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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

God of might and mercy, we lift our hearts in praise. Thank You for this day with its opportunity for courageous and noble service. Use our lawmakers this day to validate the faith of our forebears through their faithful service to You and country. As they labor, may they feel the nearness of Your presence and be guided by Your wisdom. Equip them to bear the responsibilities they cannot assign to others as You strengthen them for life's noble twists and turns.

Lord, draw near to them and give them Your peace.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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, April 16, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

BUFFETT RULE

Mr. REID. Mr. President, as millions of Americans prepare to file income tax returns, the Senate will consider one of the basic unfair provisions in the Tax Code. Today the wealthiest 1 percent takes home the highest share of the Nation's income since the early twenties, the Roaring Twenties. But while their bank accounts have grown, their tax bills have become smaller. The wealthiest Americans now pay the lowest tax rate in more than five decades. The rich pay less than they have for more than 50 years. This unfair system has turned a gap between the richest few and everyone else into a gulf, not a gap. Over the last few decades, a small number of Americans have seen their incomes skyrocket by almost 300 percent, but for the rest of Americans wages have barely moved. They have not kept pace with the price of a modest home, college, or, of course, a secure retirement.

Times are tough for many middle-class American families, but millionaires and billionaires are not sharing the pain or the sacrifices—not one bit. Last year there were 7,000 millionaires who did not pay a single penny in Federal income taxes. Seven thousand millionaires did not pay a single penny in taxes. Instead, ordinary Americans footed the bill. That is not fair. In recent years some Americans earning north of $110 million a year paid a lower tax rate than millions of middle-class families. That is also not fair. That is how someone like our friend Warren Buffett winds up paying a lower tax rate than his secretary, which also is not fair.

When the richest few are making more than ever before, they can afford to shoulder their fair share of the burden and make this country prosper. And they should not be allowed to hide behind tax loopholes that rig the system in their favor. The Paying a Fair Share Act, known as the Buffett rule, would restore fairness to a system that has favored the interests of the wealthy for far too long. This legislation would ensure that Americans who earn more than $1 million a year pay at least 30 percent of their income in taxes. The bill would hold harmless nearly every small business in America. In fact, more than 99 percent of small businesses would be held harmless. It would maintain the deduction for charitable giving. It would be a small but important step toward restoring fiscal responsibility as our Nation makes difficult choices about where to spend and what to cut.

Three-quarters of Americans believe millionaires and billionaires should contribute more. Two-thirds of millionaires say it is time to even the playing field. Yet, everywhere, all Republicans except those within the beltway believe that is not the case. Republicans in Congress would rather end Medicare as we know it, set forth in the so-called infamous Ryan budget. They would rather slash education funding, as set forth in that same infamous budget, than ask the richest of the rich to contribute even a penny to make education more meaningful and to continue maintaining Medicare as we know it. As the Senate Democrats work to make our tax system fair for all Americans, Republicans in the House continue to pursue a budget that would hand more tax breaks to the wealthiest few—the so-called Ryan budget I was just talking about.

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

At its heart, this important debate and the Buffett rule are about setting priorities. America can build a world-class education system that will prepare our children and our grandchildren to compete in the industries of tomorrow. We can honor our commitment to a generation of young men and women who put their lives on the line to serve and protect our freedom, and we can ensure that seniors who worked hard all their lives look forward to a secure retirement and quality, affordable health care or we can keep protecting special tax rates for the richest of the rich. We cannot do both. We must make smart choices.

President Franklin Roosevelt once said:

In our personal ambitions we are individualists. But in our seeking for economic and political progress as a nation, we all go up or else all go down as one people.

I hope my Republican colleagues will join Democrats this evening as we choose a path toward economic fairness that allows all Americans to rise together as one people.

MEASURE PLACED ON THE CALENDAR—H.R. 5

Mr. REID. Mr. President, H.R. 5 is at the desk. It is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

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

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the motion to proceed to S. 2240, the Paying a Fair Share Act. At 4:30 today the Senate will proceed to executive session to consider Executive Calendar No. 460, Stephanie Dawn Thacker, of West Virginia, to be U.S. Circuit Judge for the Fourth Circuit, with up to 60 minutes of debate equally divided and controlled between Senators LEAHY and GRASSLEY or their designees. Upon the use or yielding back of that time—at about 5:30—there will be a rollcall vote on the confirmation of the Thacker nomination. There will be a second rollcall vote on the motion to invoke cloture on the motion to proceed to S. 2230, the Paying a Fair Share Act.

RECOGNITION OF THE MINORITY LEADER

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

BUFFETT RULE

Mr. MCCONNELL. Mr. President, if there is one thing on which every American can agree right now it is that we have serious challenges in this country and that time is not on our side. Action needs to be taken soon. To cite a few things, everybody is holding their breath waiting for the Federal debt to catch up with us. It is not a question of if, it is a question of when. Many young people are basically giving up on the American dream. Seniors and those approaching retirement are concerned about the safety and sustainability of entitlements. Working Americans and those who employ them are frustrated by the growth and the reach of government. And nearly 14 million Americans who cannot find work are wondering how it got so hard to land a good-paying job in what is supposed to be the most prosperous economy on Earth. All these people know we are in rough shape. They live it every day and, frankly, a lot of them have given up hope that lawmakers here in Washington are interested in doing anything at all that would help.

But the truth is that there is some good news to report out of Washington; that is, the growing bipartisan consensus not only about the existence of these problems but also about the proper solution. Just about everybody agrees that comprehensive tax reform would help turn this economy around, strengthen entitlements, spur innovation and economic growth, and create jobs.

The problem is that we have a President who seems more interested in pitting people against each other than he is in actually doing what it takes to face these challenges head on and to solve them in a bipartisan manner. And if anybody had any doubt about that, the President's relentless focus on this so-called Buffett tax over the past few weeks should have dispelled it.

This entire debate has been very illuminating for a lot of folks. It has revealed a lot about this President. By wasting so much time on this political gimmick that even Democrats admit will not solve our larger problems, it has shown that the President is actually more interested in misleading people than he is in leading. I know that may sound a little strong to some, but just step back and think about what is going on here. We have a $15 trillion debt. Some call it the most predictable crisis in history. We have the largest tax increase in the history of the country looming that will hit every single American who pays income taxes in less than 9 months from today.

Well, President Obama looked at the options in front of him, sat down with his political advisers, and said: You know what, let's go with a poll-tested tax increase on investment and job creation that will not fix anything and will not pass anyway, instead of actually doing something about the debt and the deficit. It is the same thing on gas prices; the President looked at $4-a-gallon gasoline and said: Let's go with a poll-tested tax on energy manufacturers, which would increase the price at the pump instead of actually doing something to solve the problem. Is this not precisely the kind of thing President Obama campaigned against in the first place—politics as usual? But that is all we get. The worse our problems get, the less serious he becomes. The more people coalesce around a bipartisan solution, the more he focuses on something that is completely irrelevant or that has absolutely no chance of passing.

We are in a crisis here and, sadly, it is all politics all the time. Somewhere along the way this President seems to have forgotten why he was elected. For him, it is not about jobs or the economy, it is about his idea of fairness, about imposing it on others. And if we lose more jobs in the process, oh, well, so be it.

Just take the Buffett tax. Anytime the President proposed anything in the past, he told us how many jobs it would create, whether it was the FAA bill, the highway bill, the stimulus—you name it. Apparently, those days are over. Nobody is even claiming this creates jobs. It is all about the President's idea of fairness now.

I think Americans are tired of the blame game. They want their President to solve problems, not point fingers. They think their President should spend his time working on a solution between the two parties instead of running around the country trying to distract people from his own inability to get the job done, instead of running around lecturing everybody on fairness.

The President is using two arguments in favor of the Buffett tax. First, he says it is a matter of fairness. Second, he thinks the government would do a better job of investing the money than the people he hopes to take it from. First, it is a matter of fairness and, second, he assumes the government would do a better job of using that money than the people he is taking it from.

On the first point, I think most people have heard enough about the President's notion of fairness to know it does not match up with theirs. To most people, what is fair about America is that they can earn their success—earn their success—and expect to be rewarded for it. Nobody ever crossed an ocean or a desert to come here for government health care. People come here because they think everybody has a shot at something more than that.

It is a point my colleague, the junior Senator from Wyoming, hit home pretty well this morning in an op-ed he wrote for Investor's Business Daily. It is entitled ''Buffett Tax Divides Americans, But Solves Nothing.''

I ask unanimous consent that be printed in the RECORD.

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

[From Investor's Business Daily, Apr. 6, 2012]

BUFFETT TAX DIVIDES AMERICANS, BUT SOLVES NOTHING

(By Sen. John Barrasso)

On Monday, the U.S. Senate will vote on President Obama's Buffett tax. The bill is a political gimmick that's supposed to distract Americans from the president's miserable record instead of solving problems.

Americans know by now that the bill won't create a single job and it won't ease the pain at the pump. And President Obama and the White House have finally given up pretending that his new tax will balance the budget.

Even if he did put the new revenue towards the debt, it would only cover what Washington spends in about a day and a half. All this bill does is waste time and continue to push the president's distorted definition of ''fairness.''

President Obama thinks it's fair that our children and grandchildren will be burdened with debt because of his unprecedented reckless spending. Washington borrows 42 cents of every dollar it spends.

He thinks it's fair to pile another $40,000 of debt onto every household in the U.S. over the last three years. He thinks it's fair to use college students as props for his campaign-style rallies, without explaining how his bad policies will leave them in debt.

He thinks it's fair to force hardworking taxpayers to subsidize a wealthy person's purchase of a hybrid luxury car—because it fits his idea for American energy.

He thinks it's fair to hand out hundreds of millions of tax dollars to politically connected solar energy companies that then go bankrupt.

He thinks it's fair to tell thousands of workers they won't have jobs because he blocked the Keystone XL pipeline—to solidify the support of a few far left environmentalists.

And apparently President Obama thinks it's fair that three years of his policies have left us with more people on food stamps, more people in poverty, lower home values, higher gas prices and higher unemployment.

The American people strongly disagree. To the vast majority, fair means an equal opportunity to pursue their dreams. They also recognize that no man and no government can provide a guarantee of success.

To President Obama, fair requires nothing less than a totally equal outcome.

The waves of immigrants who came to our shores over generations did so for freedom and for a chance to succeed. They did not come here to be taken care of, or to have every decision made for them by the government. That's what many of them left behind. When President Obama pushes for equal outcomes instead of equal opportunity, he pits one group of Americans against another. He is telling people it's not right for someone else to have something they don't have. That may be a good campaign tactic, but it's not true—and it's bad for our country.

One person getting more does not mean anyone else has to get less. In America, it's possible for all of us to prosper. That is part of what made America the best from the very beginning. Here all of us can do better—not at the expense of our neighbors, but by our own effort. Our country's social safety net was established to catch people from falling—not to entangle them so they cannot rise. It certainly should never be used to justify burdening taxpayers with trillions of dollars in new debt. Somewhere along the way, Washington twisted the honorable American impulse to care for the least fortunate among us.

The Obama definition of ''fairness'' now threatens to produce a culture of dependency that weakens our society.

Today's debate over this new tax increase demonstrates the two different approaches to this country's future. President Obama may believe it's fair for Washington to dictate the rules so that everyone is equal in the end. Republicans want to promote economic growth for everybody, not equality of outcome at everybody's expense.

Despite what President Obama believes, true fairness requires equal opportunity, so that all may pursue their dreams. America was founded on that idea. That's what will lead us to a more prosperous future for all.

Americans deserve policies that promote growth and opportunity, not more taxes and spending.

Mr. MCCONNELL. Here is some of what he wrote. This is Senator BARRASSO:

President Obama thinks it's fair that our children and grandchildren will be burdened with debt because of his unprecedented reckless spending. Washington borrows 42 cents of every dollar it spends.

The President thinks that is fair.

He thinks it's fair to pile another $40,000 of debt onto every household in the U.S. over the last three years.

The President thinks that is fair.

He thinks it's fair to use college students as props for his campaign-style rallies, without explaining how his bad policies will leave them in debt.

He thinks it's fair to force hardworking taxpayers to subsidize a wealthy person's purchase of a hybrid luxury car—because it fits his idea for American energy.

He thinks it's fair to hand out hundreds of millions of tax dollars to politically connected solar energy companies that then go bankrupt.

He thinks it's fair to tell thousands of workers they won't have jobs because he blocked the Keystone XL pipeline—to solidify the support of a few far left environmentalists.

And apparently, President Obama thinks it's fair that three years of his policies have left us with more people on food stamps, more people in poverty, lower home values, higher gas prices, and higher unemployment.

Senator BARRASSO then explained what he thinks Americans actually think fairness consists of: equality of opportunity and freedom for everybody to pursue their dreams without government blocking the way.

For the President, fairness is about taking from some and giving it to others. It is about taking from taxpayers and giving it to solar companies. It is about taking from the private economy and giving it to government workers so they can blow it on an $823,000 awards dinner for themselves. It is anything but fair.

As for the President's second argument—well, you tell me. What about the way government spends the money it gets from taxpayers makes anybody think they would do a better job with the money they hope to get from this tax? Does anybody seriously think the government would do a better job spending this money than the people from whom they would extract this additional tax? It is completely ludicrous. Until Washington can show that it is a better steward of taxpayer dollars, or that it knows how to invest in a winner, it should not expect people to hand over another penny.

Here is my point: We have serious problems to address, and the President is not behaving seriously. There is a need and a growing desire on both sides of the aisle to do something. The President needs to step up and provide the serious leadership he promised the American people, and our folks—all 306 million people in this country—have every right to expect something better.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

IMPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2230, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

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

Mr. WHITEHOUSE. Mr. President, on a late spring day 27 years ago, President Ronald Reagan addressed a group of high school students in Atlanta, GA. Many of the students in that audience that day were about to join the workforce, and President Reagan spoke about the ''strange''—to use his word—tax system that would soon claim a portion of their paychecks.

In his speech President Reagan pledged:

We're going to close the unproductive tax loopholes that have allowed some of the truly wealthy to avoid paying their fair share.

He went on to note that under the country's complex tax rules, it was ''possible for millionaires to pay nothing, while a bus driver [pays] 10 percent of his salary.'' President Reagan called this inequity with millionaires paying lower rates than bus drivers—to use his word—''crazy.'' He said, ''It's time we stopped it.''

One year later, President Reagan signed into law bipartisan tax reform that closed many of the loopholes and ensured that the highest earning Americans paid a fair share. The 1986 tax reform deal set the tax rate on investment income—overwhelmingly earned by those at the very top of the income ladder—at the same rate as regular wage income.

Unfortunately, in the years that followed, lobbyists have been all over Congress, and Congress has restored many of the loopholes President Reagan cut. It has repeatedly reduced tax rates on investment income. The capital gains tax rate has gone from 28

percent in the bipartisan Reagan tax reform to 15 percent today. Once again, those at the very top of the income spectrum have opportunities to cut their tax bills that are not available to regular middle-class families.

Let's look at where we are today, a quarter century after the last major overhaul of our tax system.

In this photo is a building that has stories to tell. This is the Helmsley Building on Park Avenue in New York City. Because this building is large enough to have its own ZIP Code, we know from public IRS information gathered by ZIP Code that the very wealthy and successful individuals and corporations that call this building home—with an average adjusted gross income of $1.2 million each—paid, on average, a 14.7-percent total Federal tax rate in the last available year for which we have information. A 14.7-percent total Federal tax rate is less than the rate the average New York City janitor, the average New York City doorman, or the average New York City security guard pays. The system is upside down.

It is not just in the Helmsley Building. Each year, the IRS publishes a report detailing the taxes paid by the highest earning 400 Americans. Last May, the IRS published the most recent data on the top 400 taxpayers—for the year 2008. They had an average income of $270 million each. That is not bad. In fact, that is wonderful. That is part of what makes America great.

But here is the ''crazy'' part—to quote President Reagan. On average, these 400 extremely high earning Americans—making $270 million in 1 year—actually paid an average Federal tax rate of just 18.2 percent on adjusted gross income. We have spent a fair amount of time in the Senate debating whether the top income tax rate should be 35 percent or something else—for example, 39.6 percent, as it was in the Clinton boom years. But the ultra rich get around this top rate through a variety of tax gimmicks.

We looked at what level of income a single filer would have to make to start paying 18.2 percent or more in Federal taxes. It is $39,350. If we look at the Department of Labor levels, that is about what a truckdriver, on average, earns in Rhode Island. Mr. President, $40,200 is what an average truckdriver, according to the Bureau of Labor Statistics, earns in Rhode Island—more than the $39,350—which means they are probably paying a higher tax rate as a single truckdriver in Providence, RI, than a millionaire who made $270 million in the last year.

That is just not fair, not right, and that is not the progressive tax system we have always had. I recently heard from one such truckdriver in Rhode Island. Mike Nunes, who is a member of Teamsters Local 251, joined me for a roundtable discussion on tax fairness in Cranston, RI. Mike said:

I've been a middle-class worker here in Rhode Island since I was in my early twenties. My wife and I pay our taxes, and it's frustrating to hear that multi-millionaires are getting special treatment to pay a lower rate.

Mike is right. I hear the same as I travel around my State. I know my colleagues hear the same as they meet with their constituents across the country. They all agree with President Reagan that a tax system that allows many of the highest income earners among us to pay less than a truckdriver must be fixed.

The problem goes beyond the top 400 income earners in the country. The Congressional Research Service confirms that roughly one-quarter of $1 million-plus earners—about 94,500 taxpayers—pay a lower effective tax rate than over 10 million moderate-income taxpayers. Reuters reported this:

Taxpayers earning more than $1 million a year pay an average U.S. income tax rate of nearly 19 percent.

The story goes on:

About 65 percent of taxpayers who earn more than $1 million face a lower tax rate than the median tax rate for moderate income earners making $100,000 or less a year.

Let me read that again:

About 65 percent of taxpayers who earn more than $1 million face a lower tax rate than the median tax rate for moderate income earners making $100,000 or less a year.

Our tax system is supposed to be progressive. The more one earns, the higher the rate one pays. That is not class warfare; that is tax policy. It has been that way for decades, if not even generations. We undermine that principle when we allow the highest income Americans to pay a lower tax rate than a truckdriver pays. It is no wonder that so many of the Rhode Islanders with whom I have spoken have lost confidence that our tax system gives them a straight deal.

With the top 1 percent of Americans earning 23 percent of our Nation's income and controlling 34 percent of our Nation's wealth—more than one-third—it would be difficult to argue that our system is too progressive.

Let's look at this other graphic. Of all of our Nation's wealth, the top 5 percent of Americans own over 60 percent of it. Of all of our Nation's wealth, the top 5 percent own more than 60 percent of all the wealth in the country. The top 1 percent control over one-third of it. The 400 families at the very top—the 400 I talked about earlier—own almost 3 percent of all America's wealth just among those 400 families. These are proportions we have not seen since the Roaring Twenties, and they are getting steadily worse.

We are not going to overhaul the Nation's tax laws this evening, but in a few hours we will have a chance to advance legislation to restore some fairness into our tax system. This long overdue bill—the Paying a Fair Share Act of 2012—would implement the so-called Buffett rule, after Warren Buffett, who has famously lamented that he pays a lower tax rate than his secretary. To correct this glaring tax inequity, this bill would ensure that those at the very top pay at least the tax rates faced by middle-class families.

I thank Senators AKAKA, BEGICH, LEAHY, HARKIN, BLUMENTHAL, SANDERS, SCHUMER, REED of Rhode Island, ROCKEFELLER, BOXER, DURBIN, and LEVIN for cosponsoring this measure.

I ask unanimous consent to add Senator LAUTENBERG as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. The structure of our bill is simple: If your total income—capital gains included—is over $2 million, you calculate your taxes under the regular system. If your effective rate turns out to be greater than 30 percent, you pay that rate—the same rate you would pay without the bill.

If, on the other hand, your effective tax rate is below 30 percent—like the 11 percent tax rate Warren Buffett paid in 2010—then you would pay the fair share tax of 30 percent instead.

Taxpayers earning less than $1 million—which is more than 99.8 percent of Americans—would not be affected by this bill at all. For taxpayers earning between $1 million and $2 million, the fair share tax gets phased in. Ultimately, when you earn over $2 million, you are subject to the full 30-percent minimum rate.

The one exception the bill makes to the 30 percent minimum is to maintain the incentive for charitable giving. Under the bill, taxpayers are permitted to subtract the same amount of contributions allowed under the regular income tax from their taxable income. The reason for this one exception should be self-evident: charity benefits others and taxpayers should be encouraged to give.

Some say, given our fragile economic recovery, now is the wrong time to raise taxes on anyone. While middle-class families continue to struggle through the recovery, it seems the boom times have already returned for those at the very top.

According to a recent analysis by University of California at Berkeley economist Emmanuel Saez, 93 percent of the income growth in 2010 went to the top 1 percent of income earners. Even more astounding, 37 percent of the income growth in that year went to the few thousand taxpayers in the top 0.01 percent. With so much income growth at the very top and with looming budget deficits, it is hard to argue that people with 7-, 8-, 9-, or even 10-figure incomes can't afford to pay a reasonable tax rate.

To be clear, it has been said on this floor this is a tax on investment and this is a tax on job creation. That is wrong. This is a tax on one thing: income.

Republicans have criticized the amount of revenue that would be generated by the bill. The ranking Republican on the Senate Finance Committee called the $47 billion the Joint

Committee on Taxation has estimated a meager sum. Well, in Rhode Island, we don't consider $47 billion to be a meager sum. It is enough money, for instance, to permanently keep subsidized student loan interest rates from jumping from the current 3.4 percent to 6.8 percent in July, which they will do unless we act. If we could use this bill to offset the cost of keeping student loan interest rates low, then there are millions of students out there who would call that benefit something other than meager.

We could use the $47 billion on badly needed infrastructure projects and create 611,000 jobs nationwide. In Rhode Island, we have 11 percent unemployment and a long backlog of transportation infrastructure projects. At the top of that list is the viaduct bridge on Interstate 95 through Providence. This critical link along the northeast corridor running up through Rhode Island has wooden boards inserted between the I-beams underneath to prevent the concrete in the roadway from falling in on the traffic below. Also, where the Amtrak rails go underneath, there are wood planks to keep the roadway from falling in on the trains as they pass below. I don't think repair of this bridge and others would be meager at $47 billion worth, particularly if we put it into an infrastructure bank and leverage it for even more jobs.

It is worth noting this legislation would generate far more revenue than the $47 billion the Republicans complain of if the Republicans were to succeed in their quest to extend the very high-end Bush tax cuts. If the Bush tax cuts for people in this bracket continue, the revenue from the bill jumps from $47 billion to $162 billion over a 10-year budget horizon. Operating as a backstop, the Buffett rule can ensure those at the top pay a fair share no matter what loopholes, no matter what special treatments Congress adds to the Tax Code in the future.

Finally, the Senate Republican leader has described the bill as yet another proposal from the White House that won't create a single job or lower the price at the pump by a penny. Well, the minority leader is absolutely right. The aim of this bill is not to lower the unemployment rate or the price of gasoline. However, if you put the $47 billion into infrastructure, you could create 611,000 infrastructure jobs and a lot of good infrastructure as well. And if you put the $47 billion into LIHEAP, you could help millions of Americans pay their energy bills.

But let me add an additional point. The Republicans are claiming this bill, which is a tax fairness bill, not a job-creating bill, will not create a single job. Of course, if you spent the revenue, it would, but that is a separate discussion. At the same time they are making that point, the Republicans in Washington are sitting on our highway bill which creates 3 million jobs and they won't call it up on the House side because they do not want to rely on Democratic votes. Three million jobs are awaiting action in the House on the bipartisan Senate highway bill that had 75 Senators supporting it, and they won't call it up—the Republicans won't call it up—because they do not want to use Democratic votes.

What kind of Washington insider logic is that? People across this country who will go to work on those roads and bridges don't think that makes any sense. For Republicans now to be talking about jobs on this bill, while they have a jobs bill that creates 3 million jobs they are blockading in the House, the word ''jobs'' should turn to ashes in their mouths.

There are plenty of things this narrow tax fairness bill won't do. It will not bring world peace, it won't save endangered whales from extension, it won't cure the common cold. It will do none of that. It will restore the confidence of middle-class Americans in our tax system by assuring those at the very top of the income spectrum are not paying lower rates than regular families do.

In addition to restoring fairness to the Tax Code, the bill will generate considerable revenue to cut the deficit or invest in job creation and critical programs. I happen to think that tax fairness and tens of billions of dollars in revenue or deficit reduction are reasons enough to pass the bill. And if the Republican leader wishes to work with us on taxing other issues, I am wide open to that. But today's vote is about tax fairness. It is about undoing a gimmick in the Tax Code that allows people earning over $¼ billion a year to pay lower tax rates than truckdrivers.

Unfortunately, this has become a partisan issue, which is surprising, because the principle of a progressive Tax Code has always been a basic American tax policy principle. The arguments we are making today about paying a fair share were made exactly by Ronald Reagan. But things have changed and so there is this squabble. Even business owners support this bill. A recent poll conducted by the American Sustainable Business Council, the Main Street Alliance, and the Small Business Majority found that 58 percent of business owners said those making over $1 million a year are not paying their fair share in taxes and 57 percent supported increasing taxes for those at the top. That is out of the small business community.

These business owners know it is simply fair for the most fortunate and successful Americans to pay a larger share of their income in taxes than less successful families do. That is what a progressive tax system is supposed to do. That is what it has always done. Sadly, over the past few decades, as income has soared at the very top, the effective tax rates have plummeted.

This chart, prepared by Budget Committee chairman KENT CONRAD, shows the effective Federal income tax rate for the top 400 income earners since 1992. As you can see, there has been a dramatic drop from 1995 to 2008. These rates are for Federal income tax. If you add in the small amount of payroll taxes paid by those at the very top—which is a separate discussion, but they fall 100 percent on the income of middle-income families but only on a small portion of the income of super-high-end income families—the total Federal tax rate for 2008 goes up to 18.2 percent, counting in that withholding. That is, again, the effective Federal tax rate of that truckdriver in Providence. The trend in falling tax rates for those making seven figures in income or more has eroded the confidence of ordinary Americans who do pay their fair share.

I will conclude with one more quote. This is another quote from President Reagan's 1985 speech on tax fairness. This is President Reagan, the man whom so many conservative Republicans revere. He said:

> What we're trying to move against is institutionalized unfairness. We want to see that everyone pays their fair share, and no one gets a free ride. Our reasons? It's good for society when we all know that no one is manipulating the system to their advantage because they're rich and powerful.

That was President Reagan in 1985. Today, his party is defending that manipulation.

In the 27 years since that speech, the American playing field has been skewed ever more toward the rich and powerful. From bankruptcy reform, which favors big corporations over people, to the Citizens United decision, which has allowed corporations and billionaires to spend unlimited cash to influence American elections, to this lower tax rate for ultra-high income earners, the American people have simply not been getting a straight deal from Washington.

Many are calling the vote we will have on the Buffett rule bill today a test vote, because it is on a procedural motion, and the pundits don't expect it to pass. I agree. This is a test vote. But it is a test of a different sort. This is a test of Washington, DC, to do something that is simple, to do something that is right, and to do something that is fair for the middle class. If we proceed to and pass this bill, it will show the American people that Congress is capable of standing by their side, that Congress is capable of being on their side, that Congress is capable of saying no to a powerful and well-funded special interest. If we fail, it will indicate exactly what President Reagan feared—that the rich and powerful are able to manipulate the system to their advantage and we in Congress will do nothing about it.

One of the things America stands for in this world is that we are fair with each other; we get a straight deal and we give each other a straight deal. That is one of the ways in which America stands as an example to the rest of the world. There are plenty of countries where the internal political and

economic systems amount to a racket—a racket that is rigged for the benefit of the rich and powerful and against farmers and workers and small businesses and ordinary families. Some of those countries are so bad we call them kleptocracies. But that has never been America. That is not the America of the Founding Fathers. It is not the America of Ronald Reagan. It is not the America that shines its light into the four corners of the world as an example to the rest of the world. That is not the America we are here to serve.

We must be vigilant in protecting the ideals that make this country what it is. I urge my colleagues, Democrats and Republicans alike, to heed the words of President Reagan and to support this legislation, which will ensure that a favored segment of the highest earning Americans once again do something as simple as pay their fair share in taxes. Let us show the American people that our Nation does stand apart as an exemplar of fairness and of equal opportunity and of equal responsibility under the law.

I thank the Chair. I see colleagues in the Chamber, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. PORTMAN. Mr. President, we stand here today, the day before tax day—the day when all Americans have to get their income taxes together—and we also stand here in the middle of the weakest economic recovery since the Great Depression—a time when economists across the spectrum agree there is an urgent need for us to take our Tax Code and make it more efficient, to reform our Tax Code to help grow our economy and add jobs. And instead of an administration or leadership in this body proposing serious tax reforms that will actually get people back to work, we are spending this week debating a political proposal that no one can credibly argue will create a single job, except maybe some tax accountants because it adds more complexity to an already way too complex Tax Code. Unfortunately, this has become ''tax gimmick week'' here in Washington.

It is particularly disappointing because as a Nation we are stuck in an historically weak economy with high unemployment, record long-term unemployment, and anemic economic growth. This recovery we are in is different, sadly. We are still millions of jobs down from where we were at the start of the recession, which was about 4 years ago. It is interesting to compare it to other recoveries.

In 2001, the so-called jobless recovery, at this point in the recovery about 4 years after the recession, the Nation had not only brought back all the jobs that were lost in the recession but we had added hundreds of thousands of new jobs.

Even in 1981, considered the deepest recession in modern history before the most recent one, at this time 4 years after the recession we had added 6 million new jobs to the economy.

Unfortunately, today, as we stand here, we are still down 5.5 million jobs. So instead of adding 6 million jobs, as we had during the Reagan administration after the 1981 deep recession, today as we stand here we are still trying to find how to add back the jobs we lost in the recession, 5.5 million jobs, 5.5 million families across this country who continue to look for hope and opportunity.

So in the midst of this weak recovery, the weakest since the Great Depression, I think it is reasonable to expect that the President of the United States and the U.S. Congress would focus on real solutions to create jobs; in particular, real solutions to reform our inefficient, complex, and outdated Tax Code, because there is a consensus out there we need to do that.

To make the Tax Code more pro-jobs, to encourage work and savings and investment requires broad-based reform, and everybody knows it. The President's own commission, called the Simpson-Bowles commission, recommended it. Most recently, the President's own Jobs Council recommended it.

We need a proposal taken up by this Senate that is driven by good economics. Instead, what we are getting this week is one that is driven by campaign rhetoric. My colleagues on the other side of the aisle will soon bring to the floor President Obama's proposed new tax targeting investment income, the Buffett tax, named after businessman Warren Buffett, which imposes a 30-percent minimum tax on anyone earning over a certain amount—$1 million. Interestingly, for all of the chest thumping about this is going to reduce our deficit, this new tax will bring in less than one-half of 1 percent of the annual individual income taxes that are paid. By the way, this will be enough to pay 1 week's interest on our $15 trillion national debt. That is it. So it is certainly not about deficit reduction at a time of trillion-dollar deficits.

The President also says his new tax on investments on American businesses is necessary to, as he said, invest in what will help the economy grow. This apparently means this will result in more government spending. Private enterprises that actually create jobs apparently are not the ones that will be making the investments. Instead, it will be investments through government spending.

I think the Buffett rule is bad economics, I think it is bad fiscal policy, and I think it is a distraction from the broader bipartisan effort underway to achieve fundamental tax reform that is necessary to unleash a true economic recovery—the proposals built, by the way, on this notion that I heard from my colleague a moment ago that the Tax Code is not progressive. We can argue about what progressive means, but here are some statistics:

According to the Tax Policy Center, the top 1 percent of income earners in this country pays a 28-percent Federal tax rate. By contrast, Americans with incomes between $60,000 and $100,000 pay a 19-percent tax rate. Those earning between $35,000 and $60,000 pay a 14-percent tax rate.

