miles of lake and river frontage, 15 islands, and the commanding 2,443-foot Bald Mountain, so that these features might be accessed and enjoyed by residents and visitors forever. The Height of Land Overlook has converted a narrow and dangerous corridor into a spacious, safe, and welcoming place for inspiration and reflection.

To complete this outstanding project, the Rangeley Lakes Heritage Trust brought together a wide range of people and organizations into a common cause. It overcame the boundaries between towns, bridged the divide between government agencies, and worked collaboratively with the private sector. The commitment by the Maine Department of Transportation is especially commendable.

In 2009, I was pleased to help secure $2.9 million in U.S. Department of Transportation funding for this important project. It is essential that the Federal Government be a strong member of partnerships to preserve our natural treasures, enhance recreation, promote economic growth, and help protect the environment. The Height of Land Overlook and the conservation walk that will be completed next spring will help make this area a national destination.

Sir Edmund Hillary said that, ''People do not decide to become extraordinary. They decide to accomplish extraordinary things.'' Like that famous mountaineer, the citizens who came together to establish the Rangeley Lakes Heritage Trust had a lofty goal. They not only reached the summit, they went far beyond. Their amazing success speaks volumes about the commitment that the people of Maine have to preserve our special places and to share them with all Americans.●

MICHAEL N. CASTLE TRAIL

● Mr. COONS. Mr. President, yesterday we recognized the vision and tireless efforts of former Congressman Mike Castle of Delaware to develop a recreational trail along the Chesapeake and Delaware—or C&D—Canal and broke ground for its construction.

The C&D Canal, managed by the Philadelphia District of the Army Corps of Engineers, has been in operation since 1829. Today it is one of the busiest working waterways in the world, with over 25,000 vessels passing through it each year. The canal is a critical commercial waterway serving the ports of Wilmington, Baltimore, and Philadelphia. The C&D Canal is bordered by a 16-mile stretch of flat, uninterrupted land, perfect for a trail, and surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists. In 2004 Congressman Castle saw these assets as an ideal opportunity to enhance the canal's existing resources by adding a recreational trail.

Under Congressman Castle's leadership, a working group was formed in 2004 with representatives from the State of Delaware, New Castle County, the Army Corps, Delaware City, Chesapeake City, the State of Maryland, and recreation groups. In 2005 and 2006 public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the C&D Canal. In March 2006 a concept plan was completed by the working group, recommending the creation of a recreational trail along the canal to be used by walkers, joggers, cyclists, and equestrians. In 2007 design work for the trail began and environmental assessments were completed, and in 2009 trail design was completed.

Congressman Castle was instrumental in obtaining resources for the trail. In addition to supporting efforts to acquire state and local funding, he also secured a total of $2.2 million in public lands highways discretionary awards in fiscal years 2008, 2009, and 2010 from the Federal Highway Administration to go toward planning and construction of the trail.

Congressman Castle's vision and years of work to build a trail along the C&D Canal were not forgotten when he left office. Recognizing the tremendous benefits that could be realized by the trail, the delegation picked up the project where Castle left off. Since then, the delegation has worked with the Federal Highway Administration, the State of Delaware, New Castle County, the recreation community, and others to reinvigorate the working group and secure additional funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal.

The recreational trail along the C&D Canal will provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City. It will create a safe and inviting recreational opportunity along the canal and will bring families and other groups to hike, bicycle, jog, skate, or ride horseback along the trail. Local business, including restaurants and shops, will reap the benefits of this increased tourism to the area. The C&D Canal trail will also support healthy lifestyles through outdoor recreation. The trail will improve safety along the canal and increase the appeal and land value of residential developments in the area. The C&D Canal recreation trail will be an attractive asset for the Middletown, Odessa, and Townsend region that will draw new residents to the area.

Congressman Castle long ago embraced the notion that the C&D Canal is like an emerald necklace draped across the northern portion of our beautiful State, and we are so very pleased that this jewel will be named after our dear friend.

Yesterday, the Delaware Department of Transportation broke ground on phase I of the recreational trail. This first phase will complete approximately 9 miles of the trail from Delaware City to just beyond Summit Marina in Delaware, including the construction of two trail heads, parking areas, and comfort stations.

Honoring Congressman Mike Castle's longtime support of recreational and commuter-oriented greenways and trails in Delaware and across the Nation, as well as his vision, leadership,

and steadfast support of the Chesapeake and Delaware Canal trail, the Delaware delegation hereby dedicates the trail to him and officially recognizes the name as the ''Michael N. Castle Trail at the C&D Canal.''●

REMEMBERING RICHARD BAUER

● Mr. CRAPO. Mr. President, today I wish to honor the life of Richard Lueking Bauer, a distinguished Idahoan who will be greatly missed.

Dick has been an involved Idahoan since he and his family moved to American Falls in 1963 when he purchased Bauer Chevrolet and Oldsmobile. Dick owned the business for 22 years and was recognized as a dedicated member of the community. Prior to moving to American Falls in 1963, Dick Bauer studied economics at Westminster College in Salt Lake City, Utah, served in the U.S. Army Corps of Engineers in Germany in 1954–1956 and married his wife of 55 years, Lois Saathoff.

Throughout his life, he devoted considerable time to community service and served in leadership roles on numerous boards, commissions and organizations. This includes his service on the Power County Airport Board, the Idaho Board of Aeronautics and the Board of Directors of the Idaho Housing and Finance Association. He was also a committed Lutheran, who was actively involved in Lutheran churches in his communities, and he was a member of the Board of Regents of Pacific Lutheran University in Tacoma, Washington.

His efforts in the Republican Party included his service as national committeeman; State party chair, secretary and treasurer; county, regional and district chairman; mentor to political candidates; and member of the Ada County Lincoln Day Association. He also served as an elector for President Reagan and Vice-President Bush. President George H.W. Bush appointed Dick to serve as Regional Administrator for Region X of the U.S. Department of Housing and Urban Development.

Dick Bauer leaves behind a legacy of devoted service. He was a person that people turned to for assistance and leadership, and he touched the lives of many people. I extend my deep condolences to his wife, Lois, and their family. Dick will be missed but not forgotten.●

RICHLAND COUNTY FAIR

● Mr. KOHL. Mr. President, today I wish to recognize the 150th anniversary of the Richland County Fair. I am proud to honor this celebration and all that this event has contributed to the State of Wisconsin.

The Richland County Agricultural Society was founded in 1857 with the mission to improve ''the character and operation of the agricultural, mechanical, and household arts.'' In order to achieve its mission, later that year it sponsored a cattle show and fair. The success of that first cattle show led the organization to purchase the fairground, which has allowed them to evolve and continue to sponsor this popular fair for the next 100 years. Since the original fair in 1857, year in and year out, organizers have proudly showcased the beauty, simplicity, and fortitude of rural Wisconsin life; the only years the fairs were not held were during the four summers of our Nation's Civil War. After turning over the fairground and buildings to Richland County in 1957, this landmark celebration became officially known as the Richland County Fair. For 150 years, the Richland County Fair has built upon the foundation of recognition of the agricultural, mechanical, and household arts that truly represent the beauty of Wisconsin.

While Wisconsin's agriculture has changed since the mid-19th century, the fun of the fair traditions has not. It is through events like these that our communities come together to celebrate Wisconsin's unique offerings, culture, and traditions. It has stood the test of good and bad economies and serves as a reminder of our dairy and farming heritage. In recent years, the fair has provided entertainment to the citizens of Richland County and visitors by holding tractor pulls, magic shows, music concerts, games, and rides. With a rich, illustrious history, the Richland County Fair rings in its sesquicentennial anniversary and will no doubt head into many future fairs that build upon a wonderful community legacy. I am proud to have the opportunity to honor this event and honor the spirit of celebration that the Richland County Fair brings to the great State of Wisconsin.●

ONE HUNDRED YEARS OF UTAH 4–H

● Mr. LEE. Mr. President, Thomas Jefferson once wrote in a letter to George Washington: ''Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.'' Before their faces were chiseled into monuments and printed on dollar bills, many of the patriots who founded our Nation and who fought and died for the freedoms we cherish were simple farmers. Washington, Jefferson, and others like them were doing much more than just growing food to live off of; they were laying the groundwork for a culture of self-reliance that played a role in America's fight for independence and its sustained growth over the past 200 years. While technology has changed the focus of our economy from agriculture to a variety of other sectors, it is crucial that we remember the principles set forth by our Founders. For the past 100 years, the 4–H Club of Utah has provided youth with the opportunity to cultivate and continue our Nation's rich agricultural heritage while simultaneously training them in the technologies and advancements of the future. Thus, Utah 4–H's centennial theme—''Celebrating the Past, Creating the Future''—is particularly pertinent. I find it appropriate to commemorate Utah 4–H at its centennial in the halls and records of Congress.