Another way to look at this is that the top 1 percent of taxpayers now pays 39 percent of all Federal income taxes. The top 10 percent now pays 86 percent of all Federal income taxes. Those below the 50-percent mark now pay 1 percent of Federal income taxes. Is that progressive or not? I would say it is progressive.

To my colleagues who are saying the income tax is not progressive, I don't think that is the concern here. I think the concern is we have an income tax code that has too many preferences, deductions, credits, exemptions—by the way, mostly taken advantage of by wealthier taxpayers. We ought to reform the Tax Code.

But because the Tax Code is already so progressive, as we talked about, this proposal from the President works primarily by increasing the tax a lot of wealthy people pay on investment income, primarily what is known as long-term capital gains. Capital gains have historically been taxed in this country at a lower rate for individuals, and they are taxed at a lower rate for good reason: Capital gains are the return on longer term investments and enterprises that create jobs. That is something that we have always wanted to encourage in this country. A lower tax on capital gains drives job-creating investment. According to the nonpartisan Congressional Committee on Taxation, it increases wages over the long run. So by having a lower rate for capital investments, long-term investments in job creation, it will increase wages in the long run.

By the way, that is why Presidents Kennedy, Reagan, Clinton, and Bush all backed capital gains rate cuts. As President Kennedy said so well: A rising tide lifts all boats.

Second, we should realize that raising the capital gains rate doesn't translate directly into higher revenues. Why is that? It is because it is an elective tax. Think about it. You only pay it when you choose to sell an asset, when you choose to realize what is called a gain when you sell something. So you don't have to incur this tax. Common sense, economics, and experience teach that a higher capital gains rate causes some investors to hold assets rather than sell them, just as a lower capital gains rate will encourage more people to sell an asset because the rate will be lower. And this is what has happened: After every recent capital gains rate cut, in 1981, 1997, and 2003, capital gains revenues actually increased.

So you had a cut in the rate in 1981, 1997, and 2003, and what happened? The revenues actually increased: Lower rate, higher revenues. How could that be? Well, because with the lower rate people sold more assets and created more economic activity.

Capital gains tax rates increased between 37 and 114 percent over 4 years, and that is after inflation. By contrast, after a capital gains rate increase took effect in 1987—that was talked about a moment ago—capital gains revenues actually dropped 55 percent over the next 4 years.

So we can debate what the rate ought to be, but the fact is to say that there is going to be a direct correlation between raising that rate and more revenue simply is not borne out by historical experience or by common sense.

Third, unlike other types of income, capital gains are often double taxed. Think about a typical capital investment, someone buying corporate stock—that is the most typical one, holding that stock for over 1 year—you have got to hold it for over 1 year—and then selling it for a profit. That gain has already been subject to a 35-percent rate at the corporate level. It is then followed by the capital gains rate, now at 15 percent, when the shareholder sells, for a combined 45-percent tax on that capital investment.

By the way, with global competitors such as Canada, Japan, the United Kingdom, and others moving to cut their corporate tax rates in order to create jobs, this new tax on capital investment would move the United States farther backward in terms of being competitive in the global economy. Our corporate tax rate is already higher than all of our major foreign competitors. As of April 1, Japan lowered theirs, making us No. 1 in the world in something you don't want to be No. 1 in, which is the highest corporate rate. We don't need new barriers to growth and job creation, and that is what would result.

Instead of an election year gimmick that won't help the economy, it is time to focus on fundamental tax reform to make American businesses and workers more competitive again, as the President's own Simpson-Bowles commission has recommended and as the President's own Jobs Council has recommended.

I agree with what former Clinton Budget Director Alice Rivlin said about the Buffett tax, which is the way to fix the Tax Code is to fix the Tax Code, not to add another complication at the margins. The Buffett tax is an election year distraction from serious reform. Why not focus on the elephant in the room—an outdated and complex Tax Code that is hurting our economy, weighing down our economy, making it harder for us to get out of the kind of doldrums we are in right now with this weak recovery.

I believe there is a consensus among economists and serious thinkers across the political spectrum, Republicans, Democrats, and Independents alike, that with an increasingly competitive global economy, we have to reform our Tax Code to help us get out of this rut we are in, this historically weak recovery that leaves too many people vulnerable, too many parents wondering if the future is going to be brighter for their kids and grandkids, as it was for them.

I believe there is also a growing bipartisan consensus about how to do it, which is that we ought to do it by broadening the base—meaning getting rid of some of these growing credits and deductions and exemptions I talked about earlier, lowering the marginal rates on American families and on our businesses to be able to create jobs. That will ensure that those who can afford to pay more will pay their share—their fair share. And the economy will grow, a rising tide lifting all boats, truly helping families who are worried, for good reason, about their economic future.

The American people don't deserve more gimmicks, as we will see this week in Washington. They deserve real leadership.

Mr. President, I yield the floor.

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

Mr. WHITEHOUSE. Mr. President, it is interesting that my Republican colleagues tend to refer to this as a tax gimmick. It was referred to as tax gimmick week because we are considering having people earning a quarter of a billion dollars pay a rate equal to what a truckdriver pays. That doesn't sound very gimmicky to me. That sounds like pretty Main Street fairness to me.

But the bottom line is there is a gimmick at stake. It is the gimmick in the Tax Code that allows for that to take place, that allows for a hedge fund billionaire to claim a lower rate than a truckdriver. So if there is a gimmick here, it is the gimmick we are trying to remove. It is not a gimmick that we are trying to pursue.

It has been said this is a tax on investment, a tax on job creation. It isn't. It is a tax on income, when it is declared as income. And if our purpose should be how to add back the jobs lost in the recession, we just passed a highway bill with 75 Senators supporting it, only 22 opposed—which, as we know around here in this partisan environment, is a landslide. It came out of the Environment and Public Works Committee unanimously. It had 40 amendments accepted, and now 3 million jobs are bottled up on the other end of this hallway in the House of Representatives because the Republican Speaker doesn't want to use Democratic votes. If you want to do something about jobs, tell the Republican Speaker to pass the Senate highway bill. It is as simple as that, 3 million jobs, bipartisan. So when we talk about jobs, I have a good recommendation: Pass the big highway jobs bill that is being kept bottled up here.

The other point I wanted to make on the question of whether the tax system is progressive, the IRS and the Federal Reserve point out that the top 1 percent in America in terms of wealth controls 33.8 percent of the Nation's wealth, but the top 1 percent in taxes pays only 28.3 percent of the taxes when all taxes are taken into consideration. The top 5 percent controls 60 percent of the Nation's wealth, but the top 5 percent in taxes only pays 44.7 percent. So if you want to take numbers sort of without context, you can make it look as if it is very progressive, but when you measure against the wealth inequality in this country and the income inequality in this country, it is hard to say we actually are running a progressive tax system. And that is why, as Reuters reported, about 65 percent of taxpayers who earn more than $1 million face a lower tax rate than the median tax rate for moderate-income earners making $100,000 or less a year, according to the Congressional Research Service.

MATT RUTHERFORD'S SOLO SAIL

Mr. HARKIN. Mr. President, before the Easter recess, I came to the floor to talk about a truly remarkable American—a visionary, a dreamer, an adventurer, and, most importantly, a young man who has devoted himself to service to others far above and beyond the call of duty. The young man's name is Matt Rutherford, an Ohioan. He turned 31 about a week ago.

Here is what he has done in almost the last year. On June 13 of last year, this then-30-year-old young man got onboard a 36-year-old, 27-foot-long Albin Vega sailboat, a small sloop-rigged sailboat, and he set out on one of the most audacious adventures ever contemplated by any sailor.

He set out to circumnavigate the Americas, solo and nonstop. Here is what he did. On June 13 of last year, he left Annapolis on this small 27-foot sailboat. He sailed out of the Chesapeake Bay, he sailed up around Nova Scotia, Newfoundland, Labrador, all the way up by Greenland—all by himself—and then sailed the Northwest Passage, all the way through the Northwest Passage here.

If I remember right, he has been certified by the Scott Polar Institute in Cambridge, England; he has been recognized as the first person in recorded history to make it through the fabled Northwest Passage alone and nonstop in such a small sailboat. He came through the Northwest Passage, rounded Alaska, went from Alaska all the way down to Cape Horn.

Again, if you know anything about the treacherous waters of Cape Horn, you know someone in a small 27-foot boat probably doesn't have much chance of making it, but he did it. He went around Cape Horn, all the way up the coast of South America, up through the Caribbean, and today as I stand here and speak, he is just outside of the mouth of the Chesapeake Bay, off the coast of Virginia, the North Carolina-Virginia border, and is going to make landfall this Saturday in Annapolis, 313 days after he started—solo, nonstop, never touched land. This is one of the most historic adventures ever undertaken by a human being,

solo, nonstop, around the Americas—313 days in treacherous waters. He has not set foot on dry land for the entire journey. He has not stopped.

I have had the privilege of talking to Matt. I never met the young man—not yet—but I had the privilege of talking with him on his satellite phone just last week, when he said to me it would probably be the last phone call he would make because all of his equipment is now starting to fail. He said: It is like the boat is talking to me, and it knows the journey is almost over. His solar panels have died, his wind generator is gone, his engine doesn't work, and he is out of power. He is only under sail, he has no engine any longer, and he says that when big waves hit, the boat creeks and groans. He is just about to make it into the mouth of the Chesapeake Bay. What a tremendous adventure. Right now he is about 15 miles off of Kitty Hawk, NC. So 313 days after he began, he will make landfall this Saturday at the National Sailing Hall of Fame dock in Annapolis, MD. That will be the first time he will set foot on dry land in 313 days.

I am in awe of Matt's courage, his character, and his audacity to do this. He is in a class with a tiny group of explorers and adventurers, pathbreakers who defied odds to accomplish greatness. I think of Joshua Slocum, the first person to sail singlehandedly around the world. It took him 3 years. He covered 46,000 miles. He made many stops, but he did it between 1895 and 1898—the first known solo circumnavigation of the Earth. I think of Sir Francis Chichester, who sailed from Plymouth, England, in 1966, the first person to achieve a true circumnavigation of the world solo, from west to east, via the great capes. He did so in 226 days with one stop in Australia. I think of Dick Rutan and Jeana Yeager and their Voyager aircraft—now hanging in the Smithsonian—in 1986, the first to fly around the world nonstop without refueling. I think of the extraordinary feats of physical endurance and courage of Robert Peary in 1909, the first person to reach the North Pole; Roald Amundsen in 1911, the first person to reach the South Pole; and Sir Edmund Hillary in 1953, the first person to climb Mount Everest. Matt Rutherford now finds himself in this very exclusive company and club of audacious adventurers.

However, I would say Matt Rutherford has in important ways surpassed the feats of, say, Slocum and Chichester because Slocum and Chichester made stops during their voyages. Matt is accomplishing his voyage solo, nonstop, on a small 36-year-old boat, 27 feet long, best suited for weekend sailors who do not want to venture outside of the Chesapeake Bay. As I said, the Scott Polar Institute in England has already recognized him as the first person in recorded history to make this sail solo through the Northwest Passage in a small sailboat.

Here, again, is where Matt is in a class by himself. Why is he doing it? Yes, he is going to set a very fantastic record. It has never been done before. But he is doing it to raise money for Chesapeake Region Accessible Boating—CRAB for short. It is an Annapolis-based organization that provides sailing opportunities for physically or developmentally disabled persons. You can see now why I am so interested, as the lead sponsor of the Americans With Disabilities Act. I am deeply impressed by the fact that Matt has undertaken this historic voyage in a cause larger than himself to make it possible for more people with disabilities to have the opportunity to experience and enjoy boating and sailing. One of the fundamental goals of the Americans With Disabilities Act is that people with disabilities should be able to participate fully in all aspects of society, and that includes recreational opportunities such as sailing, which can be exhilarating and empowering for children and adults with a wide range of disabilities.

I salute Matt for his courage. He is almost home. He will be here this Saturday. Here is the young man sitting on his boat. I assume that picture was taken when he was up in the Northwest Passage because he looks pretty cold, but he is a young man with extreme courage. What an audacious undertaking. People advised him no, that he could never do it, that the odds of him surviving through all these treacherous waters were very small, but he decided to do it nonetheless. He is setting a tremendous record. I salute him for wanting to share his love of sailing with the disability community, for using his adventure to raise awareness and expand access to sailing to Americans with disabilities.

I say to all, if you want to learn more about Matt and the mission, you can go to his Web site. It is very easy to remember; it is just solotheamericas.org, www.solotheamericas. You can go back and follow him through this entire journey around the Americas—solotheamericas.org.

I applaud Matt Rutherford for his vision and spirit. I wish him safe passage during this final leg of this epic journey. I hope to have the honor of meeting him and thanking him upon his return. Matt Rutherford is one of those remarkable human beings who dream big, driven by big challenges, who refuse to accept the limits and boundaries so-called reasonable people readily acknowledge, who put aside fear in order to accomplish great and good things, not just for themselves but for others. That is Matt Rutherford. I again applaud him for his courage and for sticking with it. It is one of the great feats of ocean sailing that have taken place in the entire history of sailing the great oceans. He will be back this Saturday. As I said, we hope he has fair winds and a following sea for the next 4 or 5 days.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, very soon the Senate is going to be voting on whether to invoke cloture on the motion to proceed to Paying a Fair Share Act of 2012, to enact the so-called Buffett rule. It is ironic that we would be debating that subject right now because there is so much work we ought to be doing that would actually address the fundamental problems our economy is facing right now.

If you look at the President's focus on this particular issue and you look at what his economic record consists of since he became President, here is what we are looking at. Gas prices are up 111 percent since President Obama took office. There are now 38 months in a row where we have had unemployment that exceeded 8 percent. We have seen college tuition go up by 25 percent. We have seen health care costs go up by 23 percent. The number of people on food stamps in this country is up by 45 percent. The Federal debt we are handing off to our children and grandchildren is up by 47 percent. That is this President's economic record.

It is ironic that we are here today talking about something even the White House admits is a gimmick that would do nothing to reduce the Federal debt, strengthen the economy, or move us toward the fundamental tax reform that is sorely needed for this country.

On April 1, just over 2 weeks ago, America claimed the dubious distinction of having the highest combined corporate tax rates among advanced economies when Japan implemented its corporate rate tax reduction. Yet, rather than debate how best to reform our Tax Code to help American companies compete in a global economy, we are instead spending our time on a politically motivated measure that everybody knows is not going to become law.

Before we consider why the Buffett rule is bad tax policy, let me start by acknowledging just how inconsequential this change in law would be. According to the Joint Committee on Taxation, the bill offered by Senator WHITEHOUSE would raise tax revenue by $47 billion over the next 10 years. This means the legislation, if enacted, would raise each year about half of what the Federal Government spends every single day. Think about that for just a moment. President Obama has been flying around the country touting the importance of a proposal that, if enacted, would raise about half of 1 day's worth of Federal spending. So between now and this time tomorrow we will actually spend more Federal tax dollars than what this would bring in in an entire year. Put another way, the revenue this legislation would raise each year amounts to .03 of 1 percent of the $15.6 trillion national debt—.03 of 1 percent of the Federal debt. This bill would raise less than 1 percent of the $6.4 trillion in deficits projected over the next decade under the Obama administration's budget.

This bill is clearly not about deficit reduction or taking any meaningful action to get our fiscal house in order.

What then is this legislation about? The President and many Democratic Members of Congress stated they believe the Buffett rule is about ''tax fairness.'' Their view is that wealthy Americans are not paying their ''fair share.'' Unfortunately for supporters of this legislation, the facts simply don't support that view.

According to the Organization for Economic Cooperation and Development, the United States already has the most progressive income tax system among its 34 member nations. In fact, in 2009 the top 1 percent of taxpayers by adjusted gross income paid 37 percent of all Federal income taxes even though they only accounted for 17 percent of all income. Let's take the top 5 percent of taxpayers. They paid 60 percent of all income taxes even though they only accounted for 32 percent of all income. In 2009, taxpayers with over $1 million in adjusted gross income accounted for 10 percent of income reported but paid 20 percent of income taxes.

In terms of effective income tax rates, the Congressional Research Service recently reported that the average effective tax rate among millionaires is already 30 percent. It is true that some millionaires such as Warren Buffett pay a lower effective tax rate because they get a large percentage of their income from capital gains and dividends. The lower tax rate on investment income is not a tax loophole; it is the result of a deliberate policy by Congress and past Presidents to encourage new investments in our economy.

In fact, in 1997, Democratic President Bill Clinton signed into law a reduction in the capital gains tax rate from 28 percent to 20 percent. What was the result of that rate reduction? Taxable capital gains nearly doubled over the next 3 years. Unemployment fell below 4 percent, and the increased Federal revenue from capital gains realization held a Federal budget surplus.

But rather than learning the lesson that lower taxes on investment income lead to more investment, the Buffett tax would take us in the opposite direction. The Buffett tax is nothing more than a backdoor tax on the nearly 60 percent of all capital gains and dividend income earned by upper income taxpayers. We can debate about how best to encourage new investments in clean energy and high technology or in other important sectors of our economy, but I hope we can all agree that raising taxes on these investments is not the best way to encourage them.

We should bear in mind that the current U.S. integrated tax rate is 50.8 percent, the fourth highest among OECD nations. It is bad enough that America has the highest combined corporate tax rate. Perhaps some supporters of the Buffett tax would also wish us to have the highest tax on investment income as well. Simply put, the Buffett tax is a solution in search of a problem. Wealthy Americans are already paying a huge share of income taxes. And for that small minority of wealthier Americans such as Warren Buffett who feel compelled to pay higher taxes to the Federal Government, I propose that we make it easier for them to do so.

Last October I introduced the Buffett Rule Act of 2011, which currently has 40 cosponsors here in the Senate. My legislation would create a box on the Federal tax forms that individuals or businesses could check if they wish to donate additional dollars to the Federal Government for debt reduction. We should make it as easy as possible for those who want to pay higher taxes to voluntarily make those payments, but let's not impose a new tax on entrepreneurs and small business owners who believe they can spend their own dollars better than Washington can.

Some have attempted to characterize this bill as a step toward comprehensive tax reform. When I say this bill, I am talking about the bill we are going to be voting on later. Unfortunately, it is exactly the opposite. Comprehensive tax reform is needed for many reasons, but one major reason is because we desperately need to simplify our convoluted tax system. How is a bill that adds a new layer of complexity to the Tax Code a step toward comprehensive tax reform? It is bad enough that we already have an alternative minimum tax that snares millions of American families. The Buffett tax, if it is enacted, would become an alternative alternative minimum tax. It would be a new layer of unnecessary complexity on top of an already existing layer of unnecessary complexity.

We should not forget that the alternative minimum tax was originally put in place back in 1970 to ensure that 155 wealthy Americans paid a higher rate of tax. Yet this year over 4 million Americans are going to be hit by the alternative minimum tax. In fact, if Congress does not act to enact the AMT patch for tax year 2012, the Congressional Budget Office projects that more than 30 million Americans will be subject to higher taxes due to the alternative minimum tax. Clearly Congress's record of targeting tax increases at only the very wealthy is not very good.

The Obama administration has stated that its intent is for the Buffett rule to replace the existing alternative minimum tax. Yet according to an analysis by the Joint Committee on Taxation, replacing the existing AMT with the Buffett tax would add nearly $800 billion to the deficit over the next 10 years. It is time for the gimmicks to stop and the Senate to get serious about the real tax issues that are facing us. The reality is we have a $5 trillion tax increase over the next 10 years—the largest tax increase in our Nation's history—staring us in the face come next year. If we don't act to extend the lower individual tax rates, the lower estate tax rates, the lower rates on capital gains and dividend and other expiring provisions, our economy will face a tax increase of over $400 billion in 2013.

Allowing 2001 and 2003 tax rates to expire would be an enormous tax increase on our economy equal roughly to 2.5 percent of the GDP. According to the Congressional Budget Office, allowing the new tax increase to go into effect would slow GDP from 0.3 percent to 2.9 percent. That would mean a loss of at least 300,000 jobs and could mean the loss of as many as 2.9 million jobs. This massive tax increase could mean the difference between a sustained economic recovery and falling back into recession.

Yet here we are today discussing a bill that would not extend tax relief for hard-working Americans. It would not forestall a massive tax increase on our economy. The bill before us would do one thing and one thing only, and that is target higher taxes on a smaller subset of our population in order to serve a political purpose. It is time to end the class warfare of pitting one group of Americans against another and instead move forward with ensuring that tax relief is there for all Americans. I hope that once the cloture motion fails later today, we can pivot to what most American people want us to do and that is to enact measures that grow the pie, to expand our shared prosperity rather than the politics of envy and wealth redistribution.

The opportunity cost of all of these tax-the-rich proposals offered by our Democratic colleagues—whether the millionaire surtax or Buffett tax—is that they distract us from what should be our focus, and that is fundamental tax reform.

The former Director of the CBO, Doug Holtz-Eakin, recently released a study where he estimated that comprehensive tax reform could raise the rate of GDP growth by at least 0.3 percentage points annually. This faster rate of GDP growth would result in increased Federal revenues in the range of $80 billion to $100 billion each year, much more than the Buffett tax is projected to raise.

So I will say to my Democratic colleagues, if you want tax policies that raise more Federal government revenue, broad-based, comprehensive tax reform is the way to get there. But, of course, tax reform is going to be difficult and it will require Presidential leadership as much as it required Presidential leadership back in 1986. It is easier to promote measures such as the Buffett tax that do nothing to improve our tax or our economy but that make for a good 30-second political ad.

I understand why some of my colleagues want us to have this political debate today, but I hope we can move quickly to real progrowth tax reforms. That would be the best means by which to promote real tax fairness for all Americans. I believe all Americans want to see this Congress working in a way that expands the pie, not redistributes it.

We should be looking at ways we can grow the economy and make and create more jobs for more Americans, raise the standard of living, quality of life Americans enjoy in this country. It is clear the one way not to do that is to raise taxes on the people who invest and create jobs in this country, and that is precisely what this particular tax would do. It is the wrong approach. It is clearly motivated by political purposes, nothing more than to create a good 30-second political ad in an election year. If the American people see through this, they understand what plagues Washington, DC, is not a revenue problem, it is a spending problem.

For those who want to pay more, we have a way of doing that. Let's enact legislation that allows people in this country who have that kind of income to be able to check a box to contribute more in tax revenue toward tax reduction, but let's not impose and require and mandate these types of taxes on the people in this country who are creating the jobs and have an opportunity to help us grow this economy and put more people back to work. After all, that is what the American people want us to be focused on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MONTANA NATIONAL GUARD

Mr. BAUCUS. Mr. President, tomorrow 145 Montana Guardsmen will kiss their husbands and wives, hug their children, say goodbye to their friends, and get on a plane from Billings, MT to Afghanistan. Two weeks from today 95 more Montanans will do the same. Together these 240 Montana Guardsmen are in the long line of thousands of Montanans to deploy since 9/11. More Montanans signed up for service after 9/11 than any other State in the country per capita. Since then, 6,668 Montana Guardsmen were deployed. Montana's Guard has deployed at among the highest rate in the country.

Each and every deployment requires enormous sacrifices from the Guardsmen themselves, their families holding down the fort at home, their employers, and entire communities. They make these sacrifices quietly. They perform their missions with excellence, professionalism, and without bragging. So I want to do a little bragging on their behalf and salute each and every one as they prepare for combat.

The 484th Military Police Company leaving tomorrow is based in Malta, Glasgow, and Billings. Their mission will be to help train the Afghan national police. They will be immersed in the Afghan culture, working hand in hand with the local officers deep in the heart of the city precincts. What an incredibly important and challenging task, and they are ready.

They have been training hard for this job for more than a year. Many of them will bring invaluable experience in civilian law enforcement that will be critical to this mission.

The 260th Engineering Support Company will also leave Montana April 30 for a year-long tour in Afghanistan. The unit is from Miles City, Culbertson, and Sidney. They will perform the dangerous mission of clearing explosives off roads and protecting U.S. convoys from Taliban attacks. The 95 members of this unit have received specialized explosive training and they are ready to go.

This past February 60 members of the Bravo Company 1st of the 189th General Support Aviation Brigade left Helena for a tour in Afghanistan. Their unit flies and maintains six CH–47 Chinook helicopters and has a lifeline of supplies, ammunition, food, and water for air troops. They help get the troops where they need to go to accomplish their missions quickly and safely.

Last March, 12 Montana Guardsmen returned from duty in Iraq and Kuwait. They flew C–12s, getting troops where they needed to go to accomplish top-priority missions.

In 2011, nearly 100 Montana troops deployed again to Iraq. They were Charlie Company 1st of the 189th, and they were among the last of the combat troops on the ground. They provided medevac support for the famous road march that brought our troops out of Iraq from Camp Adder, near Nasiriyah, to the Khabari border crossing into Kuwait.

In 2010, more than 600 Montana Guard troops served in Iraq, and thousands more had deployed there in previous years.

Our Air Guard has been busy. In 2010, 99 members of the Red Horse squadron, an engineer unit, spent a year working in Afghanistan. They built about every kind of structure you can imagine to support the mission on the ground, from fixing airfields, so our troops could land and take off safely, to constructing observation towers vital to intelligence on the ground, to drilling wells to bring water to some of the most dangerous parts of the country.

At the same time, dozens of Montana airmen have deployed to support the Air Sovereignty Alert in the Pacific. They are our first line of defense in the Pacific, on call 24 hours a day, 7 days a week.

On top of all this, 53 Montana Airmen deployed individually to support missions over the course of the last year in Bahrain, Cuba, Djibouti, Kuwait, Kyrgyzstan, and a number of other locations around the world.

The Guard has their mission at home as well. When flooding hit Montana last week, the Montana National Guard troops were some of the first folks to respond with a helping hand. When Highway 12 was washed out, the town of Roundup basically became an island. The Montana Guard was their bridge, carrying supplies back and forth.

It is an understatement to say these guys are busy. They are volunteers, and they are balancing their military service with their civilian careers at home. We can't thank them enough for what they are doing.

It is hard to capture the nature of their service unless one has seen it firsthand. During my visit to Afghanistan, I was so impressed by the service and professionalism of our troops serving there. They were remarkable.

One brief story from a guardsman serving in Iraq in 2011 captures the spirit of who those men and women are. Montana Specialist Chvilicek was serving as a medic in a convoy near Balad. His convoy hit an IED which cut Specialist Chvilicek's arm and ear with shrapnel. Instead of attending to his own wounds, Specialist Chvilicek immediately sprang into action, providing medical care to his fellow soldiers. That is remarkable, but it is not uncommon. That is exactly the kind of spirit these troops have.

Our Nation has been at war now for more than 10 years. These men and women represent the 1 percent of our country serving in the military who are bearing a very heavy load for the rest of us.

Montanans do not take these men and women for granted. Friends, families, neighbors and communities show up to wish them well when they deploy and greet them when they return home. They send care packages overseas and fill in as babysitters here at home. They provide hands to hold and ears to listen.

To every Montanan serving as part of that support system and to every employer of a national guardsmen: thank you for what you do.

Last year I had the honor of attending a deployment ceremony in Helena. A mother told me about what it was like when her husband was deployed.

To sum up what she said: It's not easy for these families. For months, there is one fewer helping hand around the house to help out with the carpools, the homework, the leaky faucets, the lawn mowing, and everything else that goes into raising a family day to day.

Our military families shoulder a heavy load to support the loved ones who deploy. But you will never hear them complain. They are proud of their service.

It is our job to do our part to make sure our troops and our families are taken care of when they come home. A big part of that is making sure they have jobs to come home to. Recent unemployment figures show that 9.1 percent of current or past members of the Reserve or National Guard were unemployed. In Montana that number is as high as 20 percent for our troops returning from Iraq and Afghanistan. We need to work hard to bring that figure down.

I was proud to work on getting a tax credit to help businesses hire our veterans.

And this week I am meeting with representatives from the Military Officers Association of America to discuss more ways we can help.

One important piece is simply getting the word out. With the help of the Iraq and Afghanistan Veterans of America the Employer Support of the Guard and Reserve, the American Legion, and the Veterans of Foreign Wars, we can make sure that both veterans and employers know about it and take full advantage of the credit.

In 1776, Thomas Paine wrote: ''These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman.''

The Montana Guardsmen leaving this month, their families and entire communities, will face a true trial in Afghanistan. We thank them deeply for their service and sacrifice.

To every Guardsmen deploying tomorrow: Thank you for your service. And good luck. Please know you are on our minds and in our hearts each and every day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I have risen many times over the past 3 years to talk about the bad policy choices of the Obama administration and the harmful effects of these policies on our economy and on the American people.

In many ways, the President's decisions have made things worse in our country. The bill before us today would impose what is being called the Buffett tax. It is just one more example of a policy that will hurt our economy, not help it. This tax will take money from the pockets of small businesses that they would use to create jobs. More than one-third of all business income reported on individual returns would be hit by this tax increase.

Back in September President Obama said this tax hike on American families would raise enough money not only to pay for his increased spending but it would ''stabilize our debt and deficits for the next decade.'' Back then he said: ''This is not politics; this is math.''

Of course, we now know the Buffett tax is only about one thing: politics. The increased tax revenue would amount to about $5 billion this year, which is about the same amount of money Washington will borrow over the next day and a half. The President would have to collect his so-called Buffett tax for more than 200 years just to cover the Obama deficit from last year alone. That is not just my math; that is the math from the Joint Committee on Taxation.

The Buffett tax will not fix Washington's debt because Washington doesn't have a revenue problem; it has a spending problem. Even one of President Obama's top economic advisers finally admits the Buffett tax will not ''bring the deficit down and the debt under control.'' Based on his record, it is clear the President would not put a single dollar raised by his new tax toward the debt. He will just spend it.

So the President has now changed his story once again. Now he says this is no longer a way to pay down the deficit. Now he says it is just a matter of fairness.

President Obama has been using the word ''fair'' in quite a few of his campaign speeches lately. It is a word of great appeal to most people. Just like ''hope'' and ''change''—the buzz words of the 2008 Presidential campaign—people can interpret it to fit their own meaning. President Obama's idea of fairness doesn't match up with the American people's idea of fairness.

Senator MCCONNELL earlier made reference to an editorial I wrote in Investors Business Daily. President Obama thinks it is fair that our children and grandchildren will be burdened with debt because of Washington's reckless spending, such as borrowing 42 cents of every $1 it spent so far this year. President Obama thinks it was fair to pile another $40,000 of debt onto every household in the United States over the last 3 years.

President Obama thinks it is fair to use college students as props for his campaign-style rallies without explaining how his bad policies will leave them in debt. President Obama thinks it is fair to force hard-working taxpayers to subsidize a wealthy person's purchase of a hybrid luxury car because it fits into his idea for American energy.

President Obama thinks it is fair to hand out hundreds of millions of taxpayer dollars to politically connected solar energy companies that then go bankrupt. President Obama thinks it is fair to tell thousands of workers they will not have jobs because he has blocked the Keystone XL Pipeline. Why? To solidify his support with a few far-left environmentalists.

President Obama thinks it is fair that more than half of his biggest fundraisers won jobs in his administration. That is right, more than half, which has been reported in the Washington Post. President Obama thinks it is fair to give important jobs to people who fail to pay their own taxes, such as his own Treasury Secretary.

Apparently, President Obama thinks it is fair that 3 years of the Obama economy have left us with more people on food stamps, more people in poverty, lower home values, higher gas prices, and higher unemployment.

There are many ways in which the American people's understanding of ''fairness'' differs from the way President Obama has been using the word. To the vast majority of Americans, ''fair'' means an equal opportunity to succeed. To President Obama, ''fair'' requires nothing less than a total equal outcome regardless of effort.

To most Americans, fairness allows for the pursuit of their own dreams. It also recognizes that no man and no government can provide a guarantee of success.

The waves of immigrants who have come to our shores over generations did so for freedom and for a chance to succeed. They did not come to be taken care of and to have every decision made for them by the government. That is what many of them were leaving behind.

When President Obama pushes for equal outcomes instead of equal opportunity, he is trying to pit one American against another. He is telling people it is not fair that someone else has something they don't have. That may be a clever campaign tactic, but it is not true, and it is bad for our country. One person getting more does not mean someone else has to get less. In America, it is possible for all of us to prosper. That is what made America different from the very beginning—the prospect that all of us can do better—not at the expense of our neighbors but by our own effort.

There is something that threatens to keep all of us from success. It is the thing that threatens to keep us all from passing on to our children the hope for their own prosperity. It is the crushing debt, the debt this administration has been forcing onto the backs of American workers. It is the mountain of bureaucracy that stifles American opportunity.

The old maxim says that a rising tide lifts all boats. President Obama seems to think it is better to put holes in all of the boats as long as that means they are all equal in the end. That is what he seemed to be saying in 2008 during one of the Democratic Presidential debates.

Moderator Charles Gibson asked then-Senator Obama why he favored raising taxes on capital gains. Our history clearly showed that when the tax rate has gone up, government revenues actually went down. Senator Obama said he wanted to raise taxes anyway ''for purposes of fairness.''

In the name of achieving what he considers to be fair, the President was willing to hurt millions of hard-working families who already paid taxes on their income—families who invested some of that income and now would have to pay higher taxes again when they decide to sell some of those investments. The President didn't even care if Washington ended up with less money as a result of his efforts to punish success. The only important thing was that he thought it would be more fair.

That is a pretty extreme definition of what ''fair'' means, and it is not one the American people share. In any fair society, doing better should be a consequence of one's efforts. To President Obama, fairness means getting something for nothing.

The American dream is about people using ingenuity, ambition, and hard work. It is about overcoming obstacles. Americans admire the inventor who works long hours in the garage, building and failing and trying again and again until this inventor succeeds. Americans speak with pride about having worked their way through college washing dishes, pouring concrete, flipping hamburgers—whatever it took for them to reach their goals.

Most Americans don't speak with pride about being bailed out by Washington or cashing a government check. The idea of people earning their success has been a vital part of our Nation's character since our founding. It does not come from government. It cannot be redistributed.

The more government tries to redistribute success, the more strings it attaches because a handout from Washington always comes with strings attached.

The President's health care law is a perfect example. It is built on shifting millions of people onto Medicaid, a program designed to take care of low-income Americans. Putting more people on Medicaid is not the same as giving them access to the medical care they need.

Giving people unemployment benefits and funding short-term stimulus jobs is not the same as freeing up employers to hire more workers and providing long-term jobs and actual careers. Handing out benefits from Washington may provide a safety net in the short run, but when the short run turns permanent it robs people of the tools and incentives they need to succeed. It does even greater damage to our economy when President Obama pays for it by piling more debt on the backs of American taxpayers.

We all recognize the value of the social safety net. None of us—I repeat, none of us—wants to eliminate that protection. To be true to this country's greatest traditions, it must be a real safety net to catch people who are falling. It must never become a net to entangle them so they cannot rise nor a comfortable hammock on which they choose to recline.

Somewhere along the way Washington twisted the honorable American impulse to care for the most vulnerable among us. That shift now threatens to produce a culture of dependency that weakens our society and hurts the people it was meant to help.

A half century ago, John F. Kennedy appealed to the great spirit of America when he said:

''Ask not what your country can do for you, ask what you can do for your country.''

Today, the Obama administration is trying to make Washington irreplaceable in the lives of Americans. The great irony, the great tragedy, is that no one is more trapped by this failed redistribution than the poorest—the people the President so often claims to be trying to help. That is part of the downside to the culture of dependency. It is why Washington can never provide for people as well as people could and should provide for themselves.

President Obama is focused on fixing all of the faults he sees in the American people. Republicans are focusing on giving the American people the opportunity to succeed using their talents and their hard work. When Washington tells people: Don't worry; your government will take care of all your needs, it does them no service. It only deprives people of their freedoms to make their own choices, to stand on their own two feet, and to earn their success.

The American people don't want Washington to pick winners and losers. They want a fair chance to win on their own. That is why they are asking for a clear and limited set of rules and the assurance that those rules apply to all of us, even those who donate to President Obama's reelection campaign. They are asking that the rules not change on the whims of some unelected bureaucrat in Washington. They want to know they still have the right to control their own choices.

President Obama says it is fair for Washington to make the decisions so that everyone is equal in the end. He says it is fair to take more money from hard-working families and small businesses through the so-called Buffett tax we are debating today.

Tax increases will not help our fragile economy, and they will not put the brakes on Washington's out-of-control spending. Republicans want to promote economic growth for everyone, not equality of outcome at everyone's expense.

Despite what President Obama may believe, America is not an unfair place. True fairness requires equal opportunity so all may pursue their American dream. That is what America was founded on, and that is the philosophy that must be allowed to lead us to a more prosperous future for all.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on the Buffett rule. How much time is allocated to me?

The ACTING PRESIDENT pro tempore. There is 18 minutes remaining on the Senator's side of the aisle.

Ms. MIKULSKI. Mr. President, I will take no more than 5 minutes.

I support the Buffett Rule because I do believe in fundamental fairness that if people live in the United States of America, if they benefit from the United States of America, both its national security and its public institutions, and the public progress because of that—such as public education, land-grant colleges—they need to pay their fair share. This is what America is all about, fairness. And we are all in it together.

I have heard all afternoon about, oh, this hard-working entrepreneur, and, oh, this hard-working small business person. Nobody gets to be that hard-working entrepreneur without the United States of America. They have gone to public schools. They have enjoyed public transportation. I could go through a variety of public institutions—safety in our dams, now cybersecurity, wars that are fought by our military for which they will not go or will never go. So we need to have a way of paying our bills.

When we hear the great President John F. Kennedy quoted saying: ''Ask not what your country can do for you, ask what you can do for your country,'' it is called pay your share.

Let's talk about what the Buffett rule actually is and what the Senator from Rhode Island is advocating—and I salute him for offering it. This would ensure that high-earning Americans who make more than $1 million a year pay at least 30 percent income tax on their effective rate on their second $1 million.

Let me repeat what this is. People's first $1 million they keep at the same tax rate it is right this afternoon. What we are talking about is changing the tax rate not on their first $1 million but on their second $1 million. I do not think that stifles entrepreneurship. I do not think it breaks the neck of small business.

I know so many small businesses. They like to make that million bucks and then pay that. What the small business needs is not more tax breaks; they need more customers, which is about more jobs.

I think this bill talks about this fairness. It would phase in additional tax liability for taxpayers earning between $1 million and $2 million to avoid a tax cliff, and they are saying: Oh, well, let's keep our money so we can give it to charity. This preserves the incentive for charitable giving.

Quite frankly, from what we are told, the highest earning 400 Americans make about $270 million each. They are the ones who paid an effective tax rate of 18 percent. Just think, they make $270 million. That is not exactly the entrepreneur in a garage. That is not exactly that small businessperson, a florist, or like my grandmother running that Polish bakery or like my father with his little grocery store.

Mr. President, $270 million each—they pay 18 percent. So here it is April 16, they paid 18 percent. That, by the way, is the rule. All we are saying is they can pay that 18 percent on their first $1 million, but on that second $1 million they have to get into the game and start to pay 30 percent.

I think this is a great idea. I want my colleagues, when we vote for cloture, to be able to do this. The Buffett rule supports fairness in the Tax Code so executives do not pay a lower rate than the people who work in the mail room or on the FedEx trucks delivering their products. It does support prosperity and entrepreneurship. As I said, it does not kick in until their second $1 million, and then it is phased in slowly.

A lot of people are saying: We do not want these handouts from the Federal

Government. It wrecks our entrepreneurship, our get-up-and-go.

I do not believe that. I do not believe that at all. If that were true, then why is it who gets the biggest handouts in our country but those who get tax earmarks. We eliminated them in the Appropriations Committee, but we are yet to eliminate the tax earmarks in the Tax Code.

Look how hard it was to get rid of the ethanol subsidy. Oh, my God. When we wanted to get rid of the oil and gas subsidy, one would think we were Darth Vader on the Senate floor.

So every time we want to take away a lavish tax break that only helps a few get more, we are stymied or stifled. Actually if they employed as many people in their businesses as they employ lobbyists in Washington, we would be able to lower the unemployment rate.

So the other party was willing to bring us to the brink of default—remember when we were dealing with the debt ceiling—rather than tax billionaires. We continue now to have that same fight. This legislation we would pass is a modest downpayment on reforming the Tax Code. We do have to make it fairer, but this is a firm way to be able to do it.

Sure, we have to look at the corporate tax code. We have to look at how to bring expatriated money overseas back home. Yes, we have to look at rates. Yes, by the way, we have to reward entrepreneurship and acknowledge the special challenges of being a small- and medium-size business. But that is long range, and under the arcane rules of our Senate we are now so stymied in bringing up that legislation.

We could at least take one giant step forward to make our Tax Code fairer by passing the legislation called the Buffett rule, named after Warren Buffett, one of our great American people, a guy who gives capitalism real meaning in our country. He says: Let me pay, and people like me pay, the same rate of taxes as my administrative assistant in the front office.

I think Buffett had a good idea. Let's codify it. Let's pass it in the Senate today.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, let's ask ourselves a question. What is the purpose of taxes? Do we tax people to punish them for their success or do we do it to raise revenue for the government? Well, the answer is, of course, at least up to now, the purpose of taxes is to raise the revenue the government needs to perform its duties and to do that in the least harmful way possible.

President Obama, however, has a different idea about the purpose of taxes. He thinks the government should take more from some people just because they are rich, even if the tax increases hurt the economy.

So this week the Senate will vote on what is called the Pay A Fair Share Act or, as described by President Obama, the Buffett tax. This legislation would create a new 30-percent alternative minimum tax for filers who make $1 million or more, which would include many successful small businesses. Unfortunately, the legislation would hurt small businesses more than it would raise revenue for the government.

Today I want to talk about why this legislation is fundamentally misguided and why it would be harmful to businesses, workers, and the economy. The Buffett tax may make for good politics for President Obama on the campaign trail, but it is bad policy. It is deeply flawed.

First, let's start with its premise. There is a key misconception about Warren Buffett's tax rate. The notion that Mr. Buffett pays a lower tax rate than his secretary is based on a fundamental misunderstanding of the Tax Code.

Mr. Buffett—and, I would add, many older Americans—obtains most of his income from investments. That income is taxed at the capital gains rate. Mr. Buffett and President Obama would have us believe capital gains income gets preferential treatment in the Tax Code, but that does not tell the real story.

Capital income is actually taxed twice. First, it is taxed at the 35-percent rate that corporations pay on their income—it is taxed; the money is paid to the government—and then it is taxed again when the distribution of capital gains or dividends is made to the investors, when it is passed on to shareholders as dividends or capital gains. That means the tax rate is already far higher than 30 percent. It is actually not exactly 30 plus 15 percent, but it is higher than 30 percent, and it is closer to 45 percent.

President Obama ignores these facts when he says Mr. Buffett pays a lower tax rate than his secretary. We have to count it twice, not just the second time.

That leads me to my second point: the fairness of the current Tax Code. Does it really favor the wealthy at the expense of others, as President Obama argues? Perhaps one could cherry-pick some random statistics to show that one person or another pays more or less, but the actual tax numbers show the real progressivity of the American Internal Revenue Code. Interestingly enough, among all the industrialized countries in the world ours is the most progressive.

In other words, the U.S. income-tax code has the wealthier people paying a far higher percentage of income taxes than any other country in the industrialized world—yes, even more than Sweden and even more than France and even more than the other countries in Europe.

According to Congressional Budget Office data, the average tax rate paid by middle-income Americans is 14.2 percent. In contrast, the average tax rate paid by a high-income American is 31.2 percent, more than twice as much. So the average tax the secretary or somebody else like that might pay is 14.2 percent. The average tax paid by high-income Americans is 31.2 percent.

Incidentally, President Obama's effective tax rate this year is 20.5 percent. Should he be paying more or is that enough? He has a tough job.

Here are some other interesting tax facts. The top 1 percent of taxpayers pays 38 percent of total income taxes—actually, I think these numbers are dated; it is now closer to 40 percent—and that top 1 percent of taxpayers only earns 20 percent of the total income.

So here is the question of fairness: We have the top 1 percent—they are the top 1 percent because they earn the top 20 percent of all income, the top fifth, but they pay almost twice as much in taxes, 38 percent in total income taxes.

How about the top 2 percent of taxpayers? Well, they pay 48.68 percent—nearly 50 percent, in other words—of income taxes, and they earn 27.95 percent of total income. So we have the top 2 percent paying almost half of all income taxes. Is that fair?

The top 5 percent pays 58.7 percent; earns 34.7 percent. The top 10 percent pays 69.9 percent—let's say 70 percent—so we have the top 10 percent of taxpayers paying 70 percent of all the taxes, earning 45 percent of the income.

Well, those are certainly the wealthy, and they are certainly paying a big share.

How about the less wealthy? Well, the bottom 95 percent—in other words, everybody but the top 5 percent—pays 41.3 percent of income taxes; earns 65 percent of the income. Is this fair? Maybe it is not fair that the top 2 percent pays almost half of all the income taxes. How much would be fair? Should they pay 90 percent, 95 percent?

How about the 50 percent of households that pay no taxes and yet receive the same or greater benefits than those who do? Is that fair?

The Joint Committee on Taxation estimates that 51 percent of all households, which includes both filers and nonfilers, had either zero or negative income tax liability in 2009. People who do not share in the sacrifice of paying taxes have little direct incentive to care whether the government is spending and taxing too much. Maybe that is why the President has no problem with even more Americans getting a free ride.

Here are a few more statistics. The highest 1 percent of income earners have not seen the share of the income tax burden decline. In fact, their share of income is essentially the same as it was in 2000, but their share of taxes paid is higher. Collectively, only taxpayers with incomes greater than $100,000 a year pay a share of taxes that is greater than their share of income.

Actually, I think it is hard to argue that our current Tax Code that taxes the wealthy to such a high degree is

unfair. While the President says it is not fair, I find it interesting that his own Treasury Secretary seems to agree that the current system is fair.

Let me read a portion of the transcript from a Finance Committee hearing with Secretary Geithner earlier this year. I asked him: Do you think it is fair that the top 1 percent of earners in the United States pays just about 40 percent of the income taxes? Secretary Geithner's response: I do, because I do not see how the alternatives are more fair. Next, I asked him if he thought it was fair that the top 3 percent pays as much as the other 97 percent of taxpayers in income tax. Secretary Geithner responded, ''Again, I do.'' So if we want an income tax system that is fair according to the Obama administration's own standards, we already have it. The argument that top-tier earners are not doing enough just does not hold water.

The third problem with the Buffett tax is that it would harm many small businesses. According to the most recent Treasury Department data, 392,000 tax returns reported income of $1 million or more. Of those, 331,000 reported business income and 311,000 met the Treasury's definition of ''business owner.'' So this is a tax that would disproportionately affect small businesses and other job creators.

Four out of five tax filers that would be affected by the Buffett tax are the very businesses we are counting on to lead us back to an economic recovery. If enacted, these tax increases would have a negative effect on employers trying to create jobs. And this is not just my opinion. Take, for example, the International Franchise Association, which recently said this: Franchise business owners could be significantly challenged to grow and create new jobs as a result of the Buffett rule, a tax increase on individuals and small business owners.

It continues:

> Taxing job creators will seriously impede the ability of franchise businesses to expand their operations and to create new jobs, particularly multi-unit franchise operators and the majority of franchise businesses who file their business income on their own personal tax return.

So these are the very folks the Treasury Department identified as paying taxes as individuals but who are, in fact, business owners.

Under current law, a massive tax increase on income, capital gains, and dividends is already set to occur on January 1 of next year. In addition, under ObamaCare, some Americans will be hit with a 3.8-percent investment surcharge beginning next year. Imagine what all of these taxes will do to small businesses and startup companies.

But that is not enough new taxing for President Obama in his war against investments and success. According to economist Stephen Entin, tax increases on capital are some of the most destructive to the economy. He estimates that tax hikes on capital gains, dividends, and the top two individual tax rates, which are already scheduled to occur in 2013, will shrink the economy by 6 percent, will lower wages by 5 percent, will decrease capital stock by almost 16 percent, and will lose the Federal Government almost $100 billion in tax revenue.

Adding an additional Buffett tax on capital will only decrease wages and economic growth even further. Why is this? Because high taxes on income, particularly investment income, depress capital formation. There are fewer investments, which damages the abilities of businesses to grow, to create jobs, or to pay higher wages.

I challenge my colleagues to ask a roomful of economists this question: Does increasing the cost of capital lead to higher or lower economic growth and job creation? Well, the answer is obvious. As President Kennedy said when he endorsed a capital gains tax cut, ''The tax on capital gains directly affects investment decisions, the mobility and the risk flow of capital, as well as the ease or difficulty experienced by new ventures in obtaining capital and thereby the strength and potential for growth in the economy.''

It is also important to remember that we are not making tax policy in a vacuum. We are competing for capital and investments with every other nation on Earth. The President has conceded that our high corporate tax rate harms our international competitiveness and has expressed tepid support for lowering it. But those benefits would be erased if capital gains taxes are increased dramatically.

As the Wall Street Journal points out, ''Lowering the corporate tax rate makes the U.S. more competitive, but the tax change is self-defeating if it's combined with an even larger rise in the investment income taxes on capital gains and dividends.''

According to a recent Ernst & Young study, the integrated tax rate on capital gains is already over 50 percent—50.8 percent to be exact. That is more than twice the rate in China, for example.

If Congress does nothing, capital gains rates will rise again to 56.7 percent next year. That is the second highest in the world. If the Buffett tax increase is layered on top, taxes will consume almost two-thirds of capital gains, and we will have the highest integrated rate by far of any of our international competitors. We have to remember that in a mobile world economy, capital is highly mobile. Does anyone believe that such a confiscatory capital gains rate imposed by the Buffett tax would not lead to less investment in the United States and more in other countries? As somebody said, this is not just shooting ourselves in the foot, it is shooting ourselves in the head.

Let me address President Obama's suggestions that the Buffett tax somehow constitutes fundamental tax reform and that President Reagan would have supported it. I think I can imagine President Reagan responding: Well, there you go again.

The Washington Post has a Fact Checker op-ed, and here is how they set the record straight on President Obama's claim that he was pushing the same concept—his words—as President Reagan:

> Contrary to Obama's suggestion that President Reagan was specifically arguing for a new tax provision aimed at the superwealthy, Reagan was barnstorming the country in an effort to reduce taxes for all Americans, mainly by cutting rates, simplifying the tax system, and eliminating tax shelters that allowed some people to avoid paying any taxes at all. In other words, Reagan was pushing for a tax cut for everyone, not just an increase on a few.
>
> Obama and Reagan did use similar anecdotes—and even the phrase ''fair share''—but in service of different goals.

President Reagan's tax reform should never be confused with a harmful political gimmick such as the Buffett tax.

I would like to show how higher capital gains taxes have a negative effect on revenue.

Ever since the bipartisan capital gains cut in 1978, a pattern has repeated itself over and over: Raising the capital gains rate reduces revenues. Lowering it has led to revenue increases. That is partially because capital gains taxes are an elective tax. The tax is only paid when investors sell their assets. And frequently they wait to sell their assets for the rates to go down when it will cost them less to sell those assets.

The Wall Street Journal recently produced a chart to this effect, and I am just going to summarize it.

In 1978 President Carter signed an amendment into law that cut the capital gains rate from 40 to 28 percent. What was the result? Less revenue? No. Revenue from capital gains increased by nearly $3 billion, and yet the rate was reduced.

Congress cut the capital gains rate again to 20 percent in 1981 as part of the Reagan tax cuts. As the Journal notes, revenue did not fall in 1982. By 1983 capital gains revenues soared to $18.7 billion: Lower rate, higher revenue.

In 1986 the capital gains tax rate was returned to 28 percent as part of the tax reform package. Guess what. Revenues soared as investors cashed in their gains before the tax increases hit and then plunged in 1987.

The point is investors get to play. They get to decide. When the rate goes down, they can sell their property with less cost. When the rate goes up, they hang on to their property. They do not sell it because they will have to pay more when they do.

In 1997 President Clinton and congressional Republicans cut the rate back to 20 percent, and revenues from capital gains doubled by the year 2000 to $127.63 billion.

The Journal notes:

> Congress shouldn't be fooled by government forecasters who predict a revenue boost

from a higher capital gains rate. They've blown this call every time.

My last point addresses what the Buffett tax would do for the Federal debt. The answer is next to nothing.

Let's examine the nonpartisan Joint Committee on Taxation's estimate of the revenue that would be raised from the Buffett tax. Bear in mind that these estimates do not include the effect on economic growth, which could dramatically reduce rather than raise Federal revenues, as history has shown. But let's take the score at face value. Even without counting the negative impact on the economy, the Buffett tax would raise a mere pittance in the scope of Federal budgets.

When President Obama first proposed the tax, he declared that ''it could raise enough money to stabilize our debt and deficits for the next decade.'' He said, ''This is not politics, it's math.'' Well, let's look at the math. The Joint Committee on Taxation estimate shows that the Buffett tax would raise only about $1 billion this year. So instead of a deficit this year of $1.079 trillion, we would have a deficit of $1.078 trillion. That does not exactly raise enough money to stabilize our debt and deficits for the next decade, as the President said.

Over the first 5 years, the Joint Tax Committee shows that the Buffett tax would collect about $14.7 billion. To put it in perspective, that will amount to less than. 08 percent of the projected national debt in 5 years. And in the year 2014 the proposal is estimated to actually lose over $6 billion in revenue. Why is this? Again, because capital gains taxes are largely voluntary. The investors targeted by the Buffett tax are generally able to decide when to sell an asset. They can manipulate their sale to stay below the triggering threshold of $1 million in the bill. This produces a lock, in effect, on capital as investments stay stagnant. So what is the end result? Little if any revenue is actually raised. Business investments decline. In turn, wages and hiring decline.

Again, if the purpose of taxes is to raise needed revenue rather than punish people, this bill completely flunks the test. So while this proposed tax increase might make some people feel good, it will not solve any of our budget problems. It will likely destroy jobs and growth, and, as history has shown, depressed economic growth from a tax increase will make our budget problems even worse than they are now.

In conclusion, the economy, as we know, is limping along at an anemic growth rate. Gas is $4 a gallon or more, and 20 million Americans are unemployed or underemployed. The economic downturn has taken a huge toll on American families. They want Washington to focus on legislation that will have an impact on jobs and gas prices. Instead, we are debating a show bill that has no chance of passing and would not create a single American job. What happened to jobs, jobs, jobs? Remember that four-letter word, ''jobs''?

The President claims to be focused like a laser on the economy. Instead, it appears that there is only one job that he is focused on with this political proposal. I submit that here in the Senate we should be focused on jobs and energy legislation that can pass, not tax hikes through show votes that are designed to fail.

Mr. ENZI. Mr. President, I rise today to express my disappointment that the administration and my friends on the other side of the aisle continue to avoid making the hard decisions to address our Nation's significant debt and annual deficits. Instead, they are turning the Nation's attention to a talking point, a shell, a sham, a political hoax designed to distract this country from our real financial problems and the real solutions we will need to get us out of this mess.

The Paying a Fair Share Act of 2012, dubbed the Buffett rule, that they describe as restoring tax fairness does nothing to address the fiscal disaster we are facing. The Buffett rule is, by President Obama's own admission, a gimmick. My friends, our country can no longer afford photo-op governance.

The national debt has risen to over $15 trillion, or nearly $48,000 per person in the United States, and this figure keeps rising under an administration that consistently fights spending cuts of any kind. We must make spending cuts if we are going to solve our fiscal problems.

Remember the President's debt commission, the Simpson-Bowles debt commission the President appointed then summarily ignored? Not everyone has ignored it. I continue to work with my colleagues on legislation to get the country back on track financially. I have introduced a bill called the one cent solution. It is also known as the penny plan or the 1-percent solution. My one cent solution bill would cut spending by 1 percent for 7 years and achieve a balanced budget in the eighth year. Every family can imagine taking one penny out of every dollar they spend. The Federal Government should be able to do the same.

In February, President Obama submitted his fiscal year 2013 budget proposal to Congress. I hope it was the last budget proposal he will have the opportunity to submit. Like his budget last year in the Senate, the President's Budget in the House this year failed to get a single vote. Even Democrats shunned it. It failed 414 to 0. The Buffett rule is pulled from the same bag of tricks.

Despite his promises of fiscal discipline and cutting the deficit in half by the end of his first term, President Obama presented the American people with another budget that spends too much, borrows too much, and taxes too much.

It is time for a change. Congress should take the lead by passing a budget that includes strong deficit reduction provisions and sets the country on a path out of our $15 trillion debt. When you are in a hole, you stop digging. When you are broke, you stop spending.

Rather than crafting a bipartisan measure to deal with these issues, the administration instead has turned its attention to the Buffett rule. This bill is symptomatic of a much larger problem plaguing this administration—the unwillingness to address the country's long-term fiscal imbalance and the diversion of the Nation's attention to a provision marketed as enhancing ''tax fairness'' that ultimately could impact very few taxpayers and does little to address the Nation's debt and deficits. The Buffett rule is estimated by the Joint Committee on Taxation to raise approximately $47 billion over 10 years under current law. Even if current tax rates are extended past their current expiration date of December 31, 2012, the bill is estimated to raise approximately $160 billion over 10 years. The Nation's debt level is now over $15 trillion, and yearly deficits are running over $1 trillion under this administration. This bill is not a significant debt and deficit reduction measure; instead, it is simply an attempt to raise taxes on owners of capital and job creators when they can least afford it. And, no, it is not a step in the right direction because it distracts us from real solutions. It is a political stunt.

The administration is ignoring the fact that four out of five people with incomes over $1 million and who would be hit by higher taxes as a result of the Buffett rule or any other millionaire tax are business owners, and these are the people the country needs to create new jobs. A millionaire tax increase like the Buffett rule means that over one-third of all business income reported on individual income tax returns would be taxed more. Particularly for those small businesses with narrow profit margins, these additional taxes would take even more money out of their businesses and make it more difficult to invest, expand, and hire.

Warren Buffett, for whom this bill is named, generated most of his $40 million in taxable income in 2010 from dividends and capital gains, which under current law is taxed at 15 percent. Taking into account his wages of approximately $100,000 that are taxed at up to 35 percent, Mr. Buffett's effective tax rate was approximately 17.4 percent. What if Mr. Buffett and other millionaires who are corporate shareholders were instead taxed like most small business owners who operate flow-through business such as sole proprietorships, partnerships, and S corporations, and are taxed immediately on their business profits at ordinary income tax rates of up to 35 percent? Mr. Buffett's tax rate would have been about 35 percent, double what he is reportedly paying now. Given that his share of the corporate profits in any year could be much greater than the dividends he currently receives, Mr.

Buffett himself could be paying significantly more in taxes to the Federal Government. I wonder if this would cause Mr. Buffett to reconsider his position on tax fairness. My friends, I am concerned that under the guise of tax fairness this administration will continue to raise taxes in order to support its out-of-control spending binge.

This administration either fails or chooses not to recognize that the current-law alternative minimum tax, or AMT, was put in place nearly 30 years ago to do exactly what the Buffett rule is intended to do—ensure that high-income taxpayers pay at least a minimum amount of U.S. tax, regardless of various tax deductions and tax credits that they might be able to claim on their tax return. In that regard, this bill simply layers on yet another complex tax provision on top of the already complex U.S. tax system rather than addressing the underlying problems of the overall Tax Code. The country needs and deserves comprehensive tax reform that makes the system simpler and fairer for all taxpayers. At the very least, the administration should start by focusing on fixing the current Tax Code before adding yet another layer of complexity to it.

Those who named this bill want you to think it is an appropriate method by which to ensure everyone pays their fair share. We need fairness; however, the manner in which that goal is achieved is just as important as the goal itself. In that regard, the Buffett rule misses the mark for each of the reasons I have just mentioned.

This bill is yet another missed opportunity for this administration to address the most pressing issues of the day, including significant tax issues that confront us at the end of 2012. The most notable tax issues include the prevention of a massive tax hike on all taxpayers on January 1, 2013, as a result of the expiration of current income tax rates, the extension of tax provisions that expired at the end of 2011 and that are scheduled to expire at the end of 2012, providing a patch for the AMT for 2012 so that it does not ensnare millions of middle-income taxpayers, and reforming the estate tax to prevent a significant rate hike on January 1, 2013.

Taking all of this into account, is the President flying around the country trumpeting the Buffett rule as the solution to what he perceives is a tax fairness problem really the best use of his and the country's time? We have more to think about than his reelection. There is a better path forward to achieve the desired result of the Buffett rule. That path includes comprehensive tax reform that results in a tax code that is simple, fair, and progrowth. If we combine that with appropriate spending cuts, our country will be able to get out from under the heavy weight of our current and escalating debt burden.

Ms. COLLINS. Mr. President, today I will vote in favor of proceeding to the President's latest tax plan because it is essential we begin the debate on comprehensive tax reform. I do this despite my disappointment that the President has not proposed a serious starting point. Our Nation's tax code needs to be overhauled, from top to bottom. The tax plan offered by the bipartisan Bowles-Simpson Commission—a commission the President himself created—offered a proposal a year and a half ago that should have been the foundation for a serious debate for such an overhaul. But the President failed to show leadership, and allowed that proposal to wallow. Instead, he has asked us to consider a bill today that he himself has called ''a gimmick.''

I believe we should be debating comprehensive tax reform aimed at creating a simpler, fairer, pro-growth tax code. Such reform should lower rates for job creators and middle-income Americans, while increasing the share of taxes paid by the wealthy.

A key to reform is simplification: just last year, according to the IRS, there were 579 changes to a tax code that is already more than 65,000 pages long. No one can keep up such complexity—it hobbles our economy, and exasperates the American taxpayer.

I have said that multimillionaires and billionaires can pay more to help us deal with our deficit, and I have voted for surtaxes on the very wealthy in the past. In fact, I have even introduced legislation calling for such surtaxes. However, I have maintained that any such legislation must include a ''carve out'' to protect small business owners who pay taxes through the individual income tax system. Our nation's small businesses must not be lumped-in with millionaires and billionaires and exposed to the same type of taxes designed for the very wealthy. That is why a ''carve-out'' to shield small businesses owners from tax increases is so important. These small business owner-operators are on the front lines of our economy, and of the communities in which they live. The income that shows up on their tax returns is critical to their ability to finance investment, and grow their businesses. Left in their hands, this income will lead to more jobs, and will buy the tools that help American workers compete.

Comprehensive tax reform and simplification is not only a matter of fairness, but is essential to laying the foundation for our nation's long-term economic growth. There is no contradiction between fairness and growth—both can be advanced together. I urge my colleagues to join me in seeking true reform that advances both of these goals.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise in strong support of the Paying a Fair Share Act. I commend Senator WHITEHOUSE for introducing this important legislation.

It is absurd that at a time when our country has a $15 trillion national debt and enormous unmet needs, the wealthiest people in this country have an effective tax rate that is lower than many middle-class workers. It makes no sense that the richest 400 people in our country who earned an average of more than $270 million each in 2008 pay an effective tax rate of just 18 percent, which is less than many small businessmen, nurses, teachers, police officers, et cetera. That is wrong from a moral perspective. It is also very bad economic policy.