The four H's stand for Head, Heart, Hands and Health. The head represents the quest for knowledge, the heart symbolizes love and service to others, hands signify hard work and the development of diligence, and health emphasizes the importance of healthy habits and a healthy lifestyle. While the educational arm of the program was originally centered in farm communities, the program has extended far beyond that with over a third of its members living in metropolitan and suburban areas. Roughly the same percent of members represent minority populations.

The express mission of 4–H is to ''engage youth to reach their fullest potential while advancing the field of youth development,'' and as its motto states, ''to make the best better.'' The 4–H of Utah strives to broaden horizons and connect participating youth with greater opportunities than would otherwise be available to them. Scholarships are offered to high school seniors and college students in need to allow them to take their 4–H education and skills to college and beyond.

The 4–H Club was established in Utah in 1912 but its roots run much deeper—back to the 1888 founding of the ''Agricultural College of Utah,'' which is now known as Utah State University. The purpose of the 4–H Club was to educate youth about new agricultural technology so that they might pass them to their own farm communities and improve the State's agricultural industry. By 1931, Utah's 4–H Club was declared to be the fastest growing in the Nation, and now in 2012, it serves over 75,000 youth. From holding a strict focus on agriculture, cooking, and home economics, 4–H has grown and now offers over a thousand programs ranging from robotics to skateboarding. The program has succeeded in large part due to the dedication of a group of volunteers who are passionate about the work of 4–H. I commend and express gratitude to the 9,500 current 4–H volunteers, and the tens of thousands that came before them. I owe Utah 4–H a personal debt of gratitude, as my own chief of staff, Spencer Stokes, is a program alumnus who has brought skills and principles he learned in 4–H to his leadership role in my office.

The world is no longer a simple place for the youth of our Nation. They face a cloudy economic horizon with an excess of workers competing for a dearth of jobs. 4–H gives participating youth a tremendous advantage and competitive edge from a young age—helping them build healthy relationships, cultivate fruitful habits and hobbies, and learn skills to take into their communities and industries. 4–H has played a tremendous role in making Utah a better

place for our youth and making our youth better contributors to our communities around the Nation.●

TRIBUTE TO JIM SUTTON

● Mr. LEE. Mr. President, the United States Air Force has always been on the cutting edge of technology, ensuring the safety of Americans from a wide variety of threats. The advancement and sustainment of this technology has come as a result of the hard work of visionary leaders in research and intelligence sectors of the United States Armed Services. One of these visionary leaders is Jim Sutton, the Director of Plans and Programs for the Ogden Air Logistics Center at Hill Air Force Base. After an honorable and decorated career, Jim is retiring from public service. I wish to honor him today.

The Ogden Air Logistics Center is one of the United States foremost warfighter sustainment organizations, with management and maintenance responsibilities for some of the world's most advanced weapons systems. Their motto is ''Innovative leaders for the defense technologies of the future; combining action and quality to ensure the systems you depend on are done right!'' Jim Sutton has served as the director of Plans and Programs at the Ogden Air Logistics Center. During his tenure, he has turned the center into a model of fiscal responsibility and efficiency. Jim also oversaw the Enhanced Use Lease Program Management Office, which manages real estate transactions authorized by the Department of Defense Leasing Authority. I should note that Hill's Enhanced Use Lease Program Management office is the largest in the country. During his tenure as director he simultaneously served as a crucial advisor to the Utah Defense Alliance, where his colleagues note his instrumental leadership role during the Base Realignment and Closure act of 2005. One of Jim's crowning achievements at Hill is Falcon Hill, a state of the art National Aerospace Research Park located within the base itself.

Jim's career began long before he joined the directorate at the Ogden Air Logistics Center. His active duty began over 30 years ago in 1980. During that time he served in important judicial advocacy positions at the Los Angeles Air Force Base, the United States Air Forces European Headquarters in Germany, the Pentagon, San Antonio Contracting Center, Peterson Air Force Base in Colorado, Andrews Air Force Base in Maryland, Air Force Materiel Command at Wright Patterson Air Force Base and Scott Air Force base in Illinois. He has received several awards and commendations, including the Air Force Commendation Medal in 1983, five Meritorious Service Medals, the Albert M. Kuhlfeld Award for Outstanding Young Judge Advocate in both 1986 and 1990, the Outstanding Career Judge Advocate in 1996, the Stuart Reichart Award for Outstanding Senior Attorney in 1999, and the Outstanding Achievement Award for work from 2001–2003.

On a more personal level, coworkers describe Jim as a man of integrity, who fought for causes important to Utah and to the advancement and sustainment of Air Force technology. He has been a tremendous ally between the armed services and the state of Utah, working closely with Utah's congressional delegation in the advancement and progress of Hill Air Force Base. He has made it his personal mission to both sustain the viability of Hill Air Force Base and fight for its continued advancement. The base is now one of the top employers in Utah, providing jobs for over 23,000 Utahns. He has brought tremendous military credibility and knowledge to the state of Utah and will remain a respected and beloved authority to Utah's armed services community. Jim's personal efforts have contributed to the advancement and sustainment of our nation's military technology, namely our highly technical weapons systems. The people of the United States owe Jim a tremendous debt of gratitude for his dedication and service. Sharon and I extend our best wishes to Jim and his family as they begin a new chapter in their lives.●

125TH ANNIVERSARY OF UNITED WAY

● Ms. MIKULSKI. Mr. President, I want to take this opportunity to celebrate 125 Years of United Way, the world's largest privately supported non-profit with 1,800 communities based throughout 41 countries and territories.

In 1887, a group of Denver community leaders recognized the need for cooperative action to address their city's problems. They created an organization to collect funds for local charities, and to coordinate relief services, counsel, and make emergency assistance grants. This community establishment sparked a national movement that ultimately became the world's leading community impact organizations.

Over the last 125 years, United Way has worked collaboratively with communities in the U.S. and around the globe, enabling individuals to achieve their maximum human potential through education and financial stability.

In my home State, the United Way of Central Maryland has had a significant impact on the lives of my constituents. Each year, over 33,000 Marylanders receive nutritious meals, and 7,000 are provided with housing. Nearly 200 Maryland youths received scholarships this year, and 600 were provided with school readiness services. The resources provided by United Way of Central Maryland have assisted each and every kind of problem my constituents face—from helping a single father of two children get employment, to providing the necessary treatment and funding for a local woman with advanced heart disease.

United Way is known for its successful partnerships. One example includes the collaboration between United Way and the Alliance of Information and Referral Systems resulted in the successful petitioning of the Federal Communications Commission to designate the telephone number ''211'' for health and human services information and referral. Partnerships with corporations such as MTV and CNN, along with 120 United Ways Global Corporate Leadership Companies, and the establishment of the United Way Financial Stability Partnership, have allowed United Way to be an extraordinary contributor to thousands of communities in this country and abroad.

Since its inception, United Way has led disaster response in crises around the globe. In response to the terrorist attacks of 9/11, the United Way of New York City and the New York Community Trust established the September 11th Fund to mobilize financial resources for the needs of the individuals impacted by the tragedies. It raised an astounding $425 million. Three years later, in response to the tsunami that stuck Southeast Asia, The United Way Coordinated Crisis Response Team worked with United Way communities around the world to respond to the nations impacted by the disaster.

The invaluable impact of the United Way and its associates is without question. On behalf of myself, and speaking for the countless individuals and communities that have regained their strengths and lived better lives due to this organization, I would like to congratulate United Way on 125 years of extraordinary global service.●

NORTHWEST KIDNEY CENTERS

● Mrs. MURRAY. Mr. President, I wish to congratulate Northwest Kidney Centers on its 50th anniversary and to commemorate the organization's service and dedication to kidney patients in my home State of Washington.