The issue we are debating speaks to a much larger crisis that is taking place in America; that is, that in many important ways the United States is departing from its democratic tradition, which has always included a strong and growing middle class, and is moving rapidly into an oligarchic form of government in which almost all wealth and power resides in the hands of the very richest people in our society—the top 1 percent. That is not what America is supposed to be about.

Let me mention a recent study that shows not only why we should pass this Buffett rule but why we should go, in fact, much further. An economist at the University of California, Professor Emmanuel Saez, studying tax returns, found that in 2010, 93 percent of all new income generated during that year went to the top 1 percent. Let me repeat that. Between 2009 and 2010—the last year we have statistics on this issue—93 percent of all new income went to the top 1 percent, while the rest of the people—the bottom 99 percent—were able to receive 7 percent. Even more incredible is the fact that 37 percent of that new income went to the top one-hundredth of 1 percent. In other words, of the $309 billion in new income gained in 2010, $288 billion went to the top 1 percent. Only $21 billion in new income went to the bottom 99 percent.

Today the top 1 percent earns over 20 percent of all income in this country, which is more than the bottom 50 percent. In terms of the distribution of wealth, accumulated income, as hard as it may be for us to believe, as a country that believes in mobility, a country that believes in equality, today we have a situation where the 400 wealthiest people in America now own more wealth than the bottom half of America—150 million people. Four hundred people here own more wealth than the bottom 150 million Americans, and that gap between the very rich and everybody else is now wider than it has been in this country since the late 1920s. We have, by far, the most unequal distribution of income and wealth of any major country on Earth.

That is where we are as a nation, and it is not a good place to be. The richest people and the largest corporations are doing phenomenally well, while the middle class is collapsing and poverty increases. This is not what democracy looks like; this is what oligarchy and plutocracy look like.

To compound this extremely unfair situation, when millionaires and billionaires are paying nearly the lowest effective tax rate for the rich in decades, our deficit problems only grow worse. In other words, not only are the real and effective tax rates for the rich lower than for many middle-class workers, their low effective tax rates are having a very negative impact on our deficit. In fact, as a result of the tax breaks given to the wealthy and large corporations, revenue as a percentage of GDP is at 14.8 percent, the lowest in more than 50 years.

Let us pass the Buffett rule today, but let us do much more in the future. Instead of cutting Social Security, Medicare, Medicaid, education, and other programs of vital importance to middle-class and working families in this country, as many of my Republican colleagues would like to do, let us develop both personal and corporate tax policies that are fair and will protect the best interests of our country.

Nobody should be talking about maintaining huge tax breaks for millionaires and billionaires and in the same breath talk about cutting Social Security, Medicare, Medicaid—the needs of our children and the needs of the most vulnerable people in our country. That is wrong and that is not what America is about.

With that, I yield the floor.

Mr. INOUYE. Mr. President, I come from humble beginnings. We did not have a lot growing up but we always had what we needed. My mother and father worked very hard to provide for our family and you can be sure they paid their fair share of taxes on their living wage. In the nearly 50 years that I have served in the Senate, I have watched the very rich and their supporters in the Congress whittle away at the Tax Code to the extent that today the average tax rate paid by the highest earning Americans has fallen to the point that one in four taxpayers with an annual income greater than $1 million pays less than millions of working middle-class families. How is that fair? We are making critical decisions about how we cut and spend government funds and it will go a long way to reestablishing fiscal fairness in this country if the very wealthy pay their fair share to support government services and initiatives.

Mr. LEVIN. Mr. President, one of the unfortunate characteristics of the American economy for the last few decades has been the rising gap between upper and middle-income Americans. Increasingly, those in the upper echelons of income and wealth have seen their fortunes rise, while the vast majority of Americans have coped with stagnant income and increasing insecurity. In recent decades, most families have had to cope with a reduced ability to afford the things middle-class Americans once took for granted a comfortable home, college educations for the kids, and a secure retirement. At the same time, incomes have risen remarkably for those at the very top of the income scale. Today, by some measures, income inequality is greater in our country than at any time since just before the Great Depression.

This should worry us all. It should worry us because a way of life has become endangered. That way of life—one in which, if you work hard, play by the rules and plan for the future, you and your family will prosper came to be known as the ''American way.'' But increasingly, the American way has been replaced by one in which the very wealthy do well while everyone else struggles. Instead of all boats rising together, it is the yachts that have risen—good economy or bad—while all the other boats have been stuck in place and taking on water.

Today we have a chance to begin the work of closing that income gap between the wealthiest Americans and the middle class. We can, by adopting this motion to proceed, begin the debate on how best to address the worrisome and growing gap. But that debate cannot begin unless our colleagues on the Republican side agree to allow it to begin. I, for one, am eager to have this debate—I believe the American people want and deserve this debate. Our Republican colleagues have very different ideas about this problem, and may even deny there is a problem. But the people we represent believe this is a problem, and we should respond to their concerns.

There are some who question whether income inequality is rising. These denials melt away in the face of enormous evidence to the contrary. To deny rising income inequality is to deny plain facts. Here are a few of those facts.

As of 2008, the richest 1 percent of Americans took home almost 24 percent of total income. This is up from 10 percent in 1980. Half of all income in the United States went to the top 10 percent of Americans. And, the vast majority of Americans, the bottom 80 percent, received less than a quarter of total income in the United States.

The nonpartisan Congressional Budget Office issued a report last year on changes in income distribution since 1979. CBO's researchers found that over that period, after-tax income ''for households at the higher end of the income scale rose much more rapidly than income for households in the middle and at the lower end of the income scale.'' CBO found that for the wealthiest one percent of Americans, real after-tax income grew by 275 percent. Those in the next 19 percent—that is, the top 20 percent minus the one percent at the very top—saw after-tax income growth of 65 percent. And for the 60 percent of Americans in the middle of the income scale, between the top and bottom 20 percent, after-tax income grew by just 40 percent. So, income for the top 1 percent of Americans grew at a rate nearly seven times greater than growth in middle-class incomes.

There are two striking things about CBO's findings. The first is that the biggest driver of growing inequality is the growing gap between those at the very top of the scale and everyone else. Even those in the top 20 percent of incomes—those doing very well by anyone's standards—have fallen behind the top 1 percent.

The second striking finding is what CBO found about the effects of federal tax and transfer policy. In fact, CBO reported that while the rise in inequality stems from a number of factors, one significant contributor is federal policies—including the decisions we all make here in this Congress. For instance, CBO said that the rise in after-tax income for the top 1 percent may come in part from tax changes we made in 1986. Those changes lowered the top personal income tax rate below the top corporate tax rate, encouraging many wealthy Americans to reclassify corporate income as personal income to qualify for the lower rate.

More worrisome is the fact that CBO found that federal tax policy has actually made inequality worse. Inequality of after-tax income is higher than inequality of pre-tax income. In part, that is because our tax system has shifted away from income taxes—which are progressive, asking the wealthier to pay a higher rate—to payroll taxes, a burden that falls on all income-earners regardless of how wealthy. These are the kinds of changes that have led to billionaire investors and hedge-fund managers paying a lower tax rate than their secretaries.

One way that government could fight this rising gap is with transfer payments—benefits paid by government to the less wealthy to try to counteract difference in income. Some, including some of our Republican colleagues, have made the case that transfer payments are growing larger, or that government policy is making people increasingly dependent on government handouts. The CBO report answers this argument. CBO found: ''The amount of government transfer payments—including federal, state, and local transfers—relative to household market income was relatively constant from 1979 through 2007, ranging between 10 percent and 12 percent with no discernible trend.'' So, while there has been a rising gap in pre-tax income since 1979, and government tax policy has widened that gap, federal transfer payments have done nothing to balance it.

These facts are telling. But we should not forget that behind all these numbers, all these facts and figures, are real people—and most of those people are struggling to get by. They should be uppermost in our minds.

The rise in inequality is not the result of a single factor, and it did not happen overnight. So we will not reverse it overnight. It will take sustained effort. That effort starts with acknowledging that there is a problem, and I hope our Republican colleagues will avoid the denialism that is all too

prevalent on this issue. But if we can first acknowledge the problem, we then can do something about it, beginning with this vote today.

The proposal before us simply says that those at the very top of the income ladder, those making more than $1 million a year, will, at a minimum, pay a federal income tax rate of 30 percent on their income above $1 million. Most Americans consider that simple common sense. The fact that wealthy corporate executives pay a lower tax rate than construction workers or waitresses or teachers or police officers is fundamentally unfair. And at a time when budgets are extraordinarily tight, and getting tighter, it makes no sense for government to subsidize, through tax policy, the growing income gap between the top few and ordinary Americans.

This bill will not solve all our problems. Even if it passes, there will be much more work to do—especially because this problem is, through tax policy in particular, a problem Congress has helped to create. But that work must start somewhere. The debate must begin—and it will begin, if we vote to let it begin. I hope we will begin that debate today.

Mrs. BOXER. Mr. President, I support the Paying a Fair Share Act because it will help bring fairness to our Tax Code. In large part because of the irresponsible policies of President George W. Bush, the very wealthiest taxpayers have seen their tax rates drop by half over the last 50 years, even as their incomes have skyrocketed. The Tax Code has become so out-of-balance that one in four millionaires pays a lower tax rate than do millions of middle-class families, and in 2011 an estimated 7,000 millionaires paid no Federal income tax at all.

Responsible millionaires understand that a fair tax system is in our country's best interest. One Californian, Andy Rappaport, told my staff that over the past 8 years, his average Federal tax rate has been only 16 percent after charitable contributions. Meanwhile, working families making $60,000 to $100,000 per year pay average Federal tax rates of 17 or 18 percent.

Mr. Rappaport said: ''Those of us who are doing unprecedentedly well have built our success on a foundation of widespread well being and opportunity, not to mention adequate investments in education, research, and infrastructure. . . . It's not fair to ask those who make less than us to do without or to shoulder more than their share of our national investment burden.'' California entrepreneur Garrett Gruener wrote in the Los Angeles Times: ''For nearly the last decade, I've paid income taxes at the lowest rates of my professional career. . . . For the good of the country, we need to tax people like me more.''

In addition to opposing this commonsense proposal, our Republican colleagues want to cut valuable social programs to pay for another tax cut for the rich. The House-passed Ryan Budget would give high-income taxpayers an additional tax cut of at least $150,000 per year—a tax cut equal to three times the median household income, and more than ten times the average annual Social Security benefit—while cutting programs like food stamps and Pell Grants which provide security and opportunity to millions of lower-income Americans. Our Republican colleagues seem devoted to the interests of the wealthiest 1 percent above all else.

The Paying a Fair Share Act would only affect the top one-tenth of 1 percent of taxpayers, those with adjusted gross income over $1 million per year. It preserves the incentive for charitable giving, which is so important for our religious organizations, nonprofits, and universities.

And these millionaires and billionaires are not the ''job creators'' the Republicans say they are, because the vast majority of job creators are small business owners who earn far less than $1 million per year. In 2009, only 1.3 percent of taxpayers with business income made more than $1 million per year. The bill is supported by small business groups including the Main Street Alliance, American Sustainable Business Council, and the California Association for Micro Enterprise Opportunity. It also has the support of AFCSME, AFL–CIO, the International Brotherhood of Teamsters, United Auto Workers, the National Education Association, and many others. I urge my colleagues to support this important legislation, which will bring much-needed fairness to our Tax Code.

Mr. REED. Mr. President, I rise today to join my fellow Senator from Rhode Island's effort to restore a basic level of fairness to our Tax Code. Senator WHITEHOUSE has done an extraordinary job in fighting to return some sense of balance to a broken system.

Most Americans agree Senator WHITEHOUSE's legislation is fundamentally fair and they want to see it become law because as we all know, the Tax Code is riddled with loopholes that benefit the wealthiest Americans. It is past time we take this first step towards fixing a system that allows millionaires and billionaires to pay a lower tax rate than middle-class Americans. This is a defining vote—it is about who you stand for and with, working men and women or multimillionaires and billionaires. This legislation signals to middle-class Americans that the government should be focused on helping them, by ensuring that everyone pays their fair share to support essential government programs that invest in education, infrastructure and our nation's future.

The Tax Code stacks the deck for the wealthy at the expense of the middle-class. The middle-class has already been squeezed enough by stagnant wages and a complex tax system that does not work for them. The revenue raised through this measure is deficit reduction that is not taken out on the backs of seniors or working American families. This legislation will only impact 0.2 percent of Rhode Islanders that earn more than $1 million in income per year.

Senator WHITEHOUSE's Paying a Fair Share Act would prevent millionaires and billionaires from using tax loopholes that allow them to pay a lower effective tax rate than a school teacher in Rhode Island.

Of millionaires in 2009, a full 22,000 households making more than $1 million annually paid less than a 15 percent income tax rate. Our Tax Code, riddled with loopholes and special giveaways, leads to lopsided and inequitable results. It is past time we correct these glaring loopholes and restore some fairness to our Tax Code.

The 400 highest-income households in 2008, who made on average $271 million—paid just an 18.1 percent rate. This is nearly half the 29.9 percent rate those households paid on average in 1995 under President Clinton.

According to the Center on Budget Policy Priorities analysis, the top 1 percent have seen their after tax income grow by 277% since 1979. The middle 60 percent of Americans have only seen a 38 percent increase and the bottom 20 percent have only seen an 18 percent increase. This is a result of a broken Tax Code that over the past several decades has been tilted to benefit the wealthiest Americans and not the middle-class.

The tax benefits for the wealthiest Americans have contributed to staggering deficits. These deficits have increased pressure on our budget and motivated Republicans to slash services that benefit middle-class Americans in the name of deficit reduction.

This is exactly why I opposed the reckless Bush tax cuts that skewed so heavily towards the wealthy, the segment of our society that needed the least help. In fact, it is estimated that the House Republican budget would give millionaires an additional $265,000 in tax cuts each year; unsurprisingly, Republicans want to double down on the misguided Bush tax cuts that disproportionately benefited the wealthy.

We need comprehensive tax reform, but not reform that skews the Tax Code even more towards the wealthy while asking for more sacrifice from the middle-class. The Paying a Fair Share Act is a first step in reversing this trend and reforming the Tax Code by restoring fairness.

Making sure that millionaires and billionaires don't pay a lower tax rate than middle-class Americans will help make our Tax Code fairer while addressing our budget deficit. This is common sense and I hope Republicans will join us in taking the first step towards restoring fairness to our tax laws.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 minutes. The Republicans have 4 minutes.

Mr. WHITEHOUSE. It is my understanding there are no further speakers

on the Republican side. If somebody comes, I will, of course, yield the 4 minutes.

The latest report is that there are no further speakers until we move on to the judicial nomination.

I wished to use the time remaining to respond to two of the points that have been made. Before I do that, let me just say that as I have kept track during the debate, the minority party has discussed debt, bureaucracy, Presidential appointments, punishment of success, ObamaCare, jobs, fuel prices, picking winners and losers, campaign contributions, out-of-control spending, equal opportunity, and massive new tax increases.

The subject at hand is actually much smaller than this; that is, the indisputable fact that at the very high end of the American income spectrum, people are paying lower tax rates than regular American families—whether it is Warren Buffett's self-proclaimed example of paying only 11 percent in total taxes or the average of all the 400 highest income earners in the country being only 18.2 percent. These are people earning—in the case of the 400—over one-quarter of a billion dollars each in 1 year and paying the rate equivalent to what a single Rhode Island truckdriver pays. That is the issue.

We should have a progressive Tax Code. One of the speakers said we do have a progressive Tax Code and that the income tax generates 31.2 percent of the total income tax revenue from high-income folks versus 14.2 percent from the middle as their rate. But it is worth focusing on the fact that when my Republican colleagues talk about taxes and they focus on income taxes, they leave out the payroll taxes, which virtually every American pays or a great number of Americans—more pay payroll taxes than income tax, I believe.

If we look at all those taxes and put them together, we find that the top 1 percent of Americans do indeed pay 28.3 percent of the taxes. One percent pays 28.3 percent of the taxes. That sounds pretty progressive, until we realize the top 1 percent in America controls more than one-third of the Nation's wealth; the top 1 percent holds more than one-third of the Nation's wealth but pays only 28 percent of the taxes. That is not progressive, if we are measuring in what we are usually taxing, which is income and wealth, not just the existence of a human being on the planet.

If we go to 5 percent, then the top 5 percent pays 44.7 percent of all our taxes, which again is a lot. It is progressive but not when we consider that 5 percent owns or controls more than 60 percent of the Nation's wealth. We are a country in which more than half the wealth of the country—more than 60 percent of it is concentrated in the hands of one-twentieth of the population, the top 5 percent. So for them to pay a higher rate makes a lot of logical sense. What we find is that they actually pay a lower rate all too often.

The other point I wish to address is the argument that this will take money from the pockets of small businesses. If we look at the Office of Taxation and Treasury's definition of a small business and look at how many would be affected by this bill, it would be 3.3 percent; nearly 97 percent of small businesses would have zero effect from this bill. Of the 3.3 percent that would be affected, it is hard to know how many of those are high-income individuals who incorporated themselves for tax purposes but don't fit the ordinary definition of a small business.

When we look at the fact that Americans across the country have spent the last week sitting down going through their receipts, filing their tax returns, sitting at the kitchen table trying to make sense of it all and get it filed on time, for a great number of those folks, what they know from Warren Buffett and others is that the people making one-quarter of a billion dollars a year are paying lower rates than they are, and it is not right. It is not just me saying that is not right; it is Ronald Reagan saying that is not right. He said it was ''crazy''—his word—that a millionaire should pay a lower tax rate than a busdriver pays.

The PRESIDING OFFICER. The Senator from Rhode Island has exhausted his time. The Senator from Tennessee is here to speak.

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute.

Mr. CORKER. Mr. President, this last March, 64 Senators—32 on each side—wrote a letter to the President asking for real tax reform and real entitlement reform.

I think most of us know today's exercise is a political exercise. It is not intended to deal with deficits. It is intended to divide.

Last week, I heard the President speaking at a college in Florida about the Buffett tax. In that speech, he was talking about spending all that money on things they were interested in. In other words, this money is not being used, per the President's speech, in any way to reduce deficits.

I encourage all those on both sides of the aisle—32 Senators on each side—who have spoken earnestly and sincerely about progrowth tax reform and entitlement reform to not follow this folly of division but to hold together, as we need to do something that is great for our country.

It is my hope that by later this year—possibly in a lameduck, although I hope something happens sooner than that—all of us who truly care about solving problems, not about scoring political points, which this bill is about, will come together and do something great for our country.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF STEPHANIE DAWN THACKER TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

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 legislative clerk read the nomination of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, let me make sure I understand. The time is now divided for an hour until the vote?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the distinguished Presiding Officer, and I welcome him back after the break and all Senators on both sides of the aisle.

The Senate is going to consider the nomination of Stephanie Dawn Thacker, of West Virginia, to fill a judicial vacancy of the Fourth Circuit Court of Appeals, and I know the distinguished Senator from West Virginia, Senator MANCHIN, will be coming to speak in a few moments.

I would note this is a judicial vacancy on which the Senate Judiciary Committee voted unanimously more than 5 months ago, as the distinguished Presiding Officer will recall, in favor of this nomination. After thorough debate and background, we voted for her unanimously. That was 5 months ago. She should not have had to wait this long.

She should have been confirmed last year. With nearly 1 in 10 judgeships across the Nation vacant and the judicial vacancy rate remaining nearly twice what it was at this point in the first term of President George W. Bush, the Senate needs to do more to reduce judicial vacancies so that all Americans can have the quality of justice that they deserve.

The Federal Judiciary has been forced to operate with the heavy burden of 80 or more judicial vacancies for more than 3 years now. There is nothing to justify this extended period with years of vacancies numbering more than 80 around the country. Congress has not created scores of new judgeships, as we did in a bipartisan fashion during the Republican administration of Ronald Reagan and George Herbert Walker Bush. Indeed, when the Senate was confirming 205 circuit and district court nominees during the first term of President George W. Bush, we lowered vacancy rates more than twice as quickly.

I will include for the RECORD at the conclusion of my remarks a copy of the Internet article entitled, ''1000 days,''

by Doug Kendall and Ryan Woo of the Constitutional Accountability Center, on this point.

I also remind the Senate of the study by the Congressional Research Service on the historically high vacancies for record amounts of time about which I spoke earlier this year. This level of vacancies has been perpetuated for the entire Presidency of President Obama because Senate Republicans have adopted ''new standards'' and refused to enter into prompt agreements to schedule votes on qualified, consensus nominees.

Today's vote is pursuant to the agreement reached by the majority leader and the Republican leader last month. This is the first Court of Appeals nominee to receive a vote pursuant to that agreement. This is only the second Court of Appeals nominee to receive a Senate vote all year. Both were qualified, consensus nominees who should have been confirmed last year and would have been but for Republican filibusters.

It should not have taken 4 months and 2 days after being reported by the Senate Judiciary Committee for the nomination of Judge Adalberto Jordan to be considered by the Senate. Judge Jordan of Florida was finally allowed to fill a judicial emergency vacancy on the Eleventh Circuit. Finally, after a 4-month Republican filibuster that was broken by an 89 to 5 vote, and after Republicans insisted on 2 additional days of delay, the Senate voted to confirm him 94 to 5. A superbly-qualified nominee, he is the first Cuban-American to serve on the Eleventh Circuit. His record of achievement is beyond reproach. Judge Jordan is by any measure the kind of consensus nominee who should have been confirmed without such delay. Despite the strong support of his home state Senators, Senator NELSON, a Democrat, and Senator RUBIO, a Republican, Senate Republicans filibustered and delayed his confirmation in October, in November, in December, and in January. It should not have taken another 2 days after the Senate voted overwhelmingly to bring the debate to a close to have the confirmation vote.

The nomination of Stephanie Thacker is similar, and Senate Republicans have acted in a similar, all too familiar pattern. When confirmed, Stephanie Thacker will be the first woman from West Virginia to serve on the United States Court of Appeals for the Fourth Circuit. She, too, is strongly supported by both her home state Senators. She, too, is a qualified, consensus nominee. She has been forced to wait 5½ months for Senate consideration, with no good purpose. Hers is not a nomination that should have been delayed and filibustered by Senate Republicans after it was reported unanimously by the Senate Judiciary Committee last November 3.

Ms. Thacker is the kind of qualified, consensus nominee who in past years would have been considered and confirmed by the Senate within days of being reported unanimously by the Judiciary Committee. She is an experienced litigator, who, in her 21-year career as a Federal prosecutor and private defense attorney, has tried nearly two dozen cases to verdict or judgment and argued appeals before the Fourth Circuit and the West Virginia Supreme Court. Much of her career has been dedicated to public service. She served as an Assistant U.S. Attorney for the Southern District of West Virginia for 5 years and participated in the first prosecution in this country under the Violence Against Women Act—an important piece of legislation that I am working with Senator CRAPO to reauthorize.

She continued her career as a Federal prosecutor for another 7 years in the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice. There, she focused on prosecuting cases dealing with child pornography, child sexual exploitation, sex trafficking, sex tourism, obscenity, and criminal nonsupport offenses. She rose to Deputy Chief of Litigation and then to Principal Deputy Chief. While at the Justice Department, Ms. Thacker was awarded the Attorney General's Distinguished Service Award.

Why would any Senator stall confirmation of this consensus nominee? What purpose did it serve? Must all nominees of President Obama be delayed and obstructed and stalled?

I thank the majority leader for scheduling this vote. He has secured an agreement to vote on the long-delayed nomination of Judge Jacqueline Nguyen of California to fill one of the judicial emergency vacancies plaguing the Ninth Circuit, the busiest circuit in the country. She, too, is a consensus nominee who could and should have been confirmed last year. Her consideration has been delayed more than 5 months and will not occur until May 7. But there are two more Ninth Circuit nominees to fill judicial emergency vacancies who are before the Senate awaiting final consideration. Paul Watford of California was reported favorably by the Senate Judiciary Committee in early February. His nomination should be scheduled for a confirmation vote without further delay. Justice Andrew Hurwitz of Arizona was reported favorably by the Senate Judiciary Committee in early March. His nomination should also be scheduled for a confirmation vote. There is no good reason for delay. The 61 million people served by the Ninth Circuit are not served by this delay. The Circuit is being forced to handle double the caseload of any other without its full complement of judges. The Senate should be expediting consideration of the nominations of Judge Jacqueline Nguyen, Paul Watford, and Justice Andrew Hurwitz, not delaying them.

The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, have written to the Senate emphasizing the Ninth Circuit's ''desperate need for judges,'' urging the Senate to ''act on judicial nominees without delay,'' and concluding ''we fear that the public will suffer unless our vacancies are filled very promptly.'' The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of September 2011, the Ninth Circuit had 14,041 cases pending before it, more than three times that of the next busiest circuit.

If caseloads were really a concern of Republican Senators, as they contended last year when they filibustered the nomination of Caitlin Halligan to the D.C. Circuit, they would not be delaying the nominations to fill judicial emergency vacancies in the Ninth Circuit. If caseloads were really a concern, Senate Republicans would consent to move forward with all three of these Ninth Circuit nominees to allow for a final up or down vote by the Senate without these months of unnecessary delays.

None of these nominees should be controversial. They are all mainstream nominees with bipartisan support. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and the Senate Judiciary Committee unanimously supported her nomination to the Ninth Circuit last year. When confirmed, she will be the first Asian Pacific American woman to serve on a U.S. Court of Appeals in our history.

Paul Watford was rated unanimously well qualified by the ABA's Standing Committee on the Federal Judiciary, the highest rating possible. He clerked at the United States Supreme Court for Justice Ruth Bader Ginsburg and on the Ninth Circuit for now Chief Judge Alex Kozinski. He was a Federal prosecutor in Los Angeles. He has the support of his home state Senators and bipartisan support from noted conservatives such as Daniel Collins, who served as Associate Deputy Attorney General in the Bush administration; Professors Eugene Volokh and Orin Kerr; and Jeremy Rosen, the former president of the Los Angeles Chapter of the Federalist Society.

Justice Hurwitz is a respected and experience jurist on the Arizona Supreme Court. He also received the ABA Standing Committee on the Federal Judiciary's highest rating possible, unanimously well qualified. This nomination has the strong support of both his Republican home state Senators JOHN MCCAIN and JON KYL.

Chief Justice Roberts and the Attorney General have both spoken about the serious problems created by persistent judicial vacancies. More than

160 million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. The Senate should act to bring an end to the harm caused by delays in overburdened courts and we should start with the Ninth Circuit. Senate Republicans should consent to votes on the Ninth Circuit nominees without more delay and obstruction.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From the Constitutional Accountability Center, Mar. 27, 2012]

1000 DAYS

(By Doug Kendall and Ryan Woo)

Today marks the 1000th consecutive day during which our judicial system has been operating with the burden of 80 or more vacancies on the federal bench. Aside from a completely anomalous period following the creation of 85 new judgeships in 1990, this is far and away the longest period of time during which the federal courts have been forced to operate at such an understaffed level. Across the country, these vacancies have translated into rising caseloads for overworked judges and unacceptable delays for the countless Americans seeking justice in the courts. While it is possible that the vacancy total will dip below 80 in the coming days due to a slow drip of confirmations secured by a recent and hard-fought-for deal in the Senate to allow confirmation votes on 14 judicial nominees, this slow trickle is not anywhere close to the decisive action that is needed to resolve the vacancy crisis that has been plaguing the country for nearly three years.

Although much has changed over the past 1000 days, one thing that has remained constant is the partisan obstruction by Republicans in the Senate that has kept the judicial confirmation process moving at a crawl. While a backlog in vacancies is typical at the beginning of a presidential term, the vacancy rate is usually brought down to a more manageable level well before a president's fourth year in office. Indeed, by this point in the first terms of Presidents Bill Clinton and George W. Bush, the vacancy totals were 55 and 45, respectively, and the Senate had already confirmed 181 of President Clinton's nominees to the lower federal courts and 172 of President Bush's. By comparison, the Senate has only confirmed 134 of President Obama's nominees.

The glacial confirmation pace that has kept the vacancy number so high for the past 1000 days can be traced back to Republican obstruction at all levels of the judicial confirmation process. Most important, even uncontroversial nominees are facing unprecedented cloture votes before they can be confirmed. The process of delaying floor votes for nominees has resulted in an average wait time of 111 days between the Judiciary Committee vote and Senate confirmation vote for President Obama's nominees. In sharp contrast, President George W. Bush's nominees waited an average of just 22 days.

There should never again be a period when the federal judiciary faces such a high number of vacancies for so long; if the vacancy total dips below 80 in the coming days, it will hardly be a cause for celebration. Rather, it will be a reminder that even in an election year, the Senate must put partisan wrangling aside and continue to staff the federal judiciary. The Senate owes nothing less to the judges and everyday Americans who bear the brunt of this politically-inflicted judicial vacancy crisis.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011

Mr. LEAHY. Mr. President, speaking of the Senate Judiciary Committee, as we begin to work now after the Easter/Passover recess, I wish to thank all Senators who have come to the floor in recent weeks to express their bipartisan support of the Violence Against Women Reauthorization Act and who have emphasized, and I agree, the need for the Senate to take up and reauthorize this landmark legislation.

For almost 18 years, the Violence Against Women Act—called VAWA—has been the centerpiece of the Federal Government's commitment to combating domestic violence, dating violence, domestic assault, and stalking. The impact of this landmark law has been remarkable. It has provided lifesaving assistance to hundreds of thousands of men, women, and children, and the annual incidence of domestic violence has dropped by 50 percent since the act was passed.

Support for the Violence Against Women Act has always been bipartisan, and I appreciate the bipartisan support this reauthorization bill has already received. Senator CRAPO and I introduced the reauthorization of the Violence Against Women Act in November. With Senators HELLER and AYOTTE joining as cosponsors in March, we now have 61 cosponsors in the Senate from both sides of the aisle. I hope the Senate will take up and pass this bill soon.

The Violence Against Women Act is about responding to domestic and sexual violence. Its programs are vitally important. Our legislation has looked at and learned from the experiences and needs of survivors of domestic and sexual violence from all around the country. We have also heard the recommendations of those tireless professionals who work every single day—I might say virtually every single night—to serve. It builds on the progress that has been made in reducing domestic and sexual violence and makes vital improvements to respond to unmet needs, as we have each time we have reauthorized the Violence Against Women Act.

The provisions that a minority on the Judiciary Committee labeled controversial are, in fact, modest changes to meet the genuine, unmet needs that service providers have told us they see every day as they work with victims all over the country. This is what we have done on every single VAWA reauthorization. We have looked at what we have learned since the last one and then taken steps to recognize those needs of victims that are not being met and find ways to meet them. That is nothing new or different. It is what we have always done. Because we have improved it each time, it is one of the reasons domestic violence has dropped. This should not be a basis for a partisan division or delay.

The legislation also improves important changes to respond to current economic realities. We all know while the economy is now improving, these remain difficult economic times, and we have to be responsible in how we spend the taxpayers' money. That is why in our bill we consolidate 13 programs into 4. We remove duplication and bureaucratic errors. It is another thing we do each time we reauthorize to make it better. It would cut the authorization level for VAWA by more than $135 million a year. That is a decrease of nearly 20 percent from the last reauthorization.

The legislation also includes significant accountability provisions, including audit requirements, enforcement mechanisms, and restrictions on grantees and costs. Again, we are saying we want to do the right thing in the Violence Against Women Act, but we also want to protect the taxpayers' dollars. That is why it is a bipartisan bill. It is a product of careful consideration, and that is why it has widespread support.

There is no reason not to take it up and debate it and pass it. The Judiciary Committee passed this bill after considering a number of amendments, including a substitute offered by the minority. I have reached out to the distinguished ranking member, Senator GRASSLEY, and asked about possible amendments and time agreements for consideration. We should do what we have always done ever since the first VAWA years ago and pass it with strong bipartisan support. These problems are too serious for us to delay.