In 1960, Dr. Belding Scribner, a University of Washington researcher, created the Teflon shunt, a medical device that allowed patients suffering from kidney disease access to ongoing dialysis treatments. This invention paved the way for the creation of the Northwest Kidney Centers, the first out-of-hospital dialysis organization in the world.

Since opening its doors on January 8, 1962, the Northwest Kidney Centers has grown into a national leader in the field of patient care, education, research, and prevention. It is now the largest community-based, nonprofit dialysis provider in the country—providing approximately 25 percent of Washington State's dialysis patients in 14 centers and 12 local hospitals in King and Clallam Counties. Last year Northwest Kidney Centers served nearly 1,500 patients and trained and supervised 200 patients in self-treatment at

home. All together, the organization provided 226,000 dialysis treatments in our home State.

The organization regularly outperforms the Nation in clinical quality, with higher survival rates, more kidney transplants, and lower hospitalization rates. Moreover, Northwest Kidney Centers founded and still operates the Nation's first nonhospital retail pharmacy specializing in medications for kidney patients. The organization also manages unique special care units for very frail patients, thus avoiding hospitalizations and reducing costs.

Northwest Kidney Centers is a shining example of what it means to be a community-based organization. Each year Northwest Kidney Centers invests millions of dollars in the community with a variety of programs: charity care and uncompensated dialysis; training of kidney physicians; and services for predialysis patients and transplant recipients.

Finally, as we celebrate this historic 50-year milestone, I would like to recognize the entire Northwest Kidney Centers community—patients, staff, donors, supporters, and volunteers—for their dedication and commitment to improving the lives of kidney patients in our State. I salute them for their remarkable achievements and successes and look forward to the next 50 years of outstanding service and patient care.●

FLANDREAU SANTEE SIOUX TRIBE POW WOW

● Mr. THUNE. Mr. President, today I wish to recognize the 50th Anniversary of the Flandreau Santee Sioux Tribe Pow wow in Flandreau, SD.

The Flandreau Santee Sioux Tribe is located in Moody County and gained full recognition in 1934. Beginning in 1962, the Pow wow became an annual, cultural event. Originally, pow wows were a time for religious ceremonies and the celebration of life. Held in the spring, it was a time for the community to come together to meet up with old friends and make new ones. The Pow wow is still a community event used to strengthen and preserve the Native American culture for generations to come.

The rich culture of tradition is shown in the dancing, the clothing, the food and the community that comes together every year for this unique and extraordinary event.

I wish to offer my congratulations to the members of the Flandreau Santee Sioux Tribe on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGE FROM THE HOUSE

At 12:44 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 bill, without amendment:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4114. An act to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 4155. An act to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

H.R. 4367. An act to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

H.R. 5892. An act to improve hydropower, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4114. An act to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5889. An act to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes; to the Committee on the Judiciary.

H.R. 5892. An act to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3364. A bill to provide an incentive for businesses to bring jobs back to America.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3369. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 1791. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''.

S. 3304. A bill to redesignate the Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., as the ''William Jefferson Clinton Federal Building'', to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building'', and to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms, and Explosives Headquarters located at 99 New York Avenue N.E., Washington D.C., as the ''Eliot Ness ATF Building'', and for other purposes.

S. 3311. A bill to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the ''James F. Battin United States Courthouse''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 3365. A bill to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Mr. BURR, Mr. WARNER, Mr. NELSON of Florida, Mr. RUBIO, Mr. UDALL of Colorado, and Mr. BLUNT):

S. 3366. A bill to designate the Haqqani network as a foreign terrorist organization; to the Committee on Foreign Relations.

By Mr. BURR:

S. 3367. A bill to deter the disclosure to the public of evidence or information on United States covert actions by prohibiting security clearances to individuals who make such disclosures; to the Select Committee on Intelligence.

By Mr. ROBERTS:

S. 3368. A bill to amend the Food and Nutrition Act to prohibit the provision of funds made available to carry out that Act in any State that allows income deductions for controlled substances, including medical marijuana; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WHITEHOUSE (for himself, Mr. UDALL of New Mexico, Mr. FRANKEN, Mr. SCHUMER, Mr. NELSON of Florida, Mr. BENNET, Mr. MERKLEY, Mrs. SHAHEEN, and Mr. BROWN of Ohio):

S. 3369. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 119

At the request of Mr. VITTER, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 344

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who

have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 818

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 1173

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1221

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1221, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1397

At the request of Mr. CARPER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1397, a bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1728

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Idaho (Mr. RISCH), the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. COBURN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. RUBIO), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. WICKER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. LUGAR), the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mr. JOHANNS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Utah (Mr. HATCH), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1796

At the request of Mr. ISAKSON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2189

At the request of Mr. HARKIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2237

At the request of Mr. REID, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3199

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Connecticut (Mr. BLUMENTHAL) and the

Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3267

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3267, a bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes.

S. 3280

At the request of Mr. JOHANNS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3302

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3302, a bill to establish an air travelers' bill of rights, to implement those rights, and for other purposes.

S. 3308

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3308, a bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S. 3318

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3318, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes.

S. 3326

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3326, a bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S.J. RES. 43

At the request of Mr. MCCONNELL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. RES. 429

At the request of Mr. WICKER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 429, a resolution supporting the goals and ideals of World Malaria Day.

S. RES. 448

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 448, a resolution recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

S. RES. 513

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 513, a resolution recognizing the 200th anniversary of the War of 1812, which was fought between the United States of America and Great Britain beginning on June 18, 1812, in response to British violations of neutral rights of the United States, seizure of ships of the United States, restriction of trade between the United States and other countries, and the impressment of sailors of the United States into the Royal Navy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 3365. A bill to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, today I introduce the State Court Interpreter Grant Program Act of 2012. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective State court interpreter programs. This would help to ensure fair trials for individuals with limited English proficiency.

States are already legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Unfortunately, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no interpreter certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding State court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency and therefore the demand for court interpreter services continues to grow. According to the most recent Census data, 21 percent of the population over age five speaks a language other than English at home. In 2010, the number of people in this country who spoke English less than ''very well'' was more than 25 million, compared to 23 million in 2005. In 2010, New York had almost 2.5 million. Texas had nearly 3.4 million. California had almost 6.9 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a committee established by the state Supreme Court called the State's interpreter program ''backward,'' and said that the lack of qualified interpreters ''undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly.'' When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation, and because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court. In Ohio, a woman was wrongly placed on suicide watch after an unqualified interpreter mistranslated her words. In testimony before the Judiciary Committee, Justice Kennedy described a particularly alarming situation where bilingual jurors can understand what the witness is saying and then interrupt the proceeding when an interpreter has not accurately represented the witness' testimony. Justice Kennedy agreed that the lack of qualified court interpreters poses a significant threat to our judicial system,

and emphasized the importance of addressing the issue.

This legislation does just that by authorizing $10 million per year, over 5 years, for a State Court Interpreter Grant Program. The bill does not merely send Federal dollars to States to pay for court interpreters. It will provide much needed ''seed money'' for States to start or bolster their court interpreter programs to recruit, train, test, and certify court interpreters. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need, determined by the percentage of persons in that State over the age of 5 who speak a language other than English at home and who identify as speaking English less than very well. This legislation also directs the Department of Justice to prioritize funding for any State that does not have and has not begun to develop a qualified court interpreter program. In this way, the States most in need will benefit from the grant program.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a perfect example of that. When Wisconsin's court interpreter program got off the ground in 2004, using State money and a $250,000 Federal grant, certified interpreters were scarce. Now, 8 years later, the court's public registry of interpreters lists 114 certified interpreters. Most of these are certified in Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language, French and German. The list of qualified interpreters who have received training and attained requisite scores on an oral assessment includes 56 individuals who speak Russian, Hmong, Korean, Bulgarian, Polish and many other languages. All of this progress in only 8 years, and with only $250,000 of Federal assistance.

This bill includes cost saving measures to ensure funding is spent wisely. For example, it provides for remote interpretation services to facilitate certified court interpretations when costs prohibit in-person interpretations. These services help cover the cost of interpreter transportation fees. Additionally, the bill encourages States to share successful cost saving programs with other States and defines an effective court interpreter program as one that ''efficiently uses funding to create substantial cost savings.'' To make certain grants are being used in the most resourceful manner, the Department of Justice is required to submit an annual report to Congress detailing where and how the funding was spent.