Any one of us who has served in law enforcement has gone to a scene where somebody has been severely battered, sometimes killed. I know when I have gone to the scenes I never heard a police officer say: Is this a Republican or a Democrat? They say, is this a victim? What do we do to help them? That is what this is. It is not a Republican or Democratic bill; it is a sensible bill to help the victims of violence.

This is crucial, commonsense legislation. It has been endorsed by more than 700 State and national organizations, numerous religious and faith-based organizations, as well as our law enforcement partners. The last two times the Violence Against Women Act was reauthorized, it was unanimously approved by the Senate. It seems sometimes that partisan gridlock has become the default in the Senate in recent years. We are better than that. We should rise above gridlock. There is no reason we should delay considering this bill. It has the support of 61 cosponsors across the aisle. Let us pass it.

As I have said before, domestic and sexual violence know no political party. Violence happens to too many people in this country. Its victims are Republicans and Democrats. They are rich and poor, young and old. They are male and female. They are straight and gay. Nobody falls into a category where they are immune to this kind of violence. So let us work together and

pass this strong VAWA reauthorization legislation and let us do it without delay. It is a law that has saved countless lives. For my fellow Senators, I would say this is an example of what we in the Senate can accomplish if we work together.

PAYING A FAIR SHARE ACT

Lastly, before I came to the floor, I heard the strong support for the Paying a Fair Share Act. It has been called the Buffett rule. The Buffett rule is a commonsense bill, ensuring that taxpayers at the top of the economic ladder pay at least the same tax rate paid by hard-working middle-class families in my State of Vermont and all other States. No longer should handsomely compensated CEOs or those who live off trust funds pay a lower effective tax rate than the people who work for them.

Frankly, I think it is remarkable and regrettable that such a principle of tax fairness should evoke controversy. It is more regrettable still that opponents have erected a supermajority barrier in an effort to prevent debate on this straightforward principle. We should debate whether the wealthiest should pay at least the same rate of taxes as hard-working middle America and then vote for it or vote against it. If a Senator wants to vote to protect the wealthiest Americans, fine, stand and vote that way or vote to protect hard-working American families. But when we filibuster, what we are doing is voting maybe. That is voting maybe.

Let's have the courage to vote for the millionaires and protect them from any kind of a tax such as ordinary Americans pay or vote for ordinary Americans and say everybody should pay the same kind of tax. Vote one way or the other, but don't duck it by having a filibuster, where we can say: I looked at it and I voted maybe. We are not elected to vote maybe.

I am pleased to join Senator WHITEHOUSE and others as a cosponsor of the bill which calls for a minimum 30-percent tax rate for taxpayers with adjusted gross incomes above $1 million. This just says they are going to pay at least the tax rate paid by middle-class families, and it also will reduce the deficit by $47 billion over the next decade.

While hard-working Vermont families and small businesses are struggling to make ends meet in a difficult economy, tax fairness has continued to erode, benefiting the wealthiest 1 percent at the expense of the rest of the country. Right now, a very large proportion of millionaires pay a smaller percentage of their income than do a larger share of moderate-income taxpayers.

Warren Buffett, one of the wealthiest people in the world, noted in a New York Times op-ed article last year that he paid taxes of only 17.4 percent on his taxable income—a lower percentage than paid by any of his 20 employees. They paid from 33 to 41 percent. In fact, the nonpartisan Congressional Research Service studied these claims and confirmed Mr. Buffett's assertion that a large proportion of millionaires pay a smaller percentage of their income than average working Americans and Vermonters do.

Let us end the loopholes. Tax day is upon us. Let us stand and say we are going to end the loopholes, we are going to end these special provisions that allow some of the wealthiest to pay less than hard-working Americans. It is simply a matter of fairness.

Again, let us vote yes or no. If someone wants to vote to protect the millionaires, then, fine, vote no. If someone wants to say have it be fair, then vote yes. But let us vote. Having a filibuster means we vote maybe. None of us get elected or paid to vote maybe.

Mr. President, I see the distinguished senior Senator from West Virginia on the floor and I see his distinguished colleague.

I am sorry, I now see the Senator from Pennsylvania. Before I yield the floor, I ask unanimous consent, if there are quorum calls during this hour, the time be divided equally.

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

Mr. LEAHY. Mr. President, I ask unanimous consent when the time goes back to this side, that first the distinguished senior Senator from West Virginia be recognized and then his distinguished colleague from West Virginia, Senator MANCHIN, be recognized, both to speak for the time remaining to the Senator from Vermont.

I ask unanimous consent that when time is yielded back to me, the time remaining to the Senator from Vermont, which will be approximately 15 minutes, be divided between the two Senators from West Virginia.

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

TAX FAIRNESS

Mr. TOOMEY. Mr. President, I rise this afternoon to speak against the so-called Buffett rule. This is a gimmick. It is a political gimmick. This is not a serious effort to deal with a ridiculously broken Tax Code. This is not a serious effort to deal with a completely broken budget. And, frankly, it is very disappointing to me that we are wasting time on this instead of dealing with both of those things.

We have a Tax Code that is ridiculous, impossible to understand, counterproductive to economic growth, and that badly needs a complete overhaul that would simplify the Code, get rid of much unfairness, lower marginal rates, broaden the base, and encourage strong economic growth. Instead, we have this little gimmick because we don't have the political leadership to deal with the underlying real problem of a badly flawed Tax Code.

Likewise on budget policy, this does nothing meaningful for our massive budget deficits that we have been running. In fact, this body chooses again for the third consecutive year not to even have a budget. It is unbelievable. Instead, we are going to waste time arguing about this political stunt.

The President proposed a budget, at least. Unfortunately, it was not a serious budget, not a serious attempt to deal with the massive deficits we are running. It is the fourth consecutive year of trillion dollar deficits. Instead of dealing with that, we have this gimmick.

Let's be clear. This is not a serious attempt to deal with tax reform or the budget. This so-called Buffett rule, this tax increase, would raise less than $5 billion a year. That amounts to about one-half of 1 percent of the $1 trillion deficit the President has proposed that we run. In fact, it would cover about 2 days' worth of the deficits we are running for 2013.

Here is a chart that illustrates the deficit we will have under the President's policies without the Buffett tax. Here is the deficit we will have if we pass the Buffett tax. If you can't tell the difference, it is because there is no meaningful difference.

Folks, we ought to be dealing with the real tax reform that we need to encourage economic growth and help reduce this deficit. Instead, we are wasting time with this.

Since we are not doing what we ought to do, why are we having this argument? Unfortunately, it looks as though it is an effort on two fronts. One is to simply engage in class warfare, generate envy and resentment, and try to use that for political gain. And, secondly, it is an effort to distract from the underlying mismanagement of economic policy and fiscal policy we have seen from this administration.

I know what the claim is from the other side. We hear this is all about making sure the rich pay their fair share. I have to say I have a little trouble taking lectures on fairness from folks who think taxpayers ought to be made to put $500 million into a solar energy company that does not have a competitive product, which drives it into bankruptcy at the cost to the taxpayers, from the same folks who want to force taxpayers to continue subsidizing plug-in cars people don't want to buy. That kind of crony capitalism and distorting of our economy at the expense of taxpayers doesn't strike me as fairness, so I have a hard time taking a lecture on fairness from people who advocate those things.

But let's look at this Tax Code. If we want to talk about fairness, that is fine. How about the fact that, according to the Joint Committee on Taxation, almost half of all Americans today pay no income tax at all or actually receive money through the income tax code? The other half pays all of the taxes. We are hearing from our friends

that that is not enough; they need to pay still more.

My second chart will illustrate the point that according to the CBO, if we look at all Federal taxes, the middle quintile, the middle 20 percent of wage earners in America, pays about 14 percent as an average tax when you combine all the kinds of Federal taxes that are paid. The top 1 percent pays 30 percent. So it is more than twice as high—29.5, actually.

If we look at just the income tax, the disparity is even bigger. If we look at the income tax alone, the middle quintile, the middle class, the middle 20 percent, when it comes to income tax alone on average pays about 3.3 percent as an effective average income tax rate. The top 1 percent pays 19 percent; that is, on average, almost 6 times as high.

The fact is we have a very progressive tax system, not just by the historical measures of our own previous tax systems, but look everywhere else in the world. In fact, the United States, according to the OECD, has the most progressive tax system in the industrialized world.

This is a chart that measures progressivity. Greater progressivity is in this direction; less is in this direction. As you can see, this ranking shows all the countries around the world that have less progressivity than the United States, which means that higher income Americans pay a greater share of income taxes and taxes generally than in any other country in the world. But again, we are told this is not enough.

Clearly there is something else going on here, and here is what concerns me the most. The real consequence of this so-called Buffett rule, this tax increase, are that it is meant to be a tax on investment returns. It is a tax on capital gains and dividends. It is a tax that would upend decades of established law with respect to the differentiation we have put in place with respect to dividend income versus wage income. And it disregards the very sound reasons why we have created that distinction, one of which is that investment returns are taxed multiple times.

We don't hear so much about that during this debate from my friends who are advocates for this new tax increase. But the fact is, first of all, it is only aftertax income that can be invested in the first place. So someone had to pay taxes on their earnings, and then after they have spent what they need to for their cost of living and if they have managed to save something which they then invest, they have already paid tax on that. Now the investment they have made—and let's say this is an investment in a corporate stock. Let's keep in mind that that corporation has to pay tax before they have an opportunity to provide a return on the investment that is made. And as it happens, in the United States, our corporations pay the highest corporate tax in the entire industrialized world, 35 percent.

We have got a terrible corporate Tax Code that needs to be reformed in many ways. One of them is to lower this top marginal rate, but right now it is 35 percent. And what the proponents of this rule are saying is that after a corporation pays that 35 percent tax on whatever income they can earn, and when they then choose to dividend some of that remaining aftertax income to the people who own that company, they want those owners to pay yet another tax that is even higher than we pay now.

We have a chart here that illustrates what the net effect of this is. Given that we have a 35-percent top corporate tax rate, and if we were to adopt this proposal to impose this 30-percent minimum tax, for an individual who has dividend income, first the company in which they invest pays a tax. Not all companies pay the 35-percent rate, but that is the top rate and it is in effect on many companies. Well, if the company has to pay 35 percent of a given $100 of income, they are left with $65 in corporate aftertax income. If that company then decides that the people who own it ought to get a dividend reflecting their ownership on that $65 that is available to be paid out as a dividend to investors, the proponents of the Buffett rule would have those investors pay another 30 percent. That is $19.50, leaving the investors with $45.50 out of the $100 of income. In other words, the government takes the lion's share of the income from this investment.

The net effect of that, of course, is that it diminishes the incentive to make these investments in the first place. It makes other countries more attractive places to invest capital, to invest in a business to try to generate a return.

There is another aspect that is disturbing about this which is, if you ask me, it is very reminiscent of the alternative minimum tax. We tried that once. In 1969, Congress decided there were some people who weren't paying enough in tax, and they said we are going to target a handful. Literally, it was 15 people—not 155,000 but 155 people who were subject to the alternative minimum tax, which was this confession of the absurdity of the Tax Code in the first place. Right? Junk the entire existing Tax Code and have yet a second parallel Code that will apply to just those rich 155 people. Well, guess what. Today that applies to tens of millions of Americans, and every year Congress has to do a temporary fix because it wasn't intended to do that.

I would suggest if we go down this road, we are going to find that this tax—which we are told today would only apply to millionaires and billionaires, well, pretty soon the hard cold reality of the fact that it doesn't generate any revenue to speak of if you apply it just to millionaires and billionaires, means it is going to be expanded to the middle class and far more people, very much to our detriment.

Finally, let me say that it is a bad idea to confiscate the capital which is the lifeblood of an economy. This next chart illustrates the critical role that investment plays in economic growth and in job creation.

A couple of squiggly lines. But one thing you notice if you take a quick look is there is an inverse relationship here. When the black line goes up, the red line is going down. The black line is investment as a percentage of our economy. And when investment climbs—the red line is unemployment—you see, unemployment goes down. This is very well understood. It is capital invested in the economy that creates growth and creates jobs. What this rule would do is it would impose a new layer of additionally higher taxes on that very lifeblood of our economy.

It is capital also that drives wages higher. We should never forget that fact. It is capital that allows the hunter-gatherer to have a hoe and become a farmer. It is capital that allows the farmer with a hoe to cast aside the hoe and drive a tractor and become far more productive. It is capital that allows the laborer who is digging with the shovel to put aside the shovel and drive a backhoe. And as I think everybody understands or should understand, the farmer who is using a tractor is producing more and has a higher income than the poor guy who is using a hoe. And the guy who is operating a backhoe has far more income and is far more productive than the guy who is using a shovel. It is capital that makes that possible.

There is a metaphor I like about this, and I am not sure who to credit it to, but certainly I didn't invent it. I may not do it justice, but the gist of it is this:

The comparison to the economy is that of a fruit tree.

A farmer who has a fruit tree cultivates that tree so it will produce fruit, and the fruit is the income the farmer earns from the work he puts into cultivating that tree.

If the government comes along and takes some of the fruit as a tax, as long as it doesn't take too much it still makes sense for the farmer to cultivate that tree so he can have that aftertax income. And as long as the government only takes a portion of the fruit, then the government is not diminishing the ability of the tree to produce that fruit.

But if the government comes along and says in addition to taking a whole lot of the fruit, we want to saw off a branch because we want some firewood, that is a whole different matter. Because whatever you think of how many of those apples or whatever portion of that fruit you wish to take from the farmer, once you start cutting at the tree you are diminishing the ability of the tree to produce income for the good of the farmer and for society.

That is what happens when we restrict capital, and I am afraid this is the path we would be going down if we

adopt this. This is bad economic policy. We already have the most progressive Tax Code in the world, and very progressive by our own historical standards.

For the sake of job growth, economic growth, and in the hopes that we will instead have a meaningful discussion about budget policy and tax reform, I urge my colleagues to vote no today on the cloture motion on the Buffett rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, 1 year ago last month our Nation lost an esteemed public servant and an outstanding human being, Judge M. Blane Michael, who served on the U.S. Court of Appeals for the Fourth Circuit for a number of years.

With his passing, we were therefore left with a great void not only on the Federal judiciary but also in the hearts of his family and his many friends. So it is with a profound sense of obligation to the people of West Virginia and America that I set out to find a nominee to fill his vacancy. My duty to provide advice and consent took on, to me, additional significance.

In West Virginia, we are fortunate to have many talented and worthy lawyers who are capable of serving—and willing to serve—on the Federal bench.

But the nominee before the Senate today, Stephanie Dawn Thacker, completely stood out to me—and (in turn) to President Obama—as someone who is uniquely qualified to carry on in her own way, Judge Michael's legacy of independence, humility, and intellectual honesty as a Federal judge.

There is no question that Stephanie Thacker has reached the heights of the legal profession, both as an award-winning public servant and as an esteemed lawyer in private practice.

Her rise is all the more impressive because of the challenges she overcame The circumstances of Stephanie Thacker's early life were not easy. Her home town, Hamlin, WV, is in one of the poorest counties in the nation—a place where nothing is taken for granted and where every success is hard-earned.

Stephanie credits a supportive family and community, and the influence of two strong women who assumed her ability to achieve against the odds.

While still in the crib, Stephanie's mother and grandmother told her every day that she would go to college, and then in college they told her she would succeed in law school. They instilled in her the value of education and a strong sense of public service and duty to her country, which we fulfill again today.

Ms. Thacker heeded their advice, graduating magna cum laude from Marshall University and second in her class from the West Virginia University College of Law, where she was an editor of the Law Review.

Over the next 21 years her passion and respect for the law, along with her drive to seek justice for her clients, resulted in an illustrious career. Ms. Thacker's reputation is as a compassionate yet tough attorney who makes thoughtful, very well-researched, and therefore confident arguments that are always based on the law and facts of her cases.

These skills and character are evident in her 12 years of service as a federal prosecutor, where she rose to be Principal Deputy Chief of the Department of Justice's Child Exploitation and Obscenity Section. Among her accomplishments are prosecuting the first federal Violence Against Women Act case and helping to develop the nationwide Innocence Lost initiative to combat child sex trafficking, which to date has led to the rescue of more than 1,600 children and the conviction of more than 700 sex offenders.

She co-authored the Federal Child Support Prosecution handbook, worked reviewing and amending West Virginia's domestic violence laws, prosecuting notorious child sex offender Dwight York, and training national and international law enforcement officials on the prosecution of child exploitation crimes.

This body of work has rightfully earned her bipartisan praise over the years from United States Senators, FBI Director Mueller and former Attorney Generals Gonzales and Ashcroft, who awarded her the Distinguished Service Award, which is among the Department's highest commendations.

These accomplishments are illustrative of the experience and qualifications that Stephanie Thacker offers in service to the U.S. Court of Appeals for the Fourth Circuit.

She has the courage to make tough decisions, and will not back down from a challenge.

She has the superior intellect necessary to analyze the complex legal issues that come before the Federal appeals courts. She will look at every case with a fair and open mind and will issue opinions that are guided by our Constitutional principles and always grounded in the law and she will never forget her solemn duty to uphold fairness and justice for everyone, regardless of social status or economic means.

In conclusion, it is with great optimism, pride, and a renewed spirit that I look to the future, knowing that this important appellate vacancy will be filled with such a qualified nominee as Stephanie Dawn Thacker.

I yield the Floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise today first of all to thank the senior Senator, my friend Senator ROCKEFELLER, for nominating such a qualified jurist upon the passing of our dear friend, Judge Blane Michael.

Stephanie Dawn Thacker is a native of Hamlin, WV. We are awaiting her confirmation this afternoon with a vote which I know will be in the affirmative. It is my privilege and my honor to speak on her behalf also.

Stephanie Thacker's impressive background and extensive list of accomplishments in both the public and private sectors make her an exceptional judge for the 4th Circuit. She is renowned in our state for her mastery of the law and of the courtroom, and I have no doubt that she will make a highly successful federal judge.

Ms. Thacker has dedicated much of her career to fighting some of the worst offenses in our society. As a trial attorney, Deputy Chief of Litigation, and Principal Deputy Chief, she spent several years prosecuting cases, as you have heard, on Child Exploitation and Obscenity at the Department of Justice. Her outstanding work and leadership earned her a number of honors at the Department of Justice, including four ''Meritorious'' Awards and two ''Special Achievement'' awards.

Her impressive performance in prosecuting the case of United States v. Dwight York earned her the Attorney General's ''Distinguished Service'' award, one of the Department's highest honors. She was also a recipient of the Assistant Attorney General's awards for ''Special Initiative'' and ''Outstanding Victim and Witness Service.''

Prior to her service at the Department of Justice, Ms. Thacker worked with the U.S. Attorney's Office for the Southern District of West Virginia, where she prosecuted a wide variety of criminal cases, including money laundering and fraud. While at the U.S. Attorney's Office, Ms. Thacker participated on the trial team prosecuting United States v. Bailey, the first case ever brought under the Violence Against Women Act.

Since 2006, Ms. Thacker has been a partner at the law firm of Guthrie & Thomas in Charleston, West Virginia. There, she has concentrated on cases involving product liability, environmental and toxic torts, complex commercial defense, and criminal defense.

Ms. Thacker was a model student in both her undergraduate and legal studies. She earned her Bachelor's degree in Business Administration, magna cum laude, from Marshall University, and her J.D., Order of the Coif, from West Virginia University College of Law. While at West Virginia University she was a recipient of the Robert L. Griffin Memorial Scholarship and Editor of West Virginia Law Review's Coal Issue. She has also recently been named ''Outstanding Female Attorney'' by WVU Law's Women's Caucus.

Ms. Thacker's wide-ranging expertise in civil and criminal matters, her impressive track record in the courtroom as both a prosecutor and a defense attorney, and her outstanding academic accomplishments will make her a first-rate addition to the 4th Circuit. I am proud to call her a fellow West Virginian and I am pleased that she will finally be confirmed.

THE BUFFETT RULE

Mr. MANCHIN. Mr. President, I had the enormous privilege to spend the

last 2 weeks traveling around my great State to hear from the people of West Virginia.

It is always so refreshing to get a dose of commonsense from people who are working hard every day to balance their family budget, put food on the table and give their kids a better life.

And I can tell you that the people of West Virginia are so frustrated and losing confidence in this government, especially when it comes to our broken tax system.

Whether it was in Beckley, Ravenswood or Wheeling, I heard the same thing from the people of my great State.

We just don't understand why hard-working, middle income people are paying a much higher tax rate than some of the wealthiest people in this country. Take our coal miners, who go to the mine every single day to make a living for themselves, for their families, but who are paying a higher tax rate than some people making a million dollars a year. Where I come from, that's not fair. Where I come from, that doesn't make any sense.

Where I come from, that means our system needs to be fixed—in a real, responsible and fiscally sound way that reduces our debt.

Now, let me be clear: I am not begrudging anyone who's worked hard, who has taken a risk or who has done well. But we have to have a solid country under us to achieve those goals. And we need to put fairness back in the tax system to get this country on solid ground again. And if we want a fair system, that means that there should not be privileges that allow the very wealthy to pay a lower rate than hard-working, middle class Americans.

Right now, the average person does not have those opportunities or privileges. But when people believe the American Dream is in reach, they will all pull harder.

Today I rise to speak about my support for the Buffett Rule, which would take a small step toward fixing this unfair system and paying down this country's nearly $16 trillion debt.

A lot of people here believe that this bill will fail because of politics on a mostly party line vote. That is a shame because the only line we should vote is the American line.

For a year-and-a-half, I have been coming to the Senate floor to urge my colleagues to put party and politics aside and vote for the good of the next generation, whether it is a Democratic idea or a Republican idea.

But even though this vote on the Buffett Rule might fail today on party lines, we cannot give up—we have to find a way to come together for the next generation.

I have said before that the Buffett Rule alone does not address the full scope of the problem. All it does is nibble around the edges of our broken tax code. We still have too many corporations that can take advantage of too many loopholes, credits and exemptions. We are pushing $16 trillion dollars in debt and we are still spending more than a trillion dollars more than we take in every year. That does not make sense.

We have to fix the whole thing so that we can start reducing our deficit, paying down our debt and putting our fiscal house back in order for the next generation.

To do that, we have a plan with bipartisan support—the Bowles-Simpson framework, which would reduce loopholes, exemptions and credits across the board, lower tax rates and get everyone to pay their fair share. Just as importantly, it would cut spending and start paying down our debt.

I can't tell you how important that is to the people of West Virginia, the taxpayers in every single income bracket who don't trust the government to spend their tax dollars wisely.

Just like all Americans have the responsibility to pay their fair share, Washington has the responsibility to show the people of this country—no matter how much money they make—that we are using their tax dollars wisely and effectively—just as we did in West Virginia.

That is why I believe we must—and I will continue to fight—to cut back on our spending. We have to eliminate the $125 billion dollars that we spent in waste, fraud and abuse last year alone. And most importantly, we have to pay down the nearly $16 trillion dollar debt hole that has been dug for the next generation.

The Buffett Rule would take a small step to show the American people that we are trying to correct those problems and—most importantly—put some basic fairness back into our tax system.

Even though this vote might fail, in West Virginia we will continue to work hard. We will continue to pay our taxes. And we will continue to fight to make sure that when our coal miners send in their taxes, that people who bring in a million dollars a year aren't getting away with paying less.

The future of this country depends on those of us here in Washington working together to restore confidence in this great nation because when people believe that everyone is paying their fair share, they are all willing to pull their load a little harder. And if people start believing in this country again, there's no stopping us.

I yield the floor.

Mr. GRASSLEY. Mr. President, again we are moving forward under the regular order and procedures of the Senate. This year we have been in session for about 37 days, including today. During that time we will have confirmed 15 judges. That is an average of better than one confirmation for every 2½ days we have been in session. With the confirmations today, the Senate will have confirmed nearly 75 percent of President Obama's article III judicial nominations.

Despite this progress, we still hear complaints about the judicial vacancy rate. We are filling those vacancies. But again, I would remind my colleagues that of the 82 current vacancies, 50 have no nominee. That is over 60 percent of vacancies with no nominee.

Another complaint we hear, which is a distortion of the record, is the so-called delay in confirming nominees. Those who raise this complaint only focus on the time a nominee is reported out of committee until confirmation. But the confirmation process is more than just Senate floor action.

For those who may not be familiar with the confirmation process, let me review. Once a nomination is received, the committee takes an appropriate amount of time to review the nominee's Senate questionnaire and background and review written materials. The Committee holds a hearing on judicial nominees and then holds the record open for additional written questions. Of course there is debate on the nomination in committee, then the nomination is reported to the floor. All of this takes time. Every step is important. Not all nominees make it through each step.

The average time for this process for President Bush's circuit judge nominees was 350 days. That means it took, on average, nearly 12 months from the time a nomination was received in the Senate until final confirmation.

For President Obama's circuit nominees the average time from nomination to confirmation is 243 days. That means President Obama's circuit nominees are being confirmed faster than those of President Bush. So to those who ask What's different about this President? I would respond that one thing that is different is that this President's circuit nominees are being treated much more fairly than President Bush's nominees were treated.

As I stated, not all nominees make it through every step of the process. In the case of our nominee today, she completed that process in about 220 days, below the average for President Obama and much quicker than the average for President Bush. She will likely be confirmed and take her place on the Court of Appeals for the fourth circuit.

This was not the outcome for many of President Bush's nominees to the fourth circuit. Let me review just a few of the highlights from those failed nominations.

I wonder if my colleagues remember William Haynes, President Bush's nominee to sit on the fourth circuit. In the 108th Congress, my Democratic colleagues held up his nomination for 638 days on the Senate calendar alone before it was returned to the President. All in all, he put his life on hold for 1,173 days and never received an up-or-down vote.

Later, at a point during the 110th Congress, the fourth circuit had a vacancy rate of 33 percent and desperately required judges. The President

did his duty and submitted four nominations. Unfortunately, all of them were needlessly delayed.

Judge Robert Conrad was nominated to a seat on the fourth circuit which had been designated as a judicial emergency, Both home State Senators supported his nomination. Furthermore, he had received unanimous support from the Senate on two prior occasions—first when he was confirmed to be a United States Attorney and again when he was confirmed by voice vote to be a United States District Judge for the Western District of North Carolina. The American Bar Association's Standing Committee on the Federal Judiciary unanimously gave him a rating of well qualified.

Judge Conrad met every standard to be considered a well qualified, noncontroversial, consensus nominee. Yet, his nomination stalled. He was nominated on July 17, 2007. Despite his extensive qualifications, a hearing was never scheduled. On October 2, 2007 Senators BURR and Dole sent a letter to the chairman asking for a hearing for Judge Conrad. On April 15, 2008 they sent a second letter to the chairman requesting a hearing for Judge Conrad.

Their request was never granted. After waiting 585 days for a hearing that never came, Judge Conrad's nomination was returned on January 2, 2009.

Steve Matthews was another nominee to the fourth circuit, nominated on September 6, 2007. He was a graduate of Yale Law School and had a distinguished career in private practice in South Carolina. He also had the support of his home State Senators. On April 15, 2008 Senators GRAHAM and DEMINT sent a letter to the chairman asking for a hearing for Mr. Matthews. Despite his qualifications, Mr. Matthews waited 485 days for a hearing that never came. His nomination was returned on January 2, 2009.

Rod Rosenstein was nominated to a fourth circuit seat designated as a judicial emergency on November 15, 2007. The American Bar Association's Standing Committee on the Federal Judiciary unanimously rated him well qualified. Previously, in 2005 he had been confirmed by a noncontroversial voice vote as U.S. Attorney for Maryland. Prior to his service as U.S. Attorney, he held several positions in the Departm6nt of Justice under both Republican and Democratic administrations.

On June 24, 2008 Senator Specter, the ranking Republican Member, sent a letter to Mr. Rosenstein's home State Senators pointing out that the seat to which Mr. Rosenstein had been nominated had been vacant since August 2000—at the time nearly 8 years. He requested they return their blue slips on his nomination. That request was declined, reportedly because the nominee lacked ties to Maryland and was doing too good of a job as the U.S. Attorney for Maryland. I find that rationale somewhat perplexing, if not inconsistent.

Nevertheless, despite his stellar qualifications, Mr. Rosenstein waited 414 days for a hearing that never came. His nomination was returned on January 2, 2009.

Judge Glen Conrad was another failed nomination to the fourth circuit. Nominated on May 8, 2008 he had the support of his home State Senators, one a Republican, the other a Democrat. Judge Conrad had previously been supported by the full Senate when he was confirmed to be a United States District Judge for the Western District of Virginia by a unanimous, bipartisan vote of 89–0 in September 2003. Despite his extensive qualifications, Judge Glen Conrad waited 240 days for a hearing that never came. His nomination was returned on January 2, 2009.

What was the reaction to this Democratic obstruction to President Bush's fourth circuit nominees? A December 2007 Washington Post editorial lamented the dire straits of the fourth circuit writing: ''[T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers. Two nominees—Mr. Conrad and Steve A. Matthews—should receive confirmation hearings as soon as possible.''

In 2008, another Washington Post editorial stated that ''blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.''

I would note that the seat to which Mr. Rosenstein was nominated went vacant for over 9 years. When President Obama made his nomination to that vacancy, the nominee fared far better. He received a hearing a mere 27 days after his nomination and received a committee vote just 36 days later.

So today, as we confirm another of President Obama's nominees to the fourth circuit, I hope my colleagues understand, recognize, and acknowledge that President Obama's nominees are being treated in a fair manner.

Stephanie Dawn Thacker is nominated to be United States Circuit Judge for the fourth circuit. She graduated with honors from West Virginia University College of Law in 1990 and received her B.A., magna cum laude, from Marshall University in 1987. Ms. Thacker began her legal career as an associate in the Pittsburgh office of Kirkpatrick & Lockhart, now K&L Gates. There she worked on complex commercial and asbestos defense litigation.

In 1992, she worked for a brief period as an assistant attorney general in the Environmental Division of the Office of the West Virginia Attorney General. There she represented the State of West Virginia on environmental issues involving permitting and compliance. She then joined King, Allen & Betts—now Guthrie and Thomas—as an associate, where she worked from 1992 to 1994 on cases involving commercial litigation defense, white collar criminal defense, and legal malpractice and professional responsibility defense.

In 1994, she joined the United States Attorney's Office for the Southern District of West Virginia as an assistant United States attorney in the General Criminal Division. As an assistant United States attorney, she prosecuted cases on a wide range of criminal matters including money laundering, fraud, firearms, and tax evasion matters. She eventually developed a niche in domestic violence, child support enforcement, and coal mine safety.

In 1999, she became a trial attorney with the Department of Justice's Child Exploitation and Obscenity Section. She was promoted to deputy chief for litigation in 2002 andl principal deputy chief in 2004. As a trial attorney, she prosecuted cases around the country involving child pornography, child sexual exploitation, sex trafficking, and obscenity. As deputy chief and principal deputy chief, she was responsible for the management and professional development of the section trial attorneys.

In 2006, she became a partner at Guthrie and Thomas—formerly King, Betts & Allen—where she previously worked basis as an associate. She has specialized in complex litigation, environmental and toxic tort litigation, representing large companies, as well as handling some criminal defense cases representing individuals.

A substantial majority of the ABA Standing Committee on the Federal Judiciary gave her a rating of well qualified; a minority of that committee rated her as qualified.

The PRESIDING OFFICER. Under the previous order, the question is on the nomination.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Colorado (Mr. BENNET), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. KIRK).

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

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

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 64 Ex.]