This legislation has the strong support of State court administrators and state Supreme Court justices around the country. Our States are facing this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them have been unable to keep up with the demand. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier. I strongly urge my colleagues to support this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3365

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 ''State Court Interpreter Grant Program Act of 2012''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 21 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified and certified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference settings;

(5) the Federal Government has demonstrated its commitment to equal administration of justice, regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 43 States have developed, or are developing, qualified court interpreter programs;

(8) a robust and effective court interpreter program—

(A) actively recruits skilled individuals to serve as court interpreters;

(B) trains those individuals in the interpretation of court proceedings;

(C) develops and uses a thorough, systematic certification process for court interpreters;

(D) has sufficient funding to ensure that a qualified and certified interpreter will be available to the court whenever necessary; and

(E) efficiently uses funding to create substantial cost savings; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful cost saving programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the ''Administrator'') shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) USE OF GRANTS.—A State court may use a grant awarded under this subsection to—

(A) develop or enhance a court interpreter program for the State court;

(B) develop, institute, and administer language certification examinations;

(C) recruit, train, and certify qualified court interpreters;

(D) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed or enhanced under subparagraph (A);

(E) provide for remote interpretation services to facilitate certified court interpretations when costs prohibit in-person interpretation; or

(F) engage in other related activities, as prescribed by the Attorney General.

(b) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State seeking a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) CONTENTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) a demonstration of need for the development, implementation, or expansion of a State court interpreter program;

(B) an identification of each State court in that State that would receive funds from the grant;

(C) the amount of funds that each State court identified under subparagraph (B) would receive from the grant; and

(D) the procedures that the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (B).

(c) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 5, the Administrator shall allocate $100,000 to the highest court of each State that has an application approved under subsection (b).

(2) ADDITIONAL ALLOTMENT.—

(A) IN GENERAL.—From amounts appropriated for each fiscal year pursuant to section 5, the Administrator shall allocate $5,000,000 to be distributed among the highest State courts that—

(i) have an application approved under subsection (b); and

(ii) are located in a State with extraordinary needs that prevent the development, implementation, or expansion of a State court interpreter program.

(B) DETERMINING NEED.—In determining whether a State has extraordinary needs required under subparagraph (A), the Administrator shall consider—

(i) based on data from the Bureau of the Census, the ratio between the number of people over 5 years of age who speak a language other than English at home and identify as speaking English less than very well—

(I) in that State; and

(II) in all of the States that receive an allocation under paragraph (1); and

(ii) any efficiency or substantial cost savings expected from a State court interpreter program.

(C) PRIORITY CONSIDERATION.—In allocating amounts under subparagraph (A), the Administrator shall give priority to any State that

does not have and has not begun to develop a qualified court interpreter program.

(d) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this section—

(1) the District of Columbia shall be treated as a State; and

(2) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. REPORT.

Not later than 1 year after the date on which the first grant is made under section 3, the Administrator shall submit a report to Congress that describes how each highest State court has used the funds from each grant made under section 3 in a manner consistent with section 3(a)(2).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for each of fiscal years 2013 through 2017 to carry out this Act.

By Mr. BURR:

S. 3367. A bill to deter the disclosure to the public of evidence or information on United States covert actions by prohibiting security clearances to individuals who make such disclosures; to the Select Committee on Intelligence.

Mr. BURR. Mr. President, I come to the Senate floor today for a reason I never dreamed would be needed. Recently there has been a series of articles published in the media that have described and in some cases provided extensive details about highly classified unilateral and joint intelligence operations, including covert actions. To describe these leaks as troubling and frustrating is by all standards an understatement. They are simply inexcusable criminal acts that must stop and must stop now. Our intelligence professionals, our allies and, most important, the American people deserve better than this.

I understand there are ongoing efforts in the House and Senate of which I am a part to address these leaks through legislation and that the Director of National Intelligence has implemented some administrative steps to investigate these leaks. I support those efforts. But I also believe special attention needs to be drawn to unauthorized disclosures relating to covert actions, so today I have introduced the Deterring Public Disclosure of Covert Action Act of 2012.

This act will ensure that those who disclose or talk about covert actions by the United States will no longer be eligible for Federal Government security clearance. It is novel. It is very simple. If you talk about covert actions you will have your clearance revoked and you will never get another one.

This is not a bill that any Member should ever have to introduce. Covert actions are by their very definition supposed to be kept quiet. Those who engage in them, those who support them, and those who work to get them authorized all know that. Yet those rules, those very laws that are supposed to protect classified information, are being disregarded with few repercussions, even though each one of those leaks undermines the hard work of our intelligence officers, puts lives at risk, and jeopardizes our relationship with overseas partners.

As I said in this Chamber last month, I strongly believe those leakers are violating the trust of the American people. Those who are given access to classified information, especially covert actions, are given the same responsibility we as Members have. As long as something is classified, you do not talk about it.

In other words, keep your mouth shut. Yet month after month, we see articles about covert actions that quote a wide range of U.S. officials, mostly anonymously, and often senior administration officials. While this act focuses on covert action, it in no way minimizes the importance of maintaining the secrecy of other types of classified information. Those who leak any classified information should no longer be trusted with our Nation's secrets. But I believe the damage that is being done to our covert action programs by these leaks deserves special attention today.

The act also ensures that any determination that an individual has leaked information about a covert action will be made only in accordance with the applicable law or regulation. In short, no one will lose his clearance without appropriate due process. I believe that is an important requirement, as losing clearance often means losing your livelihood.

Today I am taking one step to silence those who may have done irreparable harm by putting their own personal agendas above their colleagues and, most importantly, their country. We cannot afford to wait for more leaks or more compromised covert actions.

The bill I have introduced today may target only one part of the problem, but I believe it is an essential part of a solution. I urge my colleagues in the days and weeks to come to be supportive of this piece of legislation. I think it is a small thing to ask of those who are entrusted with our Nation's most important secrets, that they actually keep them secret or we take that ability away to be entrusted with that information.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2490. Mrs. MCCASKILL (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table.

SA 2491. Mr. HATCH (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. GRASSLEY, Mr. THUNE, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2492. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2493. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2494. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2495. Mr. ENZI (for himself, Ms. SNOWE, Mr. TESTER, Mr. BROWN of Ohio, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2496. Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. BOOZMAN, Mr. REED, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. CARDIN, Mr. ROCKEFELLER, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2497. Mr. HATCH (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2498. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2499. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2500. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2501. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2502. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2503. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2504. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2505. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2506. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2507. Mr. BROWN of Ohio (for Mr. WICKER) proposed an amendment to the resolution S. Res. 429, supporting the goals and ideals of World Malaria Day.

TEXT OF AMENDMENTS

SA 2490. Mrs. MCCASKILL (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tex credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—TEMPORARY DUTY SUSPENSION PROCESS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Temporary Duty Suspension Process Act of 2012''.

SEC. 202. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(3) DUTY SUSPENSION OR REDUCTION.—The term ''duty suspension or reduction'' means an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States—

(A) extending an existing temporary suspension or reduction of duty on an article under that subchapter; or

(B) providing for a new temporary suspension or reduction of duty on an article under that subchapter.

SEC. 203. RECOMMENDATIONS BY UNITED STATES INTERNATIONAL TRADE COMMISSION FOR DUTY SUSPENSIONS AND REDUCTIONS.

(a) ESTABLISHMENT OF REVIEW PROCESS.—Not later than 30 days after the date of the enactment of this Act, the Commission shall complete all actions necessary to establish a process pursuant to which the Commission will—

(1) review each article with respect to which a duty suspension or reduction may be made—

(A) at the initiative of the Commission; or

(B) pursuant to a petition submitted or referred to the Commission under subsection (b); and

(2) submit a draft bill to the appropriate congressional committees under subsection (d).

(b) PETITIONS.—

(1) IN GENERAL.—As part of the process established under subsection (a), the Commission shall establish procedures under which a petition requesting the Commission to review a duty suspension or reduction pursuant to that process may be—

(A) submitted to the Commission by a member of the public; or

(B) referred to the Commission by a Member of Congress.