YEAS—91

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

NAYS—3

DeMint	Lee	Vitter

NOT VOTING—6

Akaka	Enzi	Kirk
Bennet	Hatch	Lieberman

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

IMPOSING A MINIMUM EFFECTIVE RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent there be 2 minutes equally divided prior to the cloture vote on the motion to proceed.

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, many Americans sat down last week to prepare their taxes, knowing from Warren Buffett and others that the highest income Americans very often are paying a lower tax rate than they have to. The 400 highest income Americans, the most recent data shows, paid an all-in tax rate of 18.2 percent, on average. Some paid a lot less. One year Warren Buffett paid an 11-percent tax rate.

Reuters reported today that about 65 percent of taxpayers who earn more than $1 million face a lower tax rate than the median tax rate for moderate-income earners making $100,000 or less a year. This bill will raise between $47 and $162 billion that could go for deficit reduction or hundreds of thousands of infrastructure jobs or to keep student interest rates at 3.4 percent and end the absurd inequity in our Tax Code that lets a hedge fund billionaire pay a lower tax rate than a Rhode Island truckdriver. I hope my colleagues will vote yes.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona.

Mr. KYL. Madam President, everyone knows this is not going to pass. This is a political exercise. I urge my colleagues to vote no. The fact is on average the people in the upper two brackets pay more than twice as much in their income tax rates as the people we call the middle-class taxpayers.

So the basis, the factual basis upon which this is allegedly founded is incorrect. The truth is this legislation will do nothing with regard to job creation, with regard to gas prices, with regard to economic recovery, or any of the other matters the American people care about. As a result, to focus attention on something like this is to try to draw attention away from the issues about which the American people are most concerned.

I urge my colleagues to vote no.

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 339, S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

Harry Reid, Sheldon Whitehouse, John D. Rockefeller IV, Barbara Boxer, Patrick J. Leahy, Jeff Bingaman, Richard J. Durbin, Daniel K. Akaka, Al Franken, Jack Reed, Mark Begich, Sherrod Brown, Carl Levin, Richard Blumenthal, Bernard Sanders, Debbie Stabenow, Charles E. Schumer, Patty Murray.

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. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

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

The yeas and nays resulted—yeas 51, nays 45, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—51

Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—45

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Pryor
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker

NOT VOTING—4

Akaka	Kirk
Hatch	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LIEBERMAN. Mr. President, I know there are many who dismiss the President's proposal of the so-called Buffett rule as an election year tactic which has no chance of being enacted. But, for me, it must be taken as a serious proposal because it touches important economic principles at a very difficult economic time for our country. Although I was unable to be present for this afternoon's vote, I would have voted against the motion to proceed to the Paying a Fair Share Act of 2012, S. 2230, and I want to explain why.

I am not opposed to the Buffett rule because I am opposed to raising income taxes on the wealthiest Americans. I am opposed to the Buffett rule because it would double to 30 percent the capital gains tax on one group of investors and therefore reduce exactly the kind of capital investments we need to get our economy growing again and create jobs. To protect America from being drowned in public debt we will eventually have to raise revenues, hopefully through broad tax reform, and, of course, we will also have to cut expenditures, particularly the rate of increased spending on so-called entitlement programs. But that is different from the question of how to tax gains on capital investments. I have long believed in the value of having a lower tax on capital gains than on regular income because capital investments are

one of the engines that has driven this great economy of ours, made us the land of opportunity, and created the American middle class. Someone once said that if you take the ''capital'' out of capitalism, all you have left is an ''ism.'' There is a lot of truth in that play on words.

My support for a lower capital gains rate was probably born when one of the great political inspirations of my life, President John F. Kennedy, advocated lower capital gains taxes as part of his ''a rising tide raises all boats'' fiscal policy. During my first term in the Senate in 1989, I supported President George H.W. Bush's proposal to lower the capital gains tax. I was one of a small group of Democrats to do so. During the 1990s, I worked alongside the late, great Jack Kemp in support of lower capital gains rates, especially for gains made on capital investments in low-income urban and rural areas which we called enterprise zones. Throughout the years, I cosponsored broad proposals to lower the capital gains tax with Senator HATCH and other Members of the Senate from both political parties. To me, economic history proves that lower capital gains taxes grow our economy and higher capital gains taxes don't increase revenues. This particular tax increase is especially ill-timed, since it is clear that literally billions of dollars are now being held back from new investments in America by individuals and businesses because they are uncertain about the future of our economy and the future of government policies that will affect their businesses and their investments. The best thing we could do to regenerate economic growth is to adopt broad-based tax and entitlement reform that would bring our government books into balance and give American businesses and investors a sense of certainty about the economic environment in which they will be living for years to come. The Buffett rule, on the other hand, targets a particular kind of economic activity—capital investments—which are what America's economy and people urgently need now. And that is why I would have voted against the Buffett rule.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent 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.

SURFACE TRANSPORTATION ACT

Mr. WHITEHOUSE. Mr. President, I will be closing the Senate very shortly, but before I do I want to say a few words about a topic that came up today. Obviously, I was pleased that a majority of the Senate, indeed a bipartisan majority of the Senate, has just voted to eliminate an unfortunate gimmick in the Tax Code that allows people who make north of a quarter of a billion dollars a year to pay lower tax rates than a Providence, RI truck-driver pays if he is single. I think that is pretty hard to justify, frankly. I think a lot of Americans spent last week preparing their taxes and having heard from Warren Buffett who 1 year paid an 11-percent all-in Federal tax rate, a rate obviously higher than his secretary paid, something Mr. Buffett himself has complained about, there is a pretty wide sense that the American Tax Code serves special interests and people who have phenomenal amounts of wealth much better than it serves regular middle-class taxpayers.

That is particularly true if you avoid doing what my Republican colleagues have done, which is focus on the most progressive part of the Tax Code, the income tax part, and ignore the most regressive part of the Tax Code which hits the working families the hardest, which is payroll taxes. Almost everything they will say about the American Tax Code conveniently omits the taxes that most Americans pay—more Americans pay than the income tax, frankly.

But we had a good discussion on that subject. I think because it was so difficult for so many of my colleagues to come out in favor of an upside-down tax situation in which somebody making a quarter of a billion dollars pays a lower rate than somebody making $100,000 or $90,000, other topics were brought up. We kind of had a march through all the topics one could think of. One of them, very central to all of us here in the Senate today, is jobs, and it was pointed out that the tax fairness bill is not a jobs bill. Of course it would be if you took the $47 billion to $162 billion in revenue it creates and put it toward infrastructure. Then it would create literally hundreds of thousands of jobs. But because it does not define where the revenue is going to go I cannot say it is a jobs bill. It is a tax fairness bill. That was its intention.

But we do have a jobs bill here in Congress. We have a very significant jobs bill. We have a highway transportation bill. The Presiding Officer serves with me on the Environment and Public Works Committee and knows how hard we worked to get that bill through the Environment and Public Works Committee. It is exactly the kind of bill that people from outside of Washington, looking in at Washington, want to see us do. You had a chairman on the Environment and Public Works Committee, BARBARA BOXER of California, and a ranking member on the Environment and Public Works Committee, Senator INHOFE of Oklahoma, who are from about as polar opposite political points of view as they could be, but they found a way to come together on this bill. They worked with all of us on the committee. As a result the bill passed out of the Environment and Public Works Committee unanimously, every Republican and every Democrat.

Then it came to the floor, and there are complaints from time to time around here that stuff gets jammed on the floor and there is not enough of an open amendment process. There were 5 weeks of debate and amendment of this bill on the Senate floor. I think 41 amendments were added to the bill, either by vote or by agreement during the course of that—Republican amendments, Democratic amendments. When the dust settled on the whole process and everybody had their say and everybody had their votes and all the amendments that could be considered were considered, we voted on it and 75 Senators either voted for it or were out of town and have said that they would have voted for it had they been here. So you had an effective vote of 75, I think, to 22. By our standard here that is a colossal bipartisan landslide.

The bill itself was supported by everybody from the U.S. Chamber of Commerce—which is probably the most active Republican lobbying and political organization in the country—to environmental groups, to the labor unions. This is a bill that everybody supports. From a jobs point of view it is 2.9 million jobs. It is 9,000 jobs in my home State of Rhode Island. This is a big deal.

The bill was sent over to the other side of the Capitol and there it sits. The Speaker will not take it up. What I hear is because he does not want to count on Democratic votes. To somebody who wants a job or who wants a cousin or a sister to have a job—to be out working, rebuilding roads, rebuilding bridges, rebuilding highways, rebuilding our national infrastructure—it is pretty hard to explain why you would walk away from a bill that creates 3 million jobs, a bill that is bipartisan, that went through a full process in the Senate, when they have no bill whatsoever of their own, and do so because they do not want to use Democratic votes. That is sort of the ultimate Washington insider reason for not doing something important for the country.

When we talk about jobs in the Senate, until we get action in the House that creates a real bill, I don't think we should be getting any lectures about jobs from our Republican colleagues. I am told that the House is passing another extension. As the Presiding Officer knows, these extensions cost a ton in the way of jobs. It has been estimated by our Director of Transportation that it would be a thousand jobs lost in Rhode Island from the extension we have already agreed to through the end of June. If we pass that through the end of September, there goes the entire building season. That is going to hurt.

I spent time in Rhode Island when we were home over the recess period with the Director of Transportation, who is a very able Director. He has worked under Republican and now Independent Governors. He describes that they have a list this long of projects that they

want to get done this summer, in the building season, but if they do not know until July what the funding is going to be, he said, I have to drop a lot of those projects off the bottom. When I do that, that is a lot of jobs. It is unnecessary. We could be passing this bipartisan Senate bill through the House very quickly. Democrats would vote for it. Many Republicans would vote for it. All those jobs would be able to start up right away. If we extend it further into September, that makes it even worse. So it is urgent that we not continue down a path of delay and delay of the bill.

It is not only me saying this. The folks at Standard & Poor's have come out with a report that is entitled ''Increasingly Unpredictable Federal Funding Could Stall U.S. Transportation Infrastructure Projects.'' They point out that:

As the construction season begins in the northern half of the country, this continuing uncertainty in funding could force states to delay projects rather than risk funding changes or political gridlock come July.

That is exactly what Director Lewis told me, that simply the uncertainty will move jobs off the list that can be done in this construction season. The report continues that '' . . . the political gridlock in Washington, DC''—i.e. the Speaker being unwilling to call up a bipartisan, 75 to 22, Senate bill with Democratic and Republican amendments, everybody supporting it, unwilling to call that up because he doesn't want to have to rely on Democratic votes, that is political gridlock for sure—''and the doubts surrounding federal funding are making it difficult for issuers throughout the infrastructure sector to define long-term plans for funding necessary capital projects.''

Then this report goes on to say:

Once a long-term authorization is approved, we believe it will provide an impetus for transportation agencies to reconsider high priority projects that have been shelved because of lack of funds, but if the authorization is extended by even more continuing resolutions, such high priority projects will remain in limbo.

Jobs are at stake. It is a multimillion-jobs bill. It is sitting over there, not because of any problem they have with the bill per se. They don't have a bill of their own. They don't have anything they prefer. I hear they are going to send over another extension to September—arguably, if I hear correctly, with some politically very contentious issues attached, which makes it even more difficult. Remember, this was a bipartisan bill here on the Senate side. That is where we are stuck.

So I wished to take the time this evening to urge my colleagues on the Republican side of the aisle to use whatever powers they have of conversation or persuasion to get the House to call up the bill. If we have to get this bill over, the alternative is, if it is only another extension, that is going to cost—I don't know—another 1,000 jobs in Rhode Island. We need to make sure we have a bill that will take us to conference and that we get to conference as quickly as possible. Once we are in conference, we need to pass a real authorization that avoids these problems as quickly as possible. The American people expect no less.

It is not rocket science to pass a transportation bill. Congress has been doing this since the days when President Eisenhower established the Federal highway program. If we cannot get this done, what does that say about our prospects of doing something complicated, such as cybersecurity or other issues we will have to face? This should be a slam dunk, particularly with a bipartisan bill that everybody supports that came through the Senate after such a clear, transparent, rigorous, and open process. I will end my remarks there.

ARTS ADVOCACY DAY 2012

Mr. HARKIN. Mr. President, at a recent HELP Committee hearing on education and the economy, representatives of the business community told us that it is not enough for our education system to produce graduates who can read, write, and do math. Employers need workers who can apply creativity, collaboration, and communication in their jobs to solve problems, produce ideas and make connections. These are the keys to innovation and success in the knowledge economy of the 21st century. Indeed, they are essential if we are to move our economy forward, create jobs, and ensure our national security. But I ask you, How can we produce graduates who are creative and collaborative if we don't value the arts in our society and teach it in our schools?

Today is Arts Advocacy Day. Advocates for the arts have come to Washington to remind their elected officials about the importance of Federal investments in the arts. Why investment at the Federal level? Because arts are essential to the fabric of our society. Arts education teaches critical skills—not just creativity, but also a rigorous and practical application of other skills. The arts make us think. The arts improve our quality of life. The arts provide an outlet for personal and political expression. Collectively, our arts express who we are as a nation. This very building, the United States Capitol, an enduring symbol of freedom and democracy, is an especially powerful example. Federal funds built this building. Federal funds also support vital programs such as the Iowa Arts Council Big Yellow School Bus grants, to pay the costs of busing students to museums or live orchestra concerts. For many students, this is the only opportunity they have to experience the arts.

It is imperative that we continue to promote a society where all citizens are exposed to the arts and where all students—no matter their socioeconomic background, community, family, or ability—have equitable access to a high-quality, public, well-rounded education that includes the arts.

Unfortunately, recent data from the Department of Education show that inequities persist. Schools serving the poorest students are less likely to offer instruction in the arts. For example, availability of music instruction in secondary schools on average has remained at about 90 percent for the last 10 years. Meanwhile, it has actually decreased, from 100 percent to 81 percent for schools with the highest poverty concentration—a 19 percentage point decrease.

We all want our kids to succeed in school, and to be inspired in school. Many students find the motivation to learn through participation in the visual arts, drama, band, orchestra, choir, or dance. Every child should have the opportunity to do something that inspires and excites them, that teaches them creativity, collaboration, and communication, no matter their socioeconomic status, their neighborhood, their local tax base. Research has shown that arts education improves not only children's creativity, but also their ability to learn and be productive in school, as well as their self-confidence and social skills.

Christine Dunn, a music teacher at Harlan Community Elementary School in Harlan, IA, wrote me a letter urging me to continue my support for the arts. She told me that without the arts, ''our students may never be able to see, understand or express feelings, thoughts and ideas fully. I try to imagine a world without the arts and it looks very bleak. The arts give us creativity and the freedom to be ourselves.''

Today on the occasion of Arts Advocacy Day, I would like to recognize the outstanding advocacy of Iowans like Ms. Dunn, Barry Griswell, and Suku Radia—and the wonderful contributions that Iowans have made to the arts throughout our nation's history.

TRIBUTE TO MASTER SERGEANT CHARLES ROBERT 'BOB' STOKES

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a distinguished veteran of our Nation's great Armed Forces, Master Sergeant Charles Robert ''Bob'' Stokes of East Bernstadt, KY. MSG Stokes enlisted in the United States Air Force on June 6, 1955. He had just graduated from London High School the week before; he was 18 years old.

There was a wide variety of disciplines Bob could have entered within the Air Force. He prayed all throughout his basic training for God to put him in the field he would be best suited to. Being the son of a mechanic, he possessed natural tendencies to fix things, and had worked on machinery previously in his life. So after much praying, Bob was assigned to be an aircraft mechanic, an act he later would refer to as a ''divine intervention.''

Stokes had never traveled much before the service, but he soon found himself stationed all around the country at Air Force bases in Missouri, Arkansas, and Puerto Rico, to name a few. Stokes eventually landed a spot on the presidential squadron put in charge of the famous presidential aircraft, Air Force One. He was part of that outfit throughout the administrations of Lyndon Johnson, Richard Nixon, and Gerald Ford.

Stokes's career in the Air Force continued to prove fortuitous. He saw the world through the window of Air Force One, visiting places that he had dreamed of seeing his entire life. He witnessed monumental historic events, like Nixon's resignation, from an arm's length away. He executed his job superbly, ensuring the President would always arrive safely on the ground. And finally, Bob received the greatest benefit he would ever come across while running the presidential squadron, meeting his wife Varlene. She too was serving on Andrews AFB at the time.

Bob and Varlene retired to East Bernstadt in 1976, where they reside to this day. The two have three children—Robert Jr., Tricia, and Ward, all of whom appreciate the dedication their mother and father have shown to our great Nation throughout the years.

Mr. President, in November 2011 there was an article published in Laurel County, Kentucky's local periodical magazine, the Sentinel Echo: Silver Edition. The article noted the accomplishments of Mr. Stokes throughout his many years of service in the United States Air Force.

At this time, Mr. President, it is my wish that my colleagues in the United States Senate join me in honoring Master Sergeant Charles Robert Stokes for his dedication to our great country; and I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the Sentinel-Echo: Silver Edition, Nov. 2011]

HISTORY IN THE MAKING

(By Carrie Dillard)

When retired Master Sergeant Charles Robert ''Bob'' Stokes was in basic training at Sampson Air Force Base, N.Y., waiting to speak to a counselor about which career field he would be best suited for, he prayed.

Having enlisted in the U.S. Air Force, Stokes knew he couldn't be a cook—he can't cook, he said, but he likes to eat. He didn't want to be an air policeman either. But he had a mechanical background, came by it honest from his father. ''It was in my blood,'' he said.

So when only two men in his class were assigned to be in aircraft mechanics, Stokes called it divine intervention—a guiding hand that led him into the company of presidents, and ultimately to meet his wife.

Stokes graduated from London High School on May 28, 1955. He went into the service on June 6.

''I didn't have a summer vacation that year,'' he said. But he would get to see and experience many places in the United States and around the world that he had never dreamed of visiting.

For a small town boy from Laurel County, New York was quite a culture shock.

''How green I was,'' he said. ''I'd never even seen a pizza in my life, never tasted one until I went to New York. It looked terrible.''

But Stokes changed his mind about the pizza, and adapted to his new surroundings, albeit with a lot of homesickness. He completed aircraft and engine school in Amarillo, Texas, and was then stationed at Whiteman Air Force Base, Mo.

''I was a homesick boy,'' Stokes said. ''I don't think I'd been any place other than Ohio and Tennessee before that, besides Kentucky.''

At 18 years old, he was the youngest crew chief, or ''glorified mechanic,'' at Whiteman AFB, maintaining B–47s. He'd later be stationed in Arkansas, Puerto Rico, and back to Missouri again, where he received orders to deploy to Guam.

Stokes was aboard B–52s, flying combat missions over Vietnam. As a crew chief, Stokes would fly beside the pilot.

''I supposed it made the pilot feel better knowing there was someone beside him who knew how to fix the plane,'' he said.

As the person who made sure the craft was ''airworthy'' by keeping it properly maintained and fueled up, it was rare for Stokes not to feel confident in an airplane. He said there was only one time when he felt like he might perish in one. It was during his time at Andrews Air Force Base.

Stokes was stationed at Andrews AFB during the administrations of Lyndon Johnson, Richard Nixon, and Gerald Ford. He saw the world through the window of Air Force One, as a crew chief on the presidential squadron.

The presidential outfit was made up of 30 to 40 planes to be used by anyone from the president or vice president to cabinet officials. There were smaller jets used to shuttle dignitaries between Andrews AFB and Camp David, and Marine helicopters to fly the president back and forth between the White House and Andrews. Stokes was assigned to a VC–135, a plush plane strictly for VIP travel.

As a man who loves to study history, the 74-year-old realizes now, more than ever, that he had a ''window'' into American and world history.

''I saw history,'' he said. ''The poor people's march on Washington, riots of the 1960s, Watergate.''

He remembers the day Nixon returned from a diplomatic trip to China. It was the first time a U.S. president had visited the People's Republic of China, strongly considered an adversary at the time.

''It [the trip] was very hush-hush,'' said Stokes. ''But when he came back, they let all the Air Force personnel and their families know about it. We gathered around the hangar as he taxied into the hangar.''

He also remembers the day Nixon resigned. Actually, he saw him leave.

''When Nixon left, he got on a plane to California,'' Stokes said. ''We liked Nixon. But he got involved in that Watergate.''

On the flight where he thought he might perish, the presidential squadron had flown a delegation to a state funeral in Brazil. While it was standard to fly with enough fuel to make a landing at nearby alternate locations, the plane was nearly to their destination when they discovered the airport had closed. Low visibility and haze kept the plane from landing in Brazil, and they burned up most of the fuel circling the runway.

''I was sweating bullets. It was the closest I've ever come to losing my life in an aircraft.''

Truth be told, Stokes didn't want to go to Andrews AFB in 1967 when he was selected.

''I tried to get out of it, Stokes said. ''I was on B–52s, in combat, making combat pay, I was staff sergeant. I was living pretty good.''

Andrews AFB had the safest flight record and highest standard of excellence in maintenance. ''If you were selected, you were the cream of the crop. You had to be good or you wouldn't last,'' Stokes said.

But at the time, he didn't know what Andrews was all about; he didn't even know what he'd been selected for.

Upon arrival at Andrews AFB, SSG Stokes was escorted into the hangar bay by a master sergeant. Another master sergeant, at the time, was taking out the trash.

''I thought it was unusual to see a master sergeant doing this type of work, and what are they going to be having me, the staff sergeant, doing, scrubbing toilets,'' he said.

''But that's just the way it was. The master sergeant (escorting me) told me 'every man on crew takes a turn at hangar detail.''' And they did.

''We'd sweep and mop that hangar floor. You could eat off it. I'd wax and polish the airplanes. Nobody was scared to work.''

Besides, it had to be perfect. It was the home of the Air Force One, and Stokes had just made presidential squadron.

''When we were overseas, nobody would touch that airplane but me,'' Stokes said. ''I'd check the oil, pre-flight and post-flight and put it to bed.''

Upon landing anywhere in the world, Stokes would service the plane, fuel it up and make sure it was ready to go for the return trip. He was the last person to see and touch the plane before guards were stationed around the plane—inside the hangar and outside the hangar. No other soul was getting near it.

It's why one night when Stokes got a call that he needed to check the plane due to a bomb threat, he said ''no way.'' He was confident how he'd left the plane.

''I said no way,'' he said. ''But we had to inspect it. I went over it from top to bottom, couldn't find anything.''

But tensions were high then. Not long after the alleged bomb threat, they heard word there'd been an attack on the Vice President's (Spiro Agnew) motorcade in Dallas, Texas. However, it wasn't a sniper, but heat, that had made the back window shatter on the car.

Stokes met his wife, Varlene, while serving at Andrews AFB. She was working for the Department of Agriculture at the time. The two met at a cookout hosted by a mutual friend.

Although Stokes claimed he was a ''confirmed bachelor'' at the age of 31, he said Varlene ''changed his mind.'' They were married in October 1968.

''The best thing that ever happened to me was meeting her,'' he said.

The couple raised three children—Robert Jr., Tricia, and Ward. After every trip, Stokes would bring home a boon for his young family. A spoon for Bobby, a doll for Tricia, and foreign coins for his wife, Varlene, although he wasn't actually supposed to keep the coins. ''We were supposed to turn them in before we left the country,'' he said. The Stokes's third child, Ward, wouldn't come along until after he left Andrews AFB, missing out on the collections.

The couple retired to East Bernstadt in 1976, where they still live today.

''The more you look back on it, I'm just blessed,'' Stokes said.

TRIBUTE TO MR. MARTIN YOUNG

Mr. MCCONNELL. Mr. President, I rise today in honor of a devoted and loyal serviceman from the United

State Navy: Mr. Martin Young of London, KY. Martin enlisted in the Navy on September 22, 1942, when he was 19 years old. His brother was in the Army, so Martin decided to go a different route. He knew that he would have to leave home, but what he didn't know is that he was going to explore a variety of foreign locales and cross the Atlantic Ocean 14 times.

Up until his enlistment in the Navy, Martin had lived in Perry County, KY, his entire life. He was first sent to basic training at Great Lakes Training Center in Illinois. After basic training, Mr. Young decided he would attend gunnery school in San Francisco Bay, CA.

After his 6-week stint in gunnery school, Martin was finally prepared to take to the high seas. He was assigned to the Joseph Gale, a supply ship that carried ammunition and supplies as well as airplanes. During his first deployment on a ship, Mr. Young remembers that he didn't see land for 32 long days.

While aboard the Joseph Gale, Mr. Young traveled through New Guinea and the Loyalty Islands in the South Pacific; Tocapilla, Chili in South America; the West Indies; and Cuba, all before an emergency port in St. Albans, NY. The ship's bow was badly damaged by a torpedo from a German submarine and the crew had no choice but to stop for repairs on dry land.

Once in New York, Mr. Young returned to work on the tanker SS Manassas, a ship that hauled fuel to England. He would go on to make the journey 14 times while serving on that ship. Looking back, Mr. Young remembers the tension amidst the crew on the Manassas during the French Invasion. Although not involved in the attack, the ship was in the English Channel, and all members had to constantly be on alert, ready at a moment's notice to enter the fight.

Once Mr. Young returned to the States, he was given a 32-day furlough in which he and some Navy buddies hitchhiked from San Francisco to St. Louis before finally taking a bus to his eastern Kentucky home. During his leave the war ended, and Mr. Young returned to the Navy without the threat of combat looming over him.

Although the war was over, Mr. Young still had time in the Navy to complete, so when he heard about an opening in the Naval Barber Shop, he applied. He got the job, and cut hair during the days while attending barber school in the evenings. He enjoyed it so much that when he returned to Perry County on August 8, 1946, he continued to wield the scissors in the Commonwealth.

The Navy offered Martin Young the journey of a lifetime. He traveled around the world more than once and had the opportunity to port in breathtaking and beautiful locations on several continents.

Now retired, Martin Young enjoys the finer things in life, such as spending time with his children, grandchildren, and great-grandchildren. Although he has retired from cutting hair, he still uses his hands to make woodcrafts and play several different musical instruments. While Martin would probably say the Navy has given him so much, today I wish to recognize him and say that it is he who has given us so much. Martin Young's service to his country during World War II is something that each and every American to this day should be truly grateful for.

An article was recently published in London, KY's local newspaper magazine, the Sentinel-Echo: Silver Edition. The article highlighted the many achievements made by Martin Young throughout his eventful lifetime.

At this time, I wish to invite my colleagues in the U.S. Senate to join me in commemorating Mr. Martin Young and his dedication to our great Nation, and I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the Sentinel-Echo: Silver Edition, Nov. 2011]

BACK ON HIS HOME LAND

(By Sue Minton)

Martin Young, 89, a member of what has become known as ''America's Greatest Generation,'' enlisted in the Navy on Sept. 22, 1942. In the Spring of '42, Young graduated from high school, and that fall the 19-year-old ventured forth on a journey that would take him across the Atlantic 14 times.

He traveled from his home in Perry County to Louisville to be processed, examined and sworn in. ''My brother was in the Army, so I decided on the Navy,'' Young said.

Following basic training at Great Lakes Training Center in Illinois, Young chose gunnery school over submarine duty and was transferred to Treasure Island in San Francisco Bay, Calif. ''We trained on three guns, the 20-millimeter, 5-inch 38, and 3-inch 50.'' After completing six weeks of gunnery school, Young was assigned to U.S. Navy Gunner Armed Guard Unit.

After the gun crew assignment, Young and his comrades departed for Portland, Ore., to begin their first sea duty. They boarded the Joseph Gale, a supply ship that carried a cargo of ammunition and supplies as well as airplanes. This voyage also included a training trip along the west coast, down to San Francisco and then across the Pacific Ocean. ''For 32 days I did not see land,'' Young recalls.

I wanted to be out there,'' Young said. ''But I got seasick on the first ship.'' He remembers a gunner mate telling him he had a sure cure for seasickness. ''They called us all Mack,'' he said. ''He said to me, 'Mack, go lay down under a big shade tree,' but where would you find a shade tree out in the ocean?''

The Joseph Gale and crew members sailed to the South Pacific and dropped off supplies at various ports New Caledonia, Loyalty Islands, Solomon Island, and New Guinea.

After crossing the Pacific, Young and his shipmates returned to South America Antofagasta and Tocopilla, Chili,'' he said.

From South America, the crew sailed back to the States, docking in Charleston, S.C. There they boarded a destroyer escort also used to transport supplies.

For a short time the crew sailed the waves of the Caribbean Sea. ''The Caribbean Sea was a hot spot, a lot of ships were sunk there,'' Young recalled.

While in the Caribbean, the bow of Young's ship was severely damaged by a torpedo from a German submarine. The sailors abandoned the ship and the wounded were sent to Cuba, Young among them. After arriving in Cuba, the wounded boarded the SS Shiloh en route to the U.S. Navy Hospital in St. Albans, N.Y. Seaman Young remained at the hospital for two months recovering from his injuries and surgery.

Young returned to duty on the tanker SS Manassas hauling fuel to England. This ship made seven trips from New York to England (14 trips across the Atlantic). ''We also hauled gasoline from Port Arthur, Texas,'' Young said. ''We would sail up the coast and join a convoy, maybe 60 ships. Several ships were sunk by German submarines during the seven crossings.''

The Manassas was rammed by an Allied vessel in the English Channel and was docked at Belfast, Ireland, a short time for repairs. ''While the ship was docked for repairs, we still carried on with our duties,'' Young said. ''This was just before the invasion of France, and the crew had to be alert at all times.''

Young recalls being in the English Channel after the invasion of France and once again was transferred to a supply ship, the SS Willard Gibbs. ''This time we took supplies and ammo to Omaha Beach,'' he said.

The Willard Gibbs could not get near the beach, so supplies were loaded onto barges and transported to the beach. ''During the unloading of the ship, the crew members went ashore and walked on Omaha Beach,'' Young said. ''This was about a month after the invasion.''

Once more Young's ship returned to New York, reloaded with supplies, and returned through the Panama Canal across the Pacific Ocean to the Philippine Islands Leyte, Luzon and Samar as well as the Mariana Islands, Caroline Island, and several others.

This passage was to be Young's last ocean voyage. When he arrived back in Los Angeles aboard the SS Willard Gibbs, he received 32 days travel time to return to New York.

Instead of taking a bus to the east coast, Young and three crew members hitchhiked. ''We were on Old Highway 66, and we got a ride with one fellow all the way to St. Louis,'' he said. ''It took us three days and nights, and at St. Louis we split up, got bus tickets and headed home.''

After a short furlough at his home in Perry County, Young went back to New York. But during his 32 days travel time, the war ended.

After his furlough was over, Young reported to Lido Beach, Long Island, New York, where he was told there was a possibility he would not have to go back out to sea but would have shore duty. The New York base was turned into a USN Personnel Separation Center, and Young remained on land.

While Young was finishing his tour of duty in New York, he attended barber school. ''An announcement came over the loudspeakers that barbers were needed for 12 chairs at the Navy barber shop, and I applied,'' Young stated. ''On the ships, we didn't have any barbers so we cut each other's hair. I enjoyed it.'' While working mornings in the barber shop, Young attended barber school in the afternoons and evenings.

On Aug. 8, 1946, just a few weeks short of four years since his enlistment, Young was discharged from the U.S. Navy. He returned to his native eastern Kentucky home, went to Frankfort, took and successfully passed the State Barber Board examination, and received his barber's license.

While serving in the U.S. Navy, Young received several medals the Good Conduct

Medal, the American Theater Medal, the European Theater Medal, the Asiatic Pacific Medal, the Philippine Liberation Medal, and the Victory Medal.

Three years after being discharged, he married Lela Baker of Hazard, and for 20 years he lived and cut hair in his hometown.

In 1965, Young, his wife, Lela, and two children, David and Judy, moved to the Sublimity area of Laurel County. In 1995, his wife passed away, and today Young's family includes son David and wife, Lillie; daughter, Judy Smith and husband, G.J.; three grandchildren, David Ryan Young, Cameron Justin Smith, and Trey Jordan Smith; and one great-grandson, David Rylan Young.