(2) REQUIREMENTS.—A petition submitted or referred to the Commission under paragraph (1) shall be submitted or referred at such time and in such manner and shall include such information as the Commission may require.

(3) NO PREFERENTIAL TREATMENT FOR MEMBERS OF CONGRESS.—A petition referred to the Commission by a Member of Congress under subparagraph (B) of paragraph (1) shall receive treatment no more favorable than the treatment received by a petition submitted to the Commission by a member of the public under subparagraph (A) of that paragraph.

(c) PUBLIC COMMENTS.—As part of the process established under subsection (a), the Commission shall establish procedures for—

(1) notifying the public when the Commission initiates the process of reviewing articles with respect to which duty suspensions or reductions may be made and distributing information about the process, including by—

(A) posting information about the process on the website of the Commission; and

(B) providing that information to trade associations and other appropriate organizations;

(2) not later than 45 days before submitting a draft bill to the appropriate congressional committees under subsection (d), notifying the public of the duty suspensions and reductions the Commission is considering including in the draft bill; and

(3) providing the public with an opportunity to submit comments with respect to any of those duty suspensions or reductions.

(d) SUBMISSION OF DRAFT BILL.—

(1) IN GENERAL.—The Commission shall submit to the appropriate congressional committees a draft bill that contains each duty suspension or reduction that the Commission determines, pursuant to the process established under subsection (a) and after conducting the consultations required by subsection (e), meets the requirements described in subsection (f), not later than—

(A) the date that is 120 days after the date of the enactment of this Act;

(B) January 1, 2015; and

(C) January 1, 2018.

(2) EFFECTIVE PERIOD OF DUTY SUSPENSIONS AND REDUCTIONS.—Duty suspensions and reductions included in a draft bill submitted under paragraph (1) shall be effective for a period of not less than 3 years.

(3) SPECIAL RULE FOR FIRST SUBMISSION.—In the draft bill required to be submitted under paragraph (1) not later than the date that is 120 days after the date of the enactment of this Act, the Commission shall be required to include only duty suspensions and reductions with respect to which the Commission has sufficient time to make a determination under that paragraph before the draft bill is required to be submitted.

(e) CONSULTATIONS.—In determining whether a duty suspension or reduction meets the requirements described in subsection (f), the Commission shall, not later than 30 days before submitting a draft bill to the appropriate congressional committees under subsection (d), conduct consultations with the Commissioner responsible for U.S. Customs and Border Protection, the Secretary of Commerce, the United States Trade Representative, and the heads of other relevant Federal agencies.

(f) REQUIREMENTS FOR DUTY SUSPENSIONS AND REDUCTIONS.—

(1) IN GENERAL.—A duty suspension or reduction meets the requirements described in this subsection if—

(A) the duty suspension or reduction can be administered by U.S. Customs and Border Protection;

(B) the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed the dollar amount specified in paragraph (2) in a calendar year during which the duty suspension or reduction would be in effect; and

(C) on the date on which the Commission submits a draft bill to the appropriate congressional committees under subsection (d) that includes the duty suspension or reduction, the article to which the duty suspension or reduction would apply is not produced in the United States and is not expected to be produced in the United States during the subsequent 12-month period.

(2) DOLLAR AMOUNT SPECIFIED.—

(A) IN GENERAL.—The dollar amount specified in this paragraph is—

(i) for calendar year 2013, $500,000; and

(ii) for any calendar year after calendar year 2013, an amount equal to $500,000 increased or decreased by an amount equal to—

(I) $500,000, multiplied by

(II) the percentage (if any) of the increase or decrease (as the case may be) in the Consumer Price Index for the preceding calendar year compared to the Consumer Price Index for calendar year 2012.

(B) ROUNDING.—Any increase or decrease under subparagraph (A) of the dollar amount specified in this paragraph shall be rounded to the nearest dollar.

(C) CONSUMER PRICE INDEX FOR ANY CALENDAR YEAR.—For purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on September 30 of that calendar year.

(D) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term ''Consumer Price Index'' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(3) CONSIDERATION OF RELEVANT INFORMATION.—In determining whether a duty suspension or reduction meets the requirements described in paragraph (1), the Commission may consider any information the Commission considers relevant to the determination.

(4) JUDICIAL REVIEW PRECLUDED.—A determination of the Commission with respect to whether or not a duty suspension or reduction meets the requirements described in paragraph (1) shall not be subject to judicial review.

(g) REPORTS REQUIRED.—

(1) IN GENERAL.—Each time the Commission submits a draft bill under subsection (d), the Commission shall submit to the appropriate congressional committees a report on the duty suspensions and reductions contained in the draft bill that includes—

(A) the views of the head of each agency consulted under subsection (e); and

(B) any objections received by the Commission during consultations conducted under subsection (e) or through public comments submitted under subsection (c), including—

(i) objections with respect to duty suspensions or reductions the Commission included in the draft bill; and

(ii) objections that led to the Commission to determine not to include a duty suspension or reduction in the draft bill.

(2) INITIAL REPORT ON PROCESS.—Not later than 300 days after the date of the enactment of this Act, the Commission shall submit to the appropriate congressional committees a report that includes—

(A) an assessment of the effectiveness of the process established under subsection (a) and the requirements of this section;

(B) to the extent practicable, a description of the effects of duty suspensions and reductions recommended pursuant to that process on the United States economy that includes—

(i) a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States; and

(ii) case studies describing such effects by industry or by type of articles, as available data permits;

(C) a comparison of the actual loss in revenue to the United States resulting from duty suspensions and reductions recommended pursuant to that process to the loss in such revenue estimated during that process;

(D) to the extent practicable, information on how broadly or narrowly duty suspensions and reductions recommended pursuant to that process were used by importers; and

(E) any recommendations of the Commission for improving that process and the requirements of this section.

(h) FORM OF DRAFT BILL AND REPORTS.—Each draft bill submitted under subsection (d) and each report required by subsection (g) shall be—

(1) submitted to the appropriate congressional committees in electronic form; and

(2) made available to the public on the website of the Commission.

SEC. 204. REPORTS ON BENEFITS OF DUTY SUSPENSIONS OR REDUCTIONS TO SECTORS OF THE UNITED STATES ECONOMY.

Not later than January 1, 2014, and annually thereafter, the Commission shall submit

to the appropriate congressional committees a report that—

(1) makes recommendations with respect to sectors of the United States economy that could benefit from duty suspensions or reductions without causing harm to other domestic interests; and

(2) assesses the feasibility and advisability of suspending or reducing duties on a sectoral basis rather than on individual articles.

SA 2491. Mr. HATCH (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. GRASSLEY, Mr. THUNE, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, 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. SHORT TITLE.

This Act may be cited as the ''Tax Relief Act of 2012''.

SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2012'' both places it appears and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$72,450'' and all that follows through ''2011'' in subparagraph (A) and inserting ''$78,750 in the case of taxable years beginning in 2012 and $79,850 in the case of taxable years beginning in 2013'', and

(B) by striking ''$47,450'' and all that follows through ''2011'' in subparagraph (B) and inserting ''$50,600 in the case of taxable years beginning in 2012 and $51,150 in the case of taxable years beginning in 2013''.

(b) TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—

(1) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or 2011'' and inserting ''2011, 2012, or 2013'', and

(B) by striking ''2011'' in the heading thereof and inserting ''2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 5. INSTRUCTIONS FOR TAX REFORM.

(a) IN GENERAL.—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) REQUIREMENTS.—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

SA 2492. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF CERTAIN LIMITATIONS ON HEALTH CARE BENEFITS.

(a) REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.—

(1) HSAS.—Section 223(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence thereof.

(2) ARCHER MSAS.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence thereof.

(3) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f).

(4) EFFECTIVE DATE.—

(A) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by paragraphs (1) and (2) shall apply to amounts paid with respect to taxable years beginning after December 31, 2011.

(B) REIMBURSEMENTS.—The amendment made by paragraph (3) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2011.

(b) REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.—

(1) IN GENERAL.—Section 106 of the Internal Revenue Code of 1986 is amended by striking subsection (i) and by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

SA 2493. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking '', and before January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SA 2494. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SA 2495. Mr. ENZI (for himself, Ms. SNOWE, Mr. TESTER, Mr. BROWN of Ohio, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—TAX RETURN DUE DATE SIMPLIFICATION AND MODERNIZATION

SEC. _01. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''Tax Return Due Date Simplification and Modernization Act of 2012''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. _02. NEW DUE DATE FOR PARTNERSHIP FORM 1065, S CORPORATION FORM 1120S, AND C CORPORATION FORM 1120.