Young retired from the swivel chair and scissors several years ago, but his hands do not remain idle he makes wood-crafted items and plays several musical instruments. This talent got him an appearance in 1947 on the first official broadcast of the Hazard radio station.

Today, not in good health, like most World War II veterans, Young spends his days reminiscing and visiting with family and friends who stop by Laurel Heights Home for the Elderly.

TRIBUTE TO MASTER SERGEANT MICAH B. MASON AND PRIVATE FIRST CLASS MICAH J. MASON

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to a father and son who are bravely serving in our Armed Forces simultaneously: MSG Micah B. Mason and his son, PFC Micah J. Mason, both of London, KY. Master Sergeant Mason has served in the National Guard for 28 years. He now has had the opportunity to see his son, Private First Class Mason, learn, work, and grow in the same organization that the elder Mason began his career in almost three decades ago.

Not only are the Mason men both involved in the same service branch, they also served on the same mission, in the same truck. Master Sergeant Mason was excited to be given the opportunity to work alongside his son in ''real world'' missions. He feels that he is lucky to be able to experience a work environment firsthand with his son in a way very few parents get the chance to do.

Private First Class Mason is excited to be able to go on missions with his father. The 22-year-old didn't know that his father was going to be on the same truck as him until the day they deployed. He is overjoyed to show his father the proficiency at which he does his job on a day-to-day basis.

There is obviously a certain level of concern when deploying on a mission solo, and that level increases when there are not one but two members of the same family on a single mission. Nonetheless, the two have expressed that at the end of the day, they are glad they have each other for support.

The resiliency and strength shown by these two individuals in such a tolling work environment is truly remarkable. With men like the Masons serving in our Armed Forces, we have little reason to doubt our military's abilities. These men are true American heroes who have given much so that we may sleep soundly at night and know that our freedoms and liberties will always be protected.

Master Sergeant Mason and his son Private First Class Mason deserve a great deal of recognition, just as all those in military service do, for what they have done to protect the citizens of their community, the great State of Kentucky, and our great country of the United States of America.

Mr. President, I would like to ask my colleagues in the Senate to join me in recognizing the hard work, dedication, and sacrifice of MSG Micah B. Mason and his son, PFC Micah J. Mason.

There was recently an article printed in Whitley County, Kentucky's local newspaper, The Times-Tribune, which highlighted the outstanding service of this father and son duo who have so graciously contributed to our Nation's defense throughout the years. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

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

[From the Times-Tribune, Oct. 12, 2011]

FATHER AND SON TEAM UP TO GO OUTSIDE THE WIRE

(By Corbin, special to the Times-Tribune)

As soldiers complete their pre-mission checks and get everything loaded for transport, it would seem the job of escorting supply trucks from Joint Base Balad to Contingency Operating Site Mosul is just another mission for the soldiers of Delta Company, 1st Battalion, 149th Infantry Regiment, 77th Sustainment Brigade, 310th Expeditionary Sustainment Command.

However, a rare occasion has been marked, not only in the 149th Infantry Regiment, but in the military as a whole. A father and son are going out together on not only the same mission, but in the same truck.

''It's a unique experience for sure to actually be doing real-world missions with your son as a gunner and seeing him in that atmosphere,'' said Master Sgt. Micah B. Mason, an assistant operations noncommissioned officer with Headquarters and Headquarters Company, 149 Inf. Regt., a native of London. ''It's something very few parents get to do. I'm excited to actually go on a mission and experience it first-hand with my son.

Master Sgt. Mason, 46, who served in the Guard for over 28 years, usually watches convoy escort missions unfold as a shift battle NCO in charge of the 149th Inf. Regt.'s tactical operations center. However, the unit sent him on this mission as part of their ongoing efforts to ensure everyone in the tactical operations center is able to see what goes on first-hand during the missions they monitor on a daily basis.

''I have a lot of concerns . . . if something does happen (on the mission),'' said Master Sgt. Mason. ''I'm glad I'm there with him, though.''

Master Sgt. Mason said he's only told two people back home about him and his son doing this mission together and that ''they're just in awe.''

''I didn't know he was going, 'til I saw him sitting out by the trucks,'' said 22-year-old Pfc. Micah J. Mason, a gunner with Delta Company, 1/149th Inf. Regt., also a native of London. ''It just makes me happy to actually do something with him, to let him see what I do on a day-to day basis.''

Pfc. Mason said he had been waiting to be able to go on a mission with his father, as not many people can say that they have done that. After the mission, Master Sgt. Mason had only good things to say.

''Things went very smooth,'' he said. ''The convoy escort team knew their jobs very well and were professional every step of the way. Being out with my son was the chance of a lifetime. It was very strange to see him doing his job, being in control. But in the same sense, I was very proud.''

TRIBUTE TO FIRST CLASS SEAMAN JAMES FRANCIS

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to an exceptional veteran of the United States Navy who wore the uniform during World War II, First Class Seaman James Francis of Laurel County, KY.

James was born in Monroe County, KY, in 1924. His family lived on a farm where they raised just about everything they ate. The family moved to Indiana in 1937 when James' father got a job working for the railroad. James was drafted into the Navy in 1941, on his 19th birthday.

Although James never entered combat, he was an intricate part of the war effort in the South Pacific. He was stationed on a Merchant Marine ship that delivered ammunition to the soldiers who were on the front lines. After his time aboard ship, James spent 18 months in Hong Kong cutting hair at a G.I. barber shop. He was discharged in May 1946.

Mr. James Francis is most assuredly deserving of commemoration for the sacrifices he made for each one of us and for our great Nation, as well as his years of service to the betterment of his community and to the Commonwealth of Kentucky.

There was recently a feature article published in the Sentinel Echo: Silver Edition magazine in November 2011, highlighting the upstanding legacy of Mr. James Francis and his commendable dedication to our Nation's Armed Forces.

Mr. President, it is my wish that my colleagues in the United States Senate join me in honoring the loyalty and bravery shown by Kentucky's own James Francis. And I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the Sentinel Echo, Nov. 2011]

NAVY SUPPLIER

(By Carol Mills)

First Class Seaman James Francis was a Merchant Marine during World War II.

In time of war, the Merchant Marine is an auxiliary to the Navy and delivers troops and supplies for the military.

Francis went to Great Lakes Boot Camp in Illinois, near North Chicago, and gunnery school in Gulf Port, Miss., and then went to California and caught a ship.

''We were shipped out,'' Francis said. ''I went to the Philippines the first trip, came back to the States, and then went to Australia and the South Pacific for six months

and then came back again. I served on a Merchant Marine ship. We didn't do any fighting. We took a load of ammunition to the Philippines, 150 tons, unloaded it, and the Japanese blew it up that night. We took supplies to other countries, but I can't remember. It's been 65 years since I got out. I stayed in Hong Kong, China, cutting hair for 18 months in a G.I. barber shop before I came home. I didn't have enough points to get out (Navy).'' Navy training counts for retirement points, so Francis decided to learn how to cut hair.

Besides ammunition, Francis also delivered airplane fuel to the Philippines.

Francis was discharged in May 1946. His experience in the Navy was all good.

''There was no bad. I won't take nothing for what I seen went on, but I wouldn't go do it again.''

Francis, 86, was born in Monroe County in 1924 to Herman and Maye Francis. His father had a farm between Tomkinsville and Mud Lick.

''We raised about everything we ate,'' Francis said.

The family moved to Indiana in 1937, where his father got a job working for the L&N Railroad.

When Francis was 19, he was drafted into the U.S. Navy on Dec. 2, 1941, on his birthday. Two or three years after he was discharged, he married Irene Barton when he was 27 or 28.

''She was a Kentucky woman. I met her in Indiana,'' Francis said. ''We moved back down here in 1966. She was born and raised in Corbin. When she died, I married Lola Boggs. I've been a widower for about two years now. When she (Lola) died, I moved to Carnaby Square Apartments. I'm too old to get married again.''

TRIBUTE TO WILLIAM A. SANTOR

Mr. MCCONNELL. Mr. President, I stand before you today to pay tribute to a man who has been successful in serving his country, in his career, and in building longlasting relationships with family and friends, all because he has learned to incorporate his passion into all that he does: Mr. William ''Bill'' A. Santor of Lexington, KY.

Bill Santor lives on the Griffin Gate golf course with his wife of 72 years, Nettie. He tries to play golf at least twice a week, sometimes more. Mr. Santor turned 100 years old on Easter Sunday of this year. Despite his age, he is a competitor through and through; he recently accumulated an astonishing score of 42 strokes after playing 9 holes.

Mr. Santor truly loves the sport of golf, so much, in fact, that he passed his knowledge of the game down to both of his children as they were growing up. Now they, too, have fit the game into their livelihoods in one way or another. His son, Tom, played golf in college at the University of Kentucky, while his daughter, Patty Driapsa, instructs professional golfers at the Club Pelican Bay in Naples, FL. Both children are not only amazed that their father is still able to play the game but are also awestruck by how good he is. Despite his age, after a long lifetime of practice, he still has exceptional skill.

Bill was first exposed to the game when he began caddying in Youngstown, OH, at age 12. The pay he received was usually 25 cents for working an entire 18-hole game. He picked up a few spare clubs here and there and began playing himself at the age of 15. Bill quickly found that he was a natural-born golfer, and he began playing in and winning local tournaments.

When World War II began Bill enlisted, but he never ceased to play golf. He was stationed at Fort Knox, close to the Lindsey Golf Course, where Bill would eventually play against Byron Nelson, winner of two Masters, a U.S. Open, and a PGA, in the Kentucky Open in 1943. Although Bill didn't win the tournament that year, just being able to participate is one of Bill's fondest memories to this day.

Not long after the Open, Bill was deployed to Europe, but again he found himself in close proximity with the game he loved so dearly. Bill worked maintaining a golf course on the Czechoslovakia-Germany border. Military officers would come to the course when they were on leave to play, relax, and enjoy their time off. One of the visitors was Bob Hope, with whom Bill had the opportunity to play nine holes. All these years later, Bill will be the first to tell you he won that game.

When Bill returned home after the war, golf was a big part of his family and work life. His wife Nettie remembers most of their family vacations were to golf destinations, where the whole family would play. Bill worked for a business equipment company for almost 50 years and he spent a lot of time with clients discussing business over a game of golf. But Bill's competitive nature would never allow him to let a client win.

To this day Bill tries to fit a round of golf into his schedule every chance he gets, which is something he has done his whole entire life. Bill can drive a golf ball 175 yards, and he has a running count of 10 holes-in-one to this day. Bill's children both agree that golf is what keeps their father going; it is something that he has built his life around. Golf has opened many doors for Bill throughout his life, and for that he is grateful.

It is my wish at this time that my colleagues in the Senate join me in celebrating the successful and still very active life of Mr. William ''Bill'' A. Santor.

Mr. President, there was recently an article published in the Lexington newspaper the Herald-Leader. The article featured the legacy of Mr. Bill Santor and the love and passion he has for his country, his State, his family, and the game of golf. I ask unanimous consent that said article be printed in the RECORD.

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

[From the Lexington Herald-Leader, Apr. 1, 2012]

AT ALMOST 100, BILL SANTOR LOOKS BACK ON HIS COLORFUL LIFE IN GOLF

(By Mike Fields)

To Mark Twain, golf was a good walk spoiled, but to Bill Santor, who will mark his 100th birthday on Easter Sunday, golf has been and still is a wonderful life lived.

''It's given me so much,'' Santor said. ''Great experiences and great memories.''

Like when he competed against Byron Nelson in the Kentucky Open. Or when he played nine holes with Bob Hope during World War II. Or when he teed it up in the same tournament as Babe Ruth. Or when he made two holes-in-one in a two-week period at age 87.

In his prime, Santor was one of the best amateurs in Ohio. He passed the golf gene on to his children. His son, Tom, played at the University of Kentucky. His daughter, Patty, played at Bowling Green State and is now a teaching pro in Florida.

Bill Santor still plays golf a couple times a week at Griffin Gate, where he's lived since 1991 with his wife of 72 years, Nettie.

His legs are failing him, and so is his eyesight, but Santor is still capable of scoring well. Just last week, he carded a 42 for nine holes.

He has shot his age so many times that he laughs off the accomplishment as if it were a tap-in putt.

''It's crazy,'' his son Tom said when asked about his dad's knack for still hitting the sweet spot.

''He's a freak show.''

Patty Driapsa, who works at the Club Pelican Bay in Naples, Fla., said she finds it ''incredible'' how solid her father still hits the ball. ''He has a little trouble maneuvering in and out of the cart, but hey, at 100 years old, you'd expect to have a few challenges.''

Bill Santor's introduction to golf came when he began caddying as a 12-year-old in Youngstown, Ohio. He earned 25 cents for 18 holes.

He got a few hand-me-down clubs and started playing when he was 15. A natural athlete, he quickly found his groove and was winning area tournaments within a few years.

He continued to caddy on occasion to earn entry-fee money for tournaments. One of his best gigs was looping for Ben Fairless, president of U.S. Steel.

''He'd give me $30 for expense money,'' Santor said. ''That was like $300 then.''

In 1935, Santor played in a tournament in Cleveland and the field included Babe Ruth, the most famous athlete on the planet at the time.

When World War II began, Santor enlisted in the Army and was stationed at Fort Knox. He was upset when he was told the post's golf course was mostly restricted to officers. But Santor's golf talent and gift of gab got him playing privileges.

He was second low amateur in the 1943 Kentucky Open, which was held on Fort Knox's Lindsey Course. Byron Nelson, who had already won four majors (two Masters, a U.S. Open, and a PGA), won that Kentucky Open.

When Santor was shipped overseas during the war, he still played some golf.

As a staff sergeant, he was part of a Third Army team that won a military golf competition in Paris in 1945. The spoils of victory included an engraved gold watch that he's worn for 65 years.

Part of Santor's time in Europe was spent running the golf course at a resort called Marienbad on the Czechoslovakia-Germany border. It was where troops on leave would go for rest and relaxation. And it was where Bob Hope visited during a USO trip.

''The manager came up to me one day and said, Billy, you've got to play with Bob Hope this afternoon.' I said, What?!' I went out and played nine holes with him, and I beat him,'' Santor said.

Before he returned home after the war, Santor got in a lot of golf at Marienbad.

''I played every weekend with a captain, a colonel and a general, and here I was a staff sergeant,'' he said.

''They gave me the colonel for a partner, and he couldn't hit a bull in the ass with a handful of gravel. I'd have to take out $6 every time we played.''

Golf was also an integral part of Santor's civilian life.

Patty remembers that family vacations were usually golf destinations. Nettie also played in those days, so there was a family foursome.

Bill worked for a business equipment company for almost 50 years, and he did his share of schmoozing on the golf course. Ever the competitor, however, he never lost to a client on purpose.

''One guy asked me if I played customer golf.' I said no, and I threw a 68 at him,'' Santor said, laughing.

While luck is a factor in getting a hole-in-one, there's skill involved, too, especially when you've had 10, Santor's running total. In 1999, he aced the par-3 fourth hole at Griffin Gate on May 3, and aced it again on May 14.

New technology in golf clubs and balls has helped Santor stay in the swing of things after 85 years in the game. His odd-looking interlocking grip his left thumb is tucked under the club still allows for a smooth stroke that can send a drive 175 yards.

''I can't swing too hard, but I can still hit it OK,'' Santor says proudly.

Patty Driapsa said golf ''is basically what keeps my dad going. It's the world he lives in. It's been a game of a lifetime for him, that's for sure.''

Tom Santor, who lives in Columbus, Ohio, said golf has been ''one of the cornerstones'' of his father's life ''his family life, his business life, his social life. When he's on a golf course, wherever that might be, he feels like he's home.

''I think that's where he's most at peace.''

And still fairly close to par.

TRIBUTE TO VETERANS OF FOREIGN WARS POST 4075 HONOR GUARD

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a group of individuals who have been working to make a difference in the lives of local veterans in their community for over 60 years. The honor guard of Frankfort, Kentucky's Veterans of Foreign Wars Office Post 4075 has been providing an official military funeral ceremony for local veterans in the central Kentucky area since the 1950s.

Veterans K.B. Johns, Ralph Spooner, Bill Hampton, and Charlie Mauer founded the first VFW Post 4075 color guard over 60 years ago. The men worked together to increase the size of the color guard over the next decade into a full honor guard with 11 members: 2 flag folders, 7 riflemen, 1 bugler, and 1 leader. The honor guard takes any and all requests to play at a fellow serviceman's funeral, free of charge.

The honor guard is made up of veterans from World War II, the Vietnam war, the Korean war, Operation Desert Storm, and Operation Iraqi Freedom. They may be from different generations, but they all share the same respect for one another. Charlie Mauer is the only surviving original member of the troop; he is 85 years old.

Mr. Mauer is joined by three other World War II veterans: Mr. Burnett Napier fought with the U.S. Marines in the Battle of Peleliu in the Pacific Theater at the age of 19. He is now 87 years old, and he is the recipient of the Purple Heart and the Silver Star, two of the highest honors awarded by the U.S. military. Mr. Charlie Hinds, who is 88 years old, served as a scout for GEN George Patton for 2 years. He enlisted in the Army at age 18. The youngest of the WWII veterans at age 84 is Jim Wolcott. He was stationed in Europe from 1944 to 1947.

According to Charlie Mauer, the honor guard is ''a great bunch of guys.'' The men have conducted ceremonies for hundreds of funerals throughout the program's lifetime and expected nothing in return. They are driven by compassion for their fellow servicemen who have gone on and their families who are left behind with only the memories of their loved one. The men are honored to get the chance to pay tribute to Frankfort veterans who have passed away. When asked, all of the men say that they plan to stay involved in the honor guard as long as they are able to.

It is inspiring to witness others who truly receive joy and satisfaction from helping their fellow man. The men of Frankfort's VFW Post 4075 honor guard will sometimes perform at as many as three funerals a day, all for free. These men have all been involved in historic battles throughout our Nation's history, and they have served their country valiantly. And although they have already given so much, they are still far from done giving back to their community, State, and country.

Mr. President, at this time I ask that my fellow colleagues in the Senate join me in recognizing the valiant dedication to service shown by these brave individuals. There was recently an article published in the Lexington Herald-Leader that featured Frankfort's Veterans of Foreign Wars Office Post 4075. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

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

[From the Lexington Herald-Leader, Mar. 26, 2012]

FRANKFORT VFW'S HONOR GUARD MEMBERS FEEL PRIVILEGED TO SERVE

(By Kayleigh Zyskowski)

When the phone rings at the Frankfort Veterans of Foreign Wars Post on Second Street, 85-year-old Charlie Mauer answers it.

On the other end is not a question about the day's soups or the next bingo night, but a request for the VFW Post 4075 honor guard to pay final respects to a fellow veteran.

It's a call Mauer, honor guard commander, has been answering for years, and he's honored to take it.

K.B. Johns, Ralph Spooner, Bill Hampton and Mauer the only living original member founded the first VFW Post 4075 color guard in the early 1950s.

Within the next decade they were able to support a full honor guard, which takes at least 11 members: two flag folders, seven riflemen, one bugler and one leader.

Four of the current members are World War II veterans, and the rest served in Vietnam, Korea, Desert Storm and Operation Iraqi Freedom. They are from different generations, but the men say they share the same respect for each other.

''We've got a good bunch of guys,'' Mauer said.

Mauer, a World War II veteran, says serving the community and paying tribute to Frankfort veterans is something he's glad to do. And because he grew up in Frankfort, he knows many of those who've died, which makes the job more important to him.

Several days after the call comes in, Mauer arrives at the post ready to greet the other members and prepare the equipment.

''We don't get paid,'' says World War II veteran Jim Wolcott, ''other than a free lunch and a beer.''

The men arrive wearing dark-blue uniforms decorated with gold cords, white gloves and polished black shoes.

They shuffle into the game room of the VFW where the rifles are stored in a locked cabinet.

After they are prepared to leave for the funeral service, the group stands in the doorway teasing each other about their weight and asking the kitchen crew what's for lunch.

There's no need for practice or rehearsal; each man knows his role because the group has done it so often.

The group has attended as many as three funerals in one day, Mauer says, but the number is usually several per month. Over the years, they have provided services for hundreds of funerals.

The men have braved every kind of weather for funerals, and this morning is chilly and rainy. Luckily, they've heard the sky will clear before the service starts.

The 11 men divide into separate vehicles and make their way up East Main Street to Frankfort Cemetery.

As they wait for the family to arrive at the cemetery's chapel, Charlie Hinds asks Burnett Napier, ''What are you doing lately?''

''As little as possible,'' Napier jokes.

Both Napier and Hinds are World War II combat veterans—Napier in the Marines and Hinds in the Army.

By 19, Napier was fighting in one of the Marine's deadliest battles in the Pacific on Peleliu Island with the 1st Marine Division.

It was September 1944 when Napier ended up on the coral island fighting against the Empire of Japan. He was a corpsman, or medic, when he ran to the side of a fallen Marine, performed first aid on the man under machine-gun fire before carrying him to safety.

Shrapnel hit him later in the same battle, and he suffered a concussion.

Napier, an honor guard member for 15 years, received the Purple Heart and the Silver Star while in combat on the island, which is present day Palau Islands.

''They didn't stay in one place for too long. I was all over the Pacific,'' he said.

''According to the citation, a Marine was caught in crossfire with machine guns, and, according to the citation, I administered first aid under fire and carried him back to relative safety,'' Napier said.

Charlie Hinds, 88, has been a member of the honor guard for about 16 years.

He served in seven campaigns and was an Army scout for General George Patton for two years.

''He wasn't a really nice guy; he wouldn't ever come up and want to know about you personally,'' Hinds said about Patton. ''He just wanted to tell you what to do, but he was a good general.''

Hinds and his brother enlisted after graduating from high school because his father didn't have enough money to send him to school. He was 18 years old.

''With about two weeks left in the war, I was the only (one) left in my platoon,'' Hinds said.

Family members of the deceased begin to arrive at Frankfort Cemetery. Vince LaFontaine—who has played in hundreds of Frankfort funerals since he was a teenager—warms up with scales, and the men take their positions.

The weather predictions were correct. The sky clears, the sun comes out and the air warms in time for the ceremony to begin.

Mauer stands in the doorway of the cemetery chapel where about 15 members of the deceased veteran's family sits. He signals the riflemen after the flag is precisely folded.

''Ten-hut,'' he says sternly.

The seven riflemen fire three shots that echo over the cliff and around South Frankfort before silence takes over, and the bugler plays ''Taps.''

''I've heard Taps' over a thousand times it seems, but it's always emotional for me,'' Wolcott says back at the VFW over a lunch of beef stew and corn bread.

Mauer says he never gets used to hearing ''Taps'' played, either.

''There's something about Taps'; it hits an emotion you can't really describe,'' he says.

Wolcott, who at 84 takes claim as the youngest of the four honor guard World War II veterans, was stationed in Europe from 1944 to 1947.

The four men sit at the circular table over lunch for about an hour before they decide they need to get home. They agree their health will decide when it's time to hang up their duties with the honor guard.

''When you become our age you don't look ahead too far,'' Napier said.

''We go day by day, but we'll be here as long as we can.''

TRIBUTE TO LANCE CORPORAL DAVID MAYS

Mr. MCCONNELL. Mr. President, I stand before you today to commend and pay tribute to a Kentuckian who spent time with the Marines serving in Afghanistan in 2009. Although he was far from home and a visitor in a foreign land, LCpl David Mays of London, KY, treated the Afghan people with the utmost respect, proving that he exemplified the characteristics the U.S. Marine Corps upholds: character, compassion, honor, courage, and the integrity to always do what is right. Lance Corporal Mays enlisted during his senior year of high school at the age of 18.

In May of 2009, just 2 days before his second deployment with the Marines, David's firstborn son, Landon, came into the world. David left for Afghanistan before his newborn son was able to leave the hospital in London. Although David was greatly saddened about having to leave his baby boy behind, he proudly answered the call of duty, and for the second time David returned to the Middle East. However, this time around, David was a different man: he was a father now. Fatherhood caused him to take an interest in the local Afghan children. David felt that interacting with the children helped him to not miss his own son as much.

David missed his boy back home terribly, but he would play with the Afghan children and buy them gifts. In turn, the children would offer David and his fellow marines fruit as a token of their gratitude. The kinship David and his men built with the local children was the foundation of a successful relationship with the local Afghan tribe leaders.

During his time overseas, David had limited contact with his family in Kentucky, but his mother, Wanda Caudill, sent letters and care packages as frequently as possible. She would also send photos of Landon. The gifts from home and the relationships David made with the local people, local children, and fellow marines all helped to console him until he finally returned home just before Christmas in 2010.

It had been almost a year since David had seen his son Landon, who was only 2 days old at their last meeting, There was no way that the little boy could have remembered his father's presence. But when David first saw his son Landon at the airport that December, Landon reached for him as if he had never left and kissed him three times.

David has since joined the London-Laurel County Rescue Squad and London Fire Department. He is still in the Marines Active Reserve, but he plans to stay as involved as he can in his 2-year-old son's life. David decided that missing 1 year of his son's life is enough, and he is not missing any more.

Mr. President, an article appeared in the Laurel County publication the Sentinel-Echo: Silver Edition in November 2011 that profiled the upstanding character of LCpl David Mays. I ask unanimous consent that said article be printed in the RECORD.

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

[From the Sentinel Echo, Nov. 2011]

FINDING FAMILY FAR FROM HOME

(By Magen McCrarey)

He left his first-born son, Landon, at the hospital in May of 2009, born two days before his second deployment. David Mays, a lance corporal of the 1st Battalion, Fifth Marines, hoped to take Landon home for a warm welcome; instead he arrived in Afghanistan with one of his own.

''As we landed we heard bullets ricocheting off the helicopter,'' Mays said. ''We were there, and there was no turning back.''

The sweltering desert heat was in excess of 115 degrees as Mays and his squad walked three days with more than 100 pounds strapped to their backs heading towards Helmand Province. Their compound was far off from any city and water was limited.

With a shovel-like tool in hand, Mays began digging a hole for his bed and covered it with a tarp.

''Everybody dug their own hole, scattered, in case we got attacked by mortars,'' Mays said. ''I told my buddy if we're worried about mortars, we dug our graves right here so it don't matter.''

Mays always wanted to be a Marine. When Mays was in fourth grade at Cold Hill Elementary, his class received a visit from a U.S. Marine, a pilot shot down behind enemy lines and a Kentucky native. The Marine's recollection of brotherhood and camaraderie influenced Mays in more ways than just portraying an intriguing narrative.

''It was like a family away from your own family, and I'd get to see the world and meet people,'' Mays said.

He and a group of friends enlisted in the Marines their senior year of high school at 18 years old. They knew they may not be placed in the same company throughout their service, but they all had the same objective.

''We all had one thing on our minds: to become Marines together,'' Mays said.

The objective of the Marines within the Helmand Province was to win the hearts and minds of the Afghans. With the British recently vacating the country, Afghans were apprehensive about the Marines' arrival.

Tribe leaders would only converse with Marine commanders. They'd offer tips about the Taliban's whereabouts and when they were arriving in the area. The Taliban had a reputation for entering into towns at night.

Mays and his squad of four would respond to the information given and perform night operations to keep watch over a town. Walking 20 miles and back again to keep watch for suspicious travelers was a frequent and meticulous task.

''We did what we had to do. We were doing our job protecting each other,'' Mays said, ''just like anybody around here will protect their family.''

Contact with family via satellite while in Afghanistan was few and far between, but they received mail often. Mays's mother, Wanda Caudill, sent a letter every chance she got, and many care packages.

''She sent me newspapers and I knew exactly what was going on in London,'' he said.

Caudill also sent photos of Mays's son so he wouldn't feel as if he was missing out on his child's life. Away from his own child, Mays often thought about the children in Afghanistan.

''We'd give the kids rides on our shoulders, and we'd buy them stuff,'' Mays said.

The Afghan boys would offer fruit to the Marines and even allowed them to participate in their Muslim holiday of Ramadan. As the sun set, the day of fasting would cease and they would enter in an evening feast. They had offered a goat for slaughter to the men, and taught them how to give it a death without suffering.

''I think it made me think about when my son was going to get that age, and didn't make me miss him as much. But, of course, I missed him because he was my boy,'' Mays said.

After days of patrolling a foreign country, battling an unseen enemy, and losing men that were a part of his family away from home, Mays returned to his own. Days before Christmas 2010, Mays arrived at the Louisville airport greeting his family with one gripping hug after another, saving his son for last.

''I was scared he was going to cry and not recognize me,'' Mays said.

But Landon came right to him as if he never missed a beat. He reached for Mays and kissed him three times.

''My mom started crying and said, 'He never kissed nobody,' Mays recalled. ''It was like I was gone only a minute or so.''

After returning from deployment, Mays has learned to appreciate the small things in life and take advantage of every opportunity to serve the public, he said. He's joined the London-Laurel County Rescue Squad and London Fire Department. Mays has completed four years of active duty in the Marines and is currently in the four-year active

reserve program. He said if he didn't have his son before he began active duty, he would have made a career out of the Marines.

''I decided one year's enough,'' Mays said. ''I'm not missing any more of his life.'' Landon is now two years old.

TRIBUTE TO MASTER SERGEANT CHARLES HAYES

Mr. MCCONNELL. Mr. President, I rise today in honor of MSgt Charles Hayes of London, KY. Master Sergeant Hayes served in the U.S. Air Force from 1972 to 1996, and was involved in both the Vietnam and gulf wars. Hayes volunteered to join at age 21 and continued to be a volunteer for the duration of his two-decade stint in the military.

During Hayes's extended period of time in the Air Force, he had the opportunity to visit a variety of foreign countries, including Germany, Turkey, and Thailand, just to name a few. Hayes enjoyed every aspect that went along with being a part of the Armed Forces. He flourished as a member of the U.S. Air Force in more ways than one.

What Hayes enjoyed most about the service was experiencing history in the making. Hayes remembers participating in the evacuation of Saigon, South Vietnam, in April 1975. It was a mission in which Hayes and his team were given the objective of recovering an American merchant ship that had been pirated by the Khmer Rouge navy. The ship was successfully recovered on May 13, 1975, and Hayes was an instrumental part of the operation, one that many of us remember paying close attention to while back home in the States.

Hayes also enjoyed the Air Force because it inspired its members to show initiative. In 1987, Charles was assigned public affairs duties for his section. He remembers how difficult and ''utterly impossible'' the men told him it was to get an article published in the base newspaper. Hayes took on the challenge of getting a story published head on, and that year he had 37 articles and 17 pictures with captions published in the newspaper.

Lt. Col. Richard Vaught recalls that Hayes was one of the best sergeants he has ever commanded. It wasn't unusual for those who worked with Hayes to speak highly of him. While serving as the squadron safety noncommissioned officer from 1990 to 1996, Hayes's unit received numerous honors and awards, including Best Small Unit Safety Program Award and Best Additional Duty Safety NCO Award.

Many different attributes have been used to describe Charles Hayes over the years. Talented, ambitious, reliable, and persevering are just a few of the countless positive references of the master sergeant. Lieutenant Colonel Vaught is recorded as saying, ''Charlie always knew how to get everything when nobody else could. If you go to war, he's the one you want to go with you. He'll get you everything and then some.''

Charles Hayes exemplifies every characteristic of a successful member of our Nation's Armed Forces. His dedication and service to our great country over 24 years will most certainly not go unnoticed and is the very cause of my standing here today. It is my wish that my colleagues in the Senate join me in commemorating MSgt Charles Hayes at this time.