(a) PARTNERSHIPS.—

(1) IN GENERAL.—Section 6072 is amended by adding at the end the following new subsection:

''(f) RETURNS OF PARTNERSHIPS.—Returns of partnerships under section 6031 made on the basis of the calendar year shall be filed on or before the 15th day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.''.

(2) CONFORMING AMENDMENT.—Section 6072(a) is amended by striking ''6017, or 6031'' and inserting ''or 6017''.

(b) S CORPORATIONS.—

(1) IN GENERAL.—So much of subsection (b) of 6072 as precedes the second sentence thereof is amended to read as follows:

''(b) RETURNS OF CERTAIN CORPORATIONS.—Returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 31st day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the last day of the third month following the close of the fiscal year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1362(b) is amended—

(i) by striking ''15th'' each place it appears and inserting ''last'',

(ii) by striking ''2½'' each place it appears and inserting ''3'', and

(iii) by striking ''2 months and 15 days'' in paragraph (4) and inserting ''3 months''.

(B) Section 1362(d)(1)(C)(i) is amended by striking ''15th'' and inserting ''last''.

(C) Section 1362(d)(1)(C)(ii) is amended by striking ''such 15th day'' and inserting ''the last day of the 3d month thereof''.

(c) CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.—

(1) Section 170(a)(2)(B) is amended by striking ''third month'' and inserting ''4th month''.

(2) Section 563 is amended by striking ''third month'' each place it appears and inserting ''4th month''.

(3) Section 1354(d)(1)(B)(i) is amended by striking ''3d month'' and inserting ''4th month''.

(4) Subsection (a) and (c) of section 6167 are each amended by striking ''third month'' and inserting ''4th month''.

(5) Section 6425(a)(1) is amended by striking ''third month'' and inserting ''4th month''.

(6) Subsections (b)(2)(A), (g)(3), and (h)(1) of section 6655 are each amended by striking ''3rd month'' and inserting ''4th month''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2012.

SEC. __03. MODIFICATION OF DUE DATES BY REGULATION.

In the case of returns for taxable years beginning after December 31, 2012, the Secretary of the Treasury or the Secretary's delegate shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month period ending on September 15 for calendar year taxpayers.

(2) The maximum extension for the returns of trusts filing Form 1041 shall be a 5½-month period ending on September 30 for calendar year taxpayers.

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period ending on November 15 for calendar year taxpayers.

(4) The maximum extension for the returns of organizations exempt from income tax filing Form 990 shall be an automatic 6-month period ending on November 15 for calendar year filers.

(5) The due date of Form 3520-A (relating to the Annual Information Return of Foreign Trust with a United States Owner) for calendar year filers shall be April 15 with a maximum extension for a 6-month period ending on October 15.

(6) The due date of Form TD F 90-22.1 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15 and with provision for an extension under rules similar to the rules in Treas. Reg. 1.6081-5. For any taxpayer required to file such Form for the first time, any penalty for failure to timely request for, or file, an extension, may be waived by the Secretary of the Treasury or the Secretary's delegate.

SEC. __04. CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.

(a) IN GENERAL.—Section 6081(b) is amended by striking ''3 months'' and inserting ''6 months''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2012.

SA 2496. Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. BOOZMAN, Mr. REED, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. CARDIN, Mr. ROCKEFELLER, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—MARKETPLACE FAIRNESS

SEC. ____1. SHORT TITLE.

This title may be cited as the ''Marketplace Fairness Act''.

SEC. ____2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States should have the ability to enforce their existing sales and use tax laws and to treat similar sales transactions equally, without regard to the manner in which the sale is transacted,

(2) States should have the right to collect—or decide not to collect—taxes that are already owed under State law, and

(3) States should simplify their sales and use tax systems to ease burdens on remote sellers.

SEC. ____3. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.

(a) STREAMLINED SALES AND USE TAX AGREEMENT.—Each Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for a small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement. Such authority shall commence beginning on the date that the State publishes notice of the State's intent to exercise the authority under this title, but no earlier than the first day of the calendar quarter that is at least 90 days after the date of the enactment of this Act.

(b) ALTERNATIVE.—

(1) IN GENERAL.—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements minimum simplification requirements. Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State enacts legislation to exercise the authority granted by this title and to implement each of the following minimum simplification requirements:

(A) Provide—

(i) a single entity within the State responsible for all State and local sales and use tax administration, including return processing and audits for remote sales sourced to the State,

(ii) a single audit of remote sellers for all State and local taxing jurisdictions within that State, and

(iii) a single sales and use tax return to be used by remote sellers and single and consolidated providers and to be filed with the single entity within the State.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State.

(C) Source all interstate sales in compliance with the sourcing regime set forth in section ____6(8).

(D) Provide—

(i) adequate software and services to remote sellers and single and consolidated providers that identifies the applicable destination rate, including the State and local sales tax rate (if any), to be applied on sales sourced to the State, and

(ii) certification procedures for both single providers and consolidated providers to make software and services available to remote sellers, and hold such providers harmless for any errors or omissions as a result of relying on information provided by the State.

(E) Relieve remote sellers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of an error or omission made by a single or consolidated provider.

(F) Relieve single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of misleading or inaccurate information provided by a seller.

(G) Relieve remote sellers and single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of information provided by the State or locality.

(H) Provide remote sellers and single and consolidated providers with 30 days notice of a rate change by the State or any locality in the State.

(2) TREATMENT OF LOCAL RATE CHANGES.—For purposes of this subsection, local rate changes may only be effective on the first day of a calendar quarter. Failure to provide notice under paragraph (1)(H) shall require the State and locality to hold the remote seller or single or consolidated provider harmless for collecting tax at the immediately preceding effective rate during the 30-day period. Each State must provide updated rate information as part of the software and services required by paragraph (1)(D).

(c) SMALL SELLER EXCEPTION.—A State shall be authorized to require a remote seller, or a single or consolidated provider acting on behalf of a remote seller, to collect sales or use tax under this title if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding $500,000. For purposes of determining whether the threshold in this subsection is met, the sales of all persons related within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986 shall be aggregated.

SEC. ____4. TERMINATION OF AUTHORITY.

The authority granted to a State by this title shall terminate on the date that the highest court of competent jurisdiction makes a final determination that the State no longer meets the requirements of this title, and the determination of such court is no longer subject to appeal.

SEC. ____5. LIMITATIONS.

(a) IN GENERAL.—Nothing in this title shall be construed as—

(1) subjecting a seller or any other person to franchise, income, or any other type of taxes, other than sales and use taxes,

(2) affecting the application of such taxes, or

(3) enlarging or reducing State authority to impose such taxes.

(b) NO EFFECT ON NEXUS.—No obligation imposed by virtue of the authority granted

by this title shall be considered in determining whether a seller or any other person has a nexus with any State for any purpose other than sales and use taxes.

(c) LICENSING AND REGULATORY REQUIREMENTS.—Other than the limitation set forth in subsection (a), and section ___3, nothing in this title shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person,

(2) requiring any person to qualify to transact intrastate business,

(3) subjecting any person to State taxes not related to the sale of goods or services, or

(4) exercising authority over matters of interstate commerce.

(d) NO NEW TAXES.—Nothing in this title shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

(e) NO EFFECT ON MOBILE TELECOMMUNICATIONS SOURCING ACT.—Nothing in this title shall be construed as altering in any manner or preempting the Mobile Telecommunications Sourcing Act (4 U.S.C. 116-126).

(f) INTRASTATE SALES.—The provisions of this title shall only apply to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 3(a) shall comply with the intrastate provisions of the Streamlined Sales and Use Tax Agreement.

SEC. ___6. DEFINITIONS AND SPECIAL RULES.

In this title:

(1) CONSOLIDATED PROVIDER.—The term ''consolidated provider'' means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers on an aggregated basis.

(2) LOCALITY; LOCAL.—The terms ''locality'' and ''local'' refer to any political subdivision of a State.

(3) MEMBER STATE.—The term ''Member State''—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act, and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) PERSON.—The term ''person'' means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) REMOTE SALE.—The term ''remote sale'' means a sale of goods or services attributed to a State with respect to which a seller does not have adequate physical presence to establish nexus under *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

(6) REMOTE SELLER.—The term ''remote seller'' means a person that makes remote sales in a State.

(7) SINGLE PROVIDER.—The term ''single provider'' means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers.

(8) SOURCED.—For purposes of a State granted authority under section ___3(b), the location to which a remote sale is sourced refers to the location where the item sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller. When no delivery location is specified, the remote sale is sourced to the customer's address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer's payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section ___3(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(9) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(10) STREAMLINED SALES AND USE TAX AGREEMENT.—The term ''Streamlined Sales and Use Tax Agreement'' means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

SEC. ___7. SEVERABILITY.

If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2497. Mr. HATCH (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, 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. SHORT TITLE.

This Act may be cited as the ''Tax Relief Act of 2012''.

SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2012'' both places it appears and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$72,450'' and all that follows through ''2011'' in subparagraph (A) and inserting ''$78,750 in the case of taxable years beginning in 2012 and $79,850 in the case of taxable years beginning in 2013'', and

(B) by striking ''$47,450'' and all that follows through ''2011'' in subparagraph (B) and inserting ''$50,600 in the case of taxable years beginning in 2012 and $51,150 in the case of taxable years beginning in 2013''.

(b) TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—

(1) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or 2011'' and inserting ''2011, 2012, or 2013'', and

(B) by striking ''2011'' in the heading thereof and inserting ''2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 5. INSTRUCTIONS FOR TAX REFORM.

(a) IN GENERAL.—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) REQUIREMENTS.—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

SA 2498. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON TREASURY REGULATIONS WITH RESPECT TO INFORMATION REPORTING ON CERTAIN INTEREST PAID TO NONRESIDENT ALIENS.

Except to the extent provided in Treasury Regulations as in effect on February 21, 2011, the Secretary of the Treasury shall not require (by regulation or otherwise) that an information return be made by a payor of interest in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986; and

(2) which is paid—

(A) to a nonresident alien; and

(B) on a deposit maintained at an office within the United States.

SA 2499. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a

temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REDUCTIONS IN INDIVIDUAL CAPITAL GAINS AND DIVIDENDS TAX RATE MADE PERMANENT.

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (relating to sunset of title) is repealed.

SA 2500. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. MORTGAGE FORGIVENESS TAX RELIEF.

(a) IN GENERAL.—Subparagraph (E) of section 108(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to indebtedness discharged after December 31, 2012.

SA 2501. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PERMANENT EXTENSION OF ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking '', and before January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SA 2502. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. GRAZING ON PUBLIC RANGELANDS.

Section 6 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended—

(1) by striking the section heading and all that follows through ''(a) For the'' and inserting the following:

''SEC. 6. GRAZING FEES.

''(a) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—For the''; and

(2) in subsection (a), by adding at the end the following:

''(2) GRAZING ON PUBLIC RANGELANDS.—When establishing fees for grazing private livestock on public rangelands, the Secretary (with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe)) and the Secretary of Agriculture (with respect to National Forest System land) shall set the rate at a level that is comparable to the rate charged by private landowners in the area or region, as determined by the applicable Secretary.''.

SA 2503. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SECRET BALLOT ELECTIONS.

No Federal funds may be used to litigate against any of the several States on behalf of the National Labor Relations Board pertaining to secret ballot union elections.

SA 2504. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENT OF DUE PROCESS.

None of the funds made available under this or any other Act, may be used to promulgate, administer, enforce, or otherwise implement the Representation-Case Procedures, published at 76 Fed. Reg. 80138 (December 22, 2011)), unless such Procedures are modified to guarantee procedural due process rights for all parties prior to the election, including the ability to determine the appropriate bargaining unit and the opportunity to present and counter evidence and to require the imposition of at least a 30-day interval between the date on which an election is directed and the date on which the resulting election is held.

SA 2505. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriation place, insert the following:

SEC. ___. MICRO-UNIONS.

No Federal funds shall be used to implement, create, apply, or enforce through prosecution, adjudication, rulemaking, or the issuing of any interpretation, opinion, certification, decision, or policy, and standard for initial bargaining unit determinations that conflicts with the standard articulated in the majority opinion in *Wheeling Island Gaming Inc. and United Food Commercial Workers International Union, Local 23*, 355 NLRB No. 127 (August 27, 2010) (including but not limited to the majority opinion in footnote 2), except for unit determinations currently governed by NLRB Rule Section 103.30 for employers currently covered by such rules.

SA 2506. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF OBAMACARE.

(a) FINDINGS.—Congress finds the following with respect to the impact of Public Law 111–148 and related provisions of Public Law 111–152 (collectively referred to in this section as ''the law''):

(1) President Obama promised the American people that if they liked their current health coverage, they could keep it. But even the Obama Administration admits that tens of millions of Americans are at risk of losing their health care coverage, including as many as 8 in 10 plans offered by small businesses.

(2) Despite projected spending of more than two trillion dollars over the next 10 years, cutting Medicare by more than one-half trillion dollars over that period, and increasing taxes by over $800 billion dollars over that period, the law does not lower health care costs. In fact, the law actually makes coverage more expensive for millions of Americans. The average American family already paid a premium increase of approximately $1,200 in the year following passage of the law. The Congressional Budget Office (CBO) predicts that health insurance premiums for individuals buying private health coverage on their own will increase by $2,100 in 2016 compared to what the premiums would have been in 2016 if the law had not passed.

(3) The law cuts more than one-half trillion dollars in Medicare and uses the funds to create a new entitlement program rather than to protect and strengthen the Medicare program. Actuaries at the Centers for Medicare & Medicaid Services (CMS) warn that the Medicare cuts contained in the law are so drastic that ''providers might end their participation in the program (possibly jeopardizing access to care for beneficiaries)''. CBO cautioned that the Medicare cuts ''might be difficult to sustain over a long period of time''. According to the CMS actuaries, 7.4 million Medicare beneficiaries who would have been enrolled in a Medicare Advantage plan in 2017 will lose access to their plan because the law cuts $206 billion in payments to Medicare Advantage plans. The Trustees of the Medicare Trust Funds predict that the law will result in a substantial decline in employer-sponsored retiree drug coverage, and 90 percent of seniors will no longer have access to retiree drug coverage by 2016 as a result of the law.

(4) The law creates a 15-member, unelected Independent Payment Advisory Board that is empowered to make binding decisions regarding what treatments Medicare will cover and how much Medicare will pay for treatments solely to cut spending, restricting access to health care for seniors.

(5) The law and the more than 13,000 pages of related regulations issued before July 11, 2012, are causing great uncertainty, slowing economic growth, and limiting hiring opportunities for the approximately 13 million Americans searching for work. Imposing higher costs on businesses will lead to lower wages, fewer workers, or both.

(6) The law imposes 21 new or higher taxes on American families and businesses, including 12 taxes on families making less than $250,000 a year.

(7) While President Obama promised that nothing in the law would fund elective abortion, the law expands the role of the Federal Government in funding and facilitating abortion and plans that cover abortion. The law appropriates billions of dollars in new funding without explicitly prohibiting the use of these funds for abortion, and it provides Federal subsidies for health plans covering elective abortions. Moreover, the law effectively forces millions of individuals to personally pay a separate abortion premium in violation of their sincerely held religious, ethical, or moral beliefs.

(8) Until enactment of the law, the Federal Government has not sought to impose specific coverage or care requirements that infringe on the rights of conscience of insurers, purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers. The law creates a new nationwide requirement for health plans to cover ''essential health benefits'' and ''preventive services'', but does not allow stakeholders to opt out of covering items or services to which they have a religious or moral objection, in violation of the Religious Freedom Restoration Act (Public Law 103–141). By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates jeopardize the ability of institutions and individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.

(9) The law expands government control over health care, adds trillions of dollars to existing liabilities, drives costs up even further, and too often put Federal bureaucrats, instead of doctors and patients, in charge of health care decisionmaking.

(10) The path to patient-centered care and lower costs for all Americans must begin with a full repeal of the law.

(b) REPEAL.—

(1) PPACA.—Effective as of the enactment of Public Law 111–148, such Act (other than subsection (d) of section 1899A of the Social Security Act, as added and amended by sections 3403 and 10320 of such Public Law) is repealed, and the provisions of law amended or repealed by such Act (other than such subsection (d)) are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. ___. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2507. Mr. BROWN of Ohio (for Mr. WICKER) proposed an amendment to the resolution S. Res. 429, supporting the goals and ideals of World Malaria Day; as follows:

On page 4, line 14, strike ''strongly supports'' and insert ''welcomes''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 17, 2012, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the status of action taken to ensure that the electric grid is protected from cyber attacks.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Leon Lowery at 202–224–2209, or Meagan Gins at 202–224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WHITEHOUSE. Mr. President. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 10, 2012, at 2:30 p.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 10, 2012, at 10 a.m., to conduct a hearing entitled ''Developing the Framework for Safe and Efficient Mobile Payments, Part 2.''

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

COMMITTEE ON FINANCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 10, 2012, at 2:45 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Boosting Opportunities and Growth Through Tax Reform: Helping More Young People Achieve The American Dream.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 10, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following interns in Senator BINGAMAN's office be granted floor privileges during today's session: Marissa Hollowwa, Sarah Hurd, Leif Rasmussen, Edna Reyes, Emily Schwab, Katherine Wills, and Maia Brown.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted floor privileges today: Jeffrey Arnold, Avital Barnea, Amanda Chapman, Selene Christman, Harun Dogo, Farrah Freis, Pete Markuson, Neil Pinney, Christopher Tausanovitch, Daniel West, Micah Scudder, and Danielle Herring.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Steve Kofford of my Finance Committee staff be granted privileges of the floor for the duration of the 112th Congress.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Alex Shaner, Kelsey Smithart, and Ryan Brennan of my staff be granted floor privileges for the duration of today's session.

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

D.C. COURTS AND PUBLIC SERVICE DEFENDERS ACT OF 2011

On Monday, June 9, 2012, the Senate passed S. 1379, as amended, as follows:

S. 1379

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 ''D.C. Courts and Public Defender Service Act of 2011''.

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11–744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking ''annually'' and inserting ''biennially or annually'';

(2) in the first sentence, by striking ''active judges'' and inserting ''active judges and magistrate judges'';

(3) in the third sentence, by striking ''Every judge'' and inserting ''Every judge and magistrate judge''; and

(4) in the third sentence, by striking ''Courts of Appeals'' and inserting ''Court of Appeals''.

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

''§ 11–947. Emergency authority to toll or delay proceedings.

''(a) TOLLING OR DELAYING PROCEEDINGS.—

''(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

''(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed

by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

''(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

''(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11–907(a) or by the Joint Committee on Judicial Administration.

''(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

''(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

''(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

''(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

''(e) NOTICE.—Upon issuing an order under this section, the chief judge—

''(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

''(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

''(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

''(1) the reasons for issuing the orders;

''(2) the duration of the orders;

''(3) the effects of the orders on litigants; and

''(4) the costs to the court resulting from the orders.

''(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.''.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

''11–947. Emergency authority to toll or delay proceedings.''.

(2) PROCEEDINGS IN COURT OF APPEALS.—

(A) IN GENERAL.—Subchapter III of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

''§ 11–745. Emergency authority to toll or delay proceedings.

''(a) TOLLING OR DELAYING PROCEEDINGS.—

''(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

''(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

''(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11–706(a) or by the Joint Committee on Judicial Administration.

''(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

''(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

''(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

''(d) NOTICE.—Upon issuing an order under this section, the chief judge—

''(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

''(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

''(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

''(1) the reasons for issuing the orders;

''(2) the duration of the orders;

''(3) the effects of the orders on litigants; and

''(4) the costs to the court resulting from the orders.

''(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.''.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

''11–745. Emergency authority to toll or delay proceedings.''.

(c) PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.—

(1) IN GENERAL.—Section 11–1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

''(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607, D.C. Official Code) is amended by adding at the end the following new subsection:

''(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.''.

SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) REDUCTION IN TERM OF SERVICE.—Section 11–908A(c)(1), District of Columbia Official Code, is amended by striking ''5 years'' and inserting ''3 years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 433, S. Res. 429.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 429) supporting the goals and ideals of World Malaria Day.

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Wicker amendment at the desk be agreed to.

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

The amendment (No. 2507) was agreed to, as follows:

On page 4, line 14, strike ''strongly supports'' and insert ''welcomes''.

Mr. BROWN of Ohio. Mr. President, I know of no further debate. I urge passage of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 429), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 429

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being completely preventable and treatable;

Whereas fighting malaria is in the national security interest of the United States Government, as reducing the risk of malaria protects members of the Armed Forces of the United States serving overseas in malaria endemic regions, and reducing malaria deaths helps to promote stability in less developed countries;

Whereas, according to the Centers for Disease Control and Prevention, 35 countries, the majority of which are in sub-Saharan Africa, account for 98 percent of global malaria deaths;

Whereas young children and pregnant women are particularly vulnerable to and disproportionately affected by malaria;

Whereas malaria greatly affects child health, as children under the age of 5 account for an estimated 85 percent of malaria deaths each year;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes 400,000 cases of severe maternal anemia and between 75,000 and 200,000 infant deaths annually in sub-Saharan Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria over recent years have made measurable progress and helped save hundreds of thousands of lives;

Whereas the World Malaria Report 2011 by the World Health Organization states that in 2011, approximately 50 percent of households in sub-Saharan Africa owned at least 1 insecticide-treated mosquito net (referred to in this preamble as an ''ITN''), and household surveys indicated that 96 percent of people with access to an ITN within a household actually used the ITN;

Whereas, in 2010, a total of 185,000,000 people were protected by indoor residual spraying (referred to in this preamble as ''IRS'');

Whereas the World Malaria Report 2011 further states that malaria mortality rates have fallen by more than 25 percent globally, and 33 percent in Africa alone, since 2000;

Whereas the World Malaria Report 2011 further states that out of 99 countries with ongoing malaria transmissions, 43 countries recorded decreases of more than 50 percent in the number of malaria cases between 2000 and 2010, and 8 other countries recorded decreases of more than 25 percent;

Whereas continued national, regional, and international investment in efforts to eliminate malaria, including prevention and treatment efforts and the development of a vaccine to immunize children from the malaria parasite, is critical in order to continue to reduce malaria deaths, prevent backsliding in areas where progress has been made, and equip the United States and the global community with the tools necessary to fight malaria and other global health threats;

Whereas the United States Government has played a leading role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative (referred to in this preamble as ''PMI'') and the contribution of the United States to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas the United States Government is pursuing a comprehensive approach to ending malaria deaths through PMI, the United States Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Department of Defense, and the private sector focused on helping partner countries to achieve major improvements in overall health outcomes through advances in access to, and the quality of, healthcare services in resource-poor settings;and

Whereas PMI, recognizing the burden of malaria on many partner countries, has set a target of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa, by 2015: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of World Malaria Day, including the target of ending malaria deaths by 2015;

(2) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(3) commends the recent progress made toward reducing global malaria deaths and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(4) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(5) recognizes the goals to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110–293;122 Stat. 2918);

(6) supports continued leadership by the United States in bilateral, multilateral, and private sector efforts to combat malaria as a critical part of the President's Global Health Initiative;and

(7) encourages other members of the international community to sustain and scale up their support for and financial contributions to efforts worldwide to combat malaria.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

MEASURE READ THE FIRST TIME—S. 3369

Mr. BROWN of Ohio. Mr. President, I understand that S. 3369, introduced earlier today by Senator WHITEHOUSE, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3349) to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, super PACs and other entities, and for other purposes.

Mr. BROWN of Ohio. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDER FOR PRINTING—S. 3240

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that S. 3240, the Agriculture Reform, Food, and Jobs Act of 2012, be printed as passed.

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

ORDERS FOR WEDNESDAY, JULY 11, 2012

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half, and that all time during morning business, adjournment, and recess count postcloture on the motion to proceed to S. 2237.

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

PROGRAM

Mr. BROWN of Ohio. Mr. President, we hope to begin consideration of the Small Business Jobs and Tax Relief Act tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Wednesday, July 11, 2012, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 10, 2012:

THE JUDICIARY

JOHN THOMAS FOWLKES, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.