There was an article published in Laurel County's local news magazine, the Sentinel-Echo: Silver Edition, in November of 2011. The article highlighted Charles Hayes and the outstanding dedication he has shown throughout the years in his involvement with the U.S. military. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

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

[From the Sentinel-Echo: Silver Edition, Nov. 2011]

A PART OF HISTORY

(By Carol Mills)

Master Sergeant Charles Hayes, a Vietnam and Gulf War veteran, volunteered to join the United States Air Force when he was 21, serving from 1972 to 1996. He worked for 12 years in security police and 12 years in computers.

What Hayes liked most about his 24 years of service was being a part of history.

''While my part was very small, the unit I was assigned to (56 SPS, Nakhon Phanom RTAF, Thailand) was responsible for assisting in the evacuation of Saigon, South Vietnam, and Phenom Phen, Cambodia, in April 1975,'' 60-year-old Hayes said. ''We were part of the recovery of the American merchant ship, Mayaguez, which had been pirated by the Khmer Rouge Navy. I lost 18 buddies on May 13, 1975, during the operation.''

During the 1991 Gulf War, his unit (608 APS, Ramstein AFB, Ramstein, Germany) was responsible for shipping all munitions to the air bases in the desert, as well as thousands of tons of other supplies.

''I remember looking at what seemed to be miles of pallets and wondering when we would get them all shipped down range.''

After the Gulf War, Hayes's unit was kept busy supporting United Nations' humanitarian missions in Eastern Europe and Africa. In 1992, one of Russia's largest cargo planes arrived at Ramstein AFB to receive donations. He was in charge of ground safety while his unit loaded the plane.

''We weren't able to use forklifts because the plane wasn't configured for them. Because I was all over the operation, the plane's crew must have figured I was a big wheel of some kind and gave me three cases of Russian vodka.''

Hayes also liked the Air Force because it allowed him to show initiative.

''While sometimes routine duties were a little mundane, additional duties allowed personnel an opportunity to show initiative. In 1987, I was assigned public affairs duties for my section. I was told that it was almost 'impossible' to get an article printed in the base newspaper and utterly 'impossible' to get an article published anywhere else.''

That year, Hayes had 37 articles and 17 pictures with captions published in the base newspaper. Two articles were published in command-level publications and two in a local newspaper.

Lt. Col. Richard Vaught said Hayes was one of the best master sergeants he ever commanded.

''He's the type that if you needed anything done, he always found a way to get it done when everyone else couldn't,'' he said. ''He was the ultimate scrounger. I would say he was a very talented individual. Charlie always knew how to get everything when nobody else could. If you go to war, he's the one you want to go with you. He'll get you everything you need and then some. He just knew how to use all the various avenues. I was quite happy to have him in my command.''

From 1990 through 1996, he was assigned the additional duty of squadron safety noncommissioned officer. During his tenure as safety NCO, his unit received a Best Explosives Safety Program Award from both the command and USAF as well as a Best Small Unit (under 600 personnel) Safety Program Award. He also received a Best Additional Duty Safety NCO Award.

Hayes also liked associating with other patriots.

''When situations got tough, everyone got tougher,'' he said. ''We all regarded a challenge as something to overcome, not something to shy away from. Esprit de corps was highest when things were toughest. I served with some of the best people in the world.''

Hayes enjoyed the opportunities the Air Force had to offer. ''I always held the attitude that I was stationed in the best section of the best squadron on the best Air Force base in the United States. I learned that education was the least expensive hobby a person could have and completed a master's in education before I retired.''

During his service he traveled throughout the British Isles, France, Germany, Luxembourg, Belgium, Turkey, Thailand, and several other countries to a lesser degree, and has driven through every state except Maine, New Hampshire and Vermont. He has also been to Alaska and Hawaii during his service.

Before Hayes had lived in London, Ky., for five months, he had spent more time in London, England, than in London, Ky.

2012 NATIONAL DAYS OF REMEMBRANCE

Mr. BLUMENTHAL. Mr. President, today I wish to pay my respects to the victims, survivors, and heroes of the Holocaust. April 19, 2012, marks Holocaust Remembrance Day, which is observed during a week-long memorial, the National Days of Remembrance, created by Congress in 1980 and led by the U.S. Holocaust Memorial Museum. Through this year's theme, ''Choosing to Act: Stories of Rescue,'' we remember the courageous men, women, and children who stood up and saved lives, at grave risk and sometimes deadly consequences to themselves. On the anniversary of the Warsaw ghetto uprising and the liberation of European concentration camps, we honor all who embraced their own humanity to save others, abandoning self-interest for selfless bravery.

This week of commemoration that spans Sunday, April 15 to Sunday, April 22, is deeply personal. My father came to this country in 1935 to escape persecution. Speaking barely any English, he set down my family's roots with very little but memories of loved ones who had perished in the Holocaust and faith in the American dream.

The Days of Remembrance is a living memorial, altered by every citizen who

dares to speak up and open their mind and heart. It is more than an oral history project. It ties the past with our present, inspiring proactive, positive transformation in our daily lives. We recall that the brave individuals whose stories we bring to light were acting out of loyalty to their neighbors. Small communities held each other tightly. Each year, we come together at a national ceremony in the Capitol Rotunda, but this collective power is also felt through smaller groups, including State and local governments, civic organizations, places of worship, schools, offices, and military bases.

Organizations such as the Holocaust Child Survivors of Connecticut document the personal histories of living survivors—children of the Holocaust. Sadly, as time goes on, our future generations will not have the privilege of hearing from them. We must work to perpetuate their messages beyond words. We must teach our Nation's children the lessons we have learned—about human betrayal, war crimes, and genocide, about heroes, hope, and honor—through our own activism.

This Wednesday, the Holocaust Memorial Museum is awarding Aung San Suu Kyi the Elie Wiesel Award at their 2012 National Tribute Dinner for ''her exceptional courage in resisting tyranny and advancing the dignity and freedom of the Burmese people.'' By honoring a woman who is a living hero for victims of a present-day dictatorship, the Holocaust Memorial Museum seamlessly unites history with the persecutions of today to create a new space of memory and action for generations to come.

As we soberly recall those who were not rescued, we can remain hopeful through the memory of the rescuers—those who followed their heart, beliefs, or religion to help victims in desperate need. This compassion is inspirational for me, and I hope for all those who witness human suffering and confront feelings of helplessness. As we gather this week to remember, we are choosing to be actively compassionate. Memories of the Holocaust inspire us to live today and every day with kindness, generosity, and an undying commitment to strengthening our bonds as human beings.

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mr. BLUMENTHAL. Mr. President, today I join my fellow Senators in paying tribute to my dear colleague and friend Senator BARBARA MIKULSKI for the tremendous landmark she has reached as of March 17, 2012. She is now the longest serving female Member of our Congress. But the number of years is inadequate as a measure or metric. More telling are her monumental accomplishments and record of successfully tackling tough problems and making a real difference in lives. Senator MIKULSKI is unquestionably one of the most dedicated, inspiring, and influential public servants in our Nation's history.

Her generous spirit, flair, and eloquence as a speaker make her both loved and powerful as an advocate. Her standard of intellect and integrity has motivated me and inspired countless others. Like Senator MIKULSKI, I am humbled and driven by the legacy of members of my family who emigrated from Europe, striving for the American dream with a strong work ethic and a firm belief in progress. I am especially drawn to Senator MIKULSKI's determination to fight for her constituents and her deep sense of caring. She is an excellent role model for women and girls around the globe—and for anyone, whether a freshman Senator such as myself or a veteran legislator—devoted to a life of public service.

I am proud to work with Senator MIKULSKI on the Committee on Health, Education, Labor, and Pensions, joining her, for example, as a cosponsor of her Paycheck Fairness Act to continue the civil rights debate that started decades ago and is unfortunately still unresolved. We must, once and for all, secure protections for women in the workforce, reaching pay equity and ending all instances of sex discrimination.

I respect Senator MIKULSKI's efforts to reduce costs while furthering innovation and am a strong supporter of her focus on research and drug development for chronic conditions, as laid out in her SPRINT Act. Her advocacy for America's seniors and success leading immigration reform are equally inspiring, and I am proud to be a cosponsor of her Visa Waiver Program Enhanced Security and Reform Act.

I especially enjoyed partnering with Senator MIKULSKI to advance the education we provide to our Nation's students. We offered an amendment together in the Elementary and Secondary Education Act to increase funding and research to meet the unique needs of gifted and talented students.

Special recognition is past due for Senator MIKULSKI, who makes the time to recognize others, most recently sponsoring S. Res. 310, designating 2012 as ''Year of the Girl'' and congratulating the Girl Scouts for its centennial.

Senator MIKULSKI has been an extraordinary mentor and model for countless men and women who emulate her dedication and drive, her commitment and common sense. She leads by her example, particularly for women who endeavor to hold public office. When considering the opportunity to run, they can look to the legacy she has built and the path she has traveled from social worker to city council member to a national figure in the Halls of Congress.

I look forward with pleasure and pride to serving alongside Senator MIKULSKI for years to come. I congratulate her on making history and giving her colleagues, fellow public servants, constituents, and the American people the opportunity to engage in history-making for the good of our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO BEA ABRAMS COHEN

• Mrs. BOXER. Mr. President, today I salute the life and achievements of Bea Abrams Cohen, who at 102 years old is California's oldest living woman veteran. Still active in veterans and community affairs, Mrs. Cohen was recently the guest of honor at a California Department of Veterans Affairs, CalVet, reception honoring the achievements of women in the military during Women's Military History Week.

As CalVet noted, ''Women have contributed to the rich military history of our country even before they were officially allowed to serve. The first known American woman soldier was Deborah Sampson of Massachusetts who, disguised as a man, served in the Revolutionary War. Throughout the history of our country, women have consistently shown themselves as dedicated patriots, willing to put their lives on the line in order to protect our nation and the freedoms of our people.''

The life of Bea Cohen is a living testament to the incredible contributions our service women make each and every day. Born in Romania in 1910, Bea Abrams came to America through Ellis Island in 1920 with her mother, brother, and sister. When the United States entered World War II, Bea vowed to do all she could to help her adopted country. She went to school to learn the machinist trade and then worked at Douglas Aircraft Company in Santa Monica as a real-life Rosie the Riveter.

Though she loved this work, Bea wanted to do more. In 1942, at age 33, she joined the Women's Army Auxiliary Corps, WAAC, turning down a salary increase at Douglas. After going through basic training in Iowa, she did administrative work for the WAAC in Utah and Colorado.

By 1943, Bea took a second oath to become part of the new Women's Army Corps, WAC, which unlike the WAAC was now a part of the Regular Army. She was soon shipped overseas. Crossing the Atlantic Ocean on a ship that zigzagged to avoid enemy submarines, Bea arrived in England just in time for D-day. There, she worked in Army headquarters producing documents and operating a low-cost printing machine called a mimeograph. After 2 years of service, Bea was honorably discharged and returned to Los Angeles.

In late 1945, Bea met Marine MSgt Ray Cohen through family friends. Ray Cohen had served in the Pacific and had been a prisoner of War on the Philippine island of Corregidor for 3½ years. Bea and Ray were married the following year and had two daughters, Janiece and Susan. Later, during the Korean war, Ray was deployed for over

a year while Bea raised the girls and volunteered with the Jewish War Veterans of the United States.

After Ray retired in 1955, the Cohens remained active with the Jewish War Veterans. To this day, Bea volunteers at the Veterans Affairs Medical Center in Los Angeles. For her 102nd birthday party, Bea displayed her lifelong dedication to troops by asking her guests to bring socks for veterans rather than presents for herself. Bea has dedicated more than 70 years to providing support for American troops and their families. She is an enduring reminder of the contributions of this nation's veterans.

Mr. President, I know all of my colleagues will join me today in honoring Bea Abrams Cohen.●

REMEMBERING MR. JAMES A. BRENNAN, JR.

● Mr. NELSON of Florida. Mr. President, I wish to honor one of Florida's great public servants, Mr. James A. Brennan, Jr. Mr. Brennan passed away on December 20, 2011.

Mr. Brennan was a long-time aide to Florida Congressman Claude Pepper. He worked for Mr. Pepper from 1963 to 1989, when Mr. Pepper was in the U.S. House of Representatives. He was Mr. Pepper's closest advisor through the Congressman's chairmanships of the House Aging Committee and House Rules Committee.

Mr. Brennan was devoted to Florida. One of his biggest priorities was helping Florida's seniors, both as Mr. Pepper's aide and later as a board member and advisor to the Claude Pepper Foundation in Tallahassee.

Throughout his years working for Mr. Pepper, Mr. Brennan had the support of his wife Yolanda. They had 12 children and 28 grandchildren.

Florida is lucky to have had a public servant like Mr. Brennan, and his service to the State and the country will not be forgotten.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on March 30, 2012, during the adjournment of the Senate, received a message from the House of Representatives that the House agrees to the concurrent resolution (S. Con. Res. 38) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives, without amendment.

The message also announced that, pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), the Minority Leader reappoints the Honorable David E. Skaggs of Longmont, Colorado, to the Public Interest Declassification Board.

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res 112. Concurrent resolution establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022.

MEASURES DISCHARGED

The following concurrent resolutions were discharged from the Committee on the Budget, pursuant to section 300 of the Congressional Budget Act, and placed on the calendar:

S. Con. Res. 40. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2013, revising the appropriate budgetary levels for fiscal year 2012, and setting forth the appropriate budgetary levels for fiscal years 2013 through 2022.

H. Con. Res. 112. Concurrent resolution establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022.

MEASURES PLACED ON THE CALENDAR

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

H.R. 5. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

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. BEGICH:

S. 2284. A bill to amend the Internal Revenue Code of 1986 to provide expensing for small businesses; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2285. A bill to increase civil penalties for institutions of higher education that fail to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio (for himself, Mrs. HUTCHISON, Mr. INOUYE, Mrs. MURRAY, Mr. ALEXANDER, Mr. TESTER, and Mr. BAUCUS):

S. Res. 418. A resolution commending the 80 brave men who became known as the ''Doolittle Tokyo Raiders'' for outstanding heroism, valor, skill, and service to the United States during the bombing of Tokyo and 5 other targets on the island of Honshu on April 18, 1942, during the Second World War; to the Committee on Armed Services.

By Mr. PAUL (for himself, Mr. DEMINT, and Mr. LEE):

S. Con. Res. 40. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2013, revising the appropriate budgetary levels for fiscal year 2012, and setting forth the appropriate budgetary levels for fiscal years 2013 through 2022; placed on the calendar.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. ISAKSON, his name was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

At the request of Mr. ALEXANDER, his name was added as a cosponsor of S. 17, supra.

S. 154

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 154, a bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

S. 219

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 253

At the request of Mr. ROCKEFELLER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 253, a bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Nevada (Mr. REID) 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 Hawaii (Mr. AKAKA) 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. 658

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 958

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 1069

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1069, a bill to suspend temporarily the duty on certain footwear, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor 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 Massachusetts (Mr. KERRY) 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. 1460

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1821

At the request of Mr. COONS, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1821, a bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1979

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 1981

At the request of Mr. HELLER, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 1984

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1984, a bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

S. 1990

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 1990, supra.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2051

At the request of Mr. REED, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2112

At the request of Mr. BEGICH, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Florida (Mr. NELSON) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2206

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added

as a cosponsor of S. 2206, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide educational counseling to individuals eligible for educational assistance under laws administered by the Secretary before such individuals receive such assistance, and for other purposes.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2219, 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.

S. 2230

At the request of Mr. WHITEHOUSE, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

S. 2233

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2233, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S. 2241

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2241, a bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes.

S. 2270

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2270, a bill to amend the Farm Security and Rural Investment Act of 2002 to improve energy programs.

S. 2274

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2274, a bill to require the Secretary of Agriculture to establish a nonprofit corporation to be known as the Foundation for Food and Agriculture Research.

S. 2279

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2279, a bill to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes.

S. 2280

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2280, a bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 400

At the request of Ms. STABENOW, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 400, a resolution supporting the goals and ideals of Professional Social Work Month and World Social Work Day.

S. RES. 413

At the request of Mr. CASEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 413, a resolution supporting the designation of April 2012 as National Autism Awareness Month.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 418—COMMENDING THE 80 BRAVE MEN WHO BECAME KNOWN AS THE ''DOOLITTLE TOKYO RAIDERS'' FOR OUTSTANDING HEROISM, VALOR, SKILL, AND SERVICE TO THE UNITED STATES DURING THE BOMBING OF TOKYO AND 5 OTHER TARGETS ON THE ISLAND OF HONSHU ON APRIL 18, 1942, DURING THE SECOND WORLD WAR

Mr. BROWN of Ohio (for himself, Mrs. HUTCHISON, Mr. INOUYE, Mrs. MURRAY, Mr. ALEXANDER, Mr. TESTER, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 418

Whereas 80 brave American airmen volunteered for an ''extremely hazardous mission'' without knowing the target, location, or assignment and willingly put their lives in harm's way, risking death, capture, and torture;

Whereas the mission was the first offensive action by the United States military following the attack on Pearl Harbor on December 7, 1941;

Whereas the Doolittle Raid represented the first time in which the Army Air Corps and the Navy collaborated in a tactical mission by flying 16 Army B–25 medium bombers off of the USS Hornet;

Whereas the flying of bombers from a Navy carrier had never been done before, making the mission extremely hazardous from the very start;

Whereas after encountering Japanese picket ships 170 miles from the prearranged launch point, the Raiders, led by Lieutenant Colonel James Doolittle, proceeded to launch 650 miles from the target of Tokyo;

Whereas by launching more than 170 miles early the Raiders deliberately accepted the risk that the B–25s might not have enough fuel to make it beyond the Japanese lines in occupied China;

Whereas the additional risk virtually sealed the fate of the Raiders to crash land in China or on the home islands of Japan, subjecting them to imprisonment, torture, or death;

Whereas because of that deliberate choice, after hitting their military and industrial targets in Tokyo and five other cities on the island of Honshu, low on fuel and in setting night and deteriorating weather, none of the 16 airplanes reached the prearranged Chinese airfields;

Whereas the total distance traveled averaged 2,250 nautical miles over a period of 13 hours is the longest combat mission ever flown in a B–25 Mitchell bomber;

Whereas of the 8 Raiders who were captured, 3 were executed, 1 died of disease, and 4 came home; and

Whereas, the Doolittle Raid led the fight for the eventual victory of the United States in the Second World War: Now, therefore, be it

Resolved, That the Senate—

(1) commends the 5 living members and 80 original members of the Doolittle Tokyo Raiders for their participation in the Tokyo bombing raid of April 18, 1942; and

(2) recognizes the valor, skill, and courage of the Raiders that proved invaluable to the eventual defeat of Japan during the Second World War; and

(3) acknowledges that the actions of the Raiders helped to forge an enduring example of heroism in the face of uncertainty for the Army Air Corps of the Second World War, the future of the Air Force, and the United States as a whole.

SENATE CONCURRENT RESOLUTION 40—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013, REVISING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEAR 2012, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2013 THROUGH 2022

Mr. PAUL (for himself, Mr. DEMINT, and Mr. LEE) submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 40

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2013 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2013 through 2022.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2012 through 2022:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2012: $1,896,000,000,000.
Fiscal year 2013: $1,615,000,000,000.
Fiscal year 2014: $1,740,000,000,000.
Fiscal year 2015: $2,261,000,000,000.
Fiscal year 2016: $2,406,000,000,000.
Fiscal year 2017: $2,651,000,000,000.
Fiscal year 2018: $2,965,000,000,000.
Fiscal year 2019: $3,186,000,000,000.
Fiscal year 2020: $3,419,000,000,000.
Fiscal year 2021: $3,663,000,000,000.
Fiscal year 2022: $3,822,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: −$23,000,000,000.
Fiscal year 2013: −$675,000,000,000.
Fiscal year 2014: −$845,000,000,000.
Fiscal year 2015: −$537,000,000,000.
Fiscal year 2016: −$559,000,000,000.
Fiscal year 2017: −$521,000,000,000.
Fiscal year 2018: −$365,000,000,000.
Fiscal year 2019: −$312,000,000,000.
Fiscal year 2020: −$257,000,000,000.
Fiscal year 2021: −$214,000,000,000.
Fiscal year 2022: −$263,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2012: $3,519,858,000,000.
Fiscal year 2013: $3,084,004,000,000.
Fiscal year 2014: $3,106,658,000,000.
Fiscal year 2015: $3,117,000,000,000.
Fiscal year 2016: $3,283,243,000,000.
Fiscal year 2017: $3,458,011,000,000.
Fiscal year 2018: $3,659,956,000,000.
Fiscal year 2019: $3,893,357,000,000.
Fiscal year 2020: $4,090,845,000,000.
Fiscal year 2021: $4,262,660,000,000.
Fiscal year 2022: $4,464,458,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2012: $3,565,725,000,000.
Fiscal year 2013: $3,109,085,000,000.
Fiscal year 2014: $3,098,368,000,000.
Fiscal year 2015: $3,092,240,000,000.
Fiscal year 2016: $3,256,795,000,000.
Fiscal year 2017: $3,408,942,000,000.
Fiscal year 2018: $3,594,222,000,000.
Fiscal year 2019: $3,842,333,000,000.
Fiscal year 2020: $4,027,530,000,000.
Fiscal year 2021: $4,208,224,000,000.
Fiscal year 2022: $4,417,978,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2012: $1,043,000,000,000.
Fiscal year 2013: $795,000,000,000.
Fiscal year 2014: $631,000,000,000.
Fiscal year 2015: $62,000,000,000.
Fiscal year 2016: $31,000,000,000.
Fiscal year 2017: −$111,000,000,000.
Fiscal year 2018: −$285,000,000,000.
Fiscal year 2019: −$302,000,000,000.
Fiscal year 2020: −$395,000,000,000.
Fiscal year 2021: −$504,000,000,000.
Fiscal year 2022: −$501,000,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2012: $11,368,000,000,000.
Fiscal year 2013: $12,197,000,000,000.
Fiscal year 2014: $12,912,000,000,000.
Fiscal year 2015: $13,084,000,000,000.
Fiscal year 2016: $13,230,000,000,000.
Fiscal year 2017: $13,147,000,000,000.
Fiscal year 2018: $12,912,000,000,000.
Fiscal year 2019: $12,631,000,000,000.
Fiscal year 2020: $12,261,000,000,000.
Fiscal year 2021: $11,787,000,000,000.
Fiscal year 2022: $11,328,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2012: $11,242,000,000,000.
Fiscal year 2013: $12,089,000,000,000.
Fiscal year 2014: $12,812,000,000,000.
Fiscal year 2015: $12,966,000,000,000.
Fiscal year 2016: $13,076,000,000,000.
Fiscal year 2017: $13,017,000,000,000.
Fiscal year 2018: $12,784,000,000,000.
Fiscal year 2019: $12,534,000,000,000.
Fiscal year 2020: $12,191,000,000,000.
Fiscal year 2021: $11,739,000,000,000.
Fiscal year 2022: $11,290,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: $627,000,000,000.
Fiscal year 2013: $698,000,000,000.
Fiscal year 2014: $728,000,000,000.
Fiscal year 2015: $770,000,000,000.
Fiscal year 2016: $819,000,000,000.
Fiscal year 2017: $868,000,000,000.
Fiscal year 2018: $914,000,000,000.
Fiscal year 2019: $958,000,000,000.
Fiscal year 2020: $1,004,000,000,000.
Fiscal year 2021: $1,049,000,000,000.
Fiscal year 2022: $1,096,000,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: $770,420,000,000.
Fiscal year 2013: $813,569,000,000.
Fiscal year 2014: $857,048,000,000.
Fiscal year 2015: $901,705,000,000.
Fiscal year 2016: $950,000,000,000.
Fiscal year 2017: $1,004,219,000,000.
Fiscal year 2018: $1,063,321,000,000.
Fiscal year 2019: $1,127,719,000,000.
Fiscal year 2020: $1,197,313,000,000.
Fiscal year 2021: $1,269,310,000,000.
Fiscal year 2022: $1,345,264,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2012:
(A) New budget authority, $5,822,000,000.
(B) Outlays, $5,793,000,000.
Fiscal year 2013:
(A) New budget authority, $5,868,000,000.
(B) Outlays, $6,108,000,000.
Fiscal year 2014:
(A) New budget authority, $6,043,000,000.
(B) Outlays, $6,269,000,000.
Fiscal year 2015:
(A) New budget authority, $6,223,000,000.
(B) Outlays, $6,386,000,000.
Fiscal year 2016:
(A) New budget authority, $6,418,000,000.
(B) Outlays, $6,379,000,000.
Fiscal year 2017:
(A) New budget authority, $6,616,000,000.
(B) Outlays, $6,379,000,000.
Fiscal year 2018:
(A) New budget authority, $6,838,000,000.
(B) Outlays, $6,794,000,000.
Fiscal year 2019:
(A) New budget authority, $7,071,000,000.
(B) Outlays, $7,024,000,000.
Fiscal year 2020:
(A) New budget authority, $7,304,000,000.
(B) Outlays, $7,257,000,000.
Fiscal year 2021:
(A) New budget authority, $7,543,000,000.
(B) Outlays, $7,494,000,000.
Fiscal year 2022:
(A) New budget authority, $7,796,000,000.
(B) Outlays, $7,745,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2011 through 2021 for each major functional category are:

(1) National Defense (050):
Fiscal year 2012:
(A) New budget authority, $549,397,000,000.
(B) Outlays, $559,626,000,000.
Fiscal year 2013:
(A) New budget authority, $562,462,000,000.
(B) Outlays, $587,049,000,000.
Fiscal year 2014:
(A) New budget authority, $562,462,000,000.
(B) Outlays, $587,807,000,000.
Fiscal year 2015:
(A) New budget authority, $570,643,000,000.
(B) Outlays, $574,208,000,000.
Fiscal year 2016:
(A) New budget authority, $579,797,000,000.

(B) Outlays, $580,181,000,000.
Fiscal year 2017:
(A) New budget authority, $591,058,000,000.
(B) Outlays, $583,077,000,000.
Fiscal year 2018:
(A) New budget authority, $602,310,000,000.
(B) Outlays, $587,825,000,000.
Fiscal year 2019:
(A) New budget authority, $613,550,000,000.
(B) Outlays, $603,494,000,000.
Fiscal year 2020:
(A) New budget authority, $625,785,000,000.
(B) Outlays, $615,208,000,000.
Fiscal year 2021:
(A) New budget authority, $638,070,000,000.
(B) Outlays, $627,214,000,000.
Fiscal year 2022:
(A) New budget authority, $651,718,000,000.
(B) Outlays, $645,558,000,000.
(2) International Affairs (150):
Fiscal year 2012:
(A) New budget authority, $57,684,000,000.
(B) Outlays, $50,501,000,000.
Fiscal year 2013:
(A) New budget authority, $14,024,000,000.
(B) Outlays, $20,680,000,000.
Fiscal year 2014:
(A) New budget authority, $20,680,000,000.
(B) Outlays, $15,069,000,000.
Fiscal year 2015:
(A) New budget authority, $11,666,000,000.
(B) Outlays, $11,423,000,000.
Fiscal year 2016:
(A) New budget authority, $11,423,000,000.
(B) Outlays, $12,347,000,000.
Fiscal year 2017:
(A) New budget authority, $12,746,000,000.
(B) Outlays, $13,359,000,000.
Fiscal year 2018:
(A) New budget authority, $13,359,000,000.
(B) Outlays, $13,471,000,000.
Fiscal year 2019:
(A) New budget authority, $14,318,000,000.
(B) Outlays, $14,318,000,000.
Fiscal year 2020:
(A) New budget authority, $14,619,000,000.
(B) Outlays, $11,335,000,000.
Fiscal year 2021:
(A) New budget authority, $14,921,000,000.
(B) Outlays, $11,541,000,000.
Fiscal year 2022:
(A) New budget authority, $15,217,000,000.
(B) Outlays, $11,742,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2012:
(A) New budget authority, $29,836,000,000.
(B) Outlays, $31,175,000,000.
Fiscal year 2013:
(A) New budget authority, $19,605,000,000.
(B) Outlays, $18,914,000,000.
Fiscal year 2014:
(A) New budget authority, $19,962,000,000.
(B) Outlays, $19,222,000,000.
Fiscal year 2015:
(A) New budget authority, $20,319,000,000.
(B) Outlays, $18,518,000,000.
Fiscal year 2016:
(A) New budget authority, $20,682,000,000.
(B) Outlays, $18,849,000,000.
Fiscal year 2017:
(A) New budget authority, $21,052,000,000.
(B) Outlays, $19,186,000,000.
Fiscal year 2018:
(A) New budget authority, $21,249,000,000.
(B) Outlays, $19,529,000,000.
Fiscal year 2019:
(A) New budget authority, $21,812,000,000.
(B) Outlays, $19,878,000,000.
Fiscal year 2020:
(A) New budget authority, $22,203,000,000.
(B) Outlays, $20,234,000,000.
Fiscal year 2021:
(A) New budget authority, $22,600,000,000.
(B) Outlays, $20,596,000,000.
Fiscal year 2022:
(A) New budget authority, $23,005,000,000.
(B) Outlays, $20,964,000,000.
(4) Energy (270):
Fiscal year 2012:
(A) New budget authority, $9,886,000,000.
(B) Outlays, $18,342,000,000.
Fiscal year 2013:
(A) New budget authority, $923,000,000.
(B) Outlays, $2,882,000,000.
Fiscal year 2014:
(A) New budget authority, $976,000,000.
(B) Outlays, $2,349,000,000.
Fiscal year 2015:
(A) New budget authority, $1,003,000,000.
(B) Outlays, $1,649,000,000.
Fiscal year 2016:
(A) New budget authority, $857,000,000.
(B) Outlays, $801,000,000.
Fiscal year 2017:
(A) New budget authority, $886,000,000.
(B) Outlays, $829,000,000.
Fiscal year 2018:
(A) New budget authority, $914,000,000.
(B) Outlays, $856,000,000.
Fiscal year 2019:
(A) New budget authority, $944,000,000.
(B) Outlays, $885,000,000.
Fiscal year 2020:
(A) New budget authority, $973,000,000.
(B) Outlays, $912,000,000.
Fiscal year 2021:
(A) New budget authority, $1,003,000,000.
(B) Outlays, $940,000,000.
Fiscal year 2022:
(A) New budget authority, $1,021,000,000.
(B) Outlays, $955,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2012:
(A) New budget authority, $37,109,000,000.
(B) Outlays, $42,242,000,000.
Fiscal year 2013:
(A) New budget authority, $24,206,000,000.
(B) Outlays, $23,864,000,000.
Fiscal year 2014:
(A) New budget authority, $23,864,000,000.
(B) Outlays, $23,928,000,000.
Fiscal year 2015:
(A) New budget authority, $24,441,000,000.
(B) Outlays, $22,864,000,000.
Fiscal year 2016:
(A) New budget authority, $24,912,000,000.
(B) Outlays, $23,178,000,000.
Fiscal year 2017:
(A) New budget authority, $25,401,000,000.
(B) Outlays, $23,571,000,000.
Fiscal year 2018:
(A) New budget authority, $26,392,000,000.
(B) Outlays, $24,430,000,000.
Fiscal year 2019:
(A) New budget authority, $26,745,000,000.
(B) Outlays, $24,747,000,000.
Fiscal year 2020:
(A) New budget authority, $27,636,000,000.
(B) Outlays, $25,441,000,000.
Fiscal year 2021:
(A) New budget authority, $27,558,000,000.
(B) Outlays, $25,561,000,000.
Fiscal year 2022:
(A) New budget authority, $27,904,000,000.
(B) Outlays, $25,787,000,000.
(6) Agriculture (350):
Fiscal year 2012:
(A) New budget authority, $22,686,000,000.
(B) Outlays, $19,646,000,000.
Fiscal year 2013:
(A) New budget authority, $20,143,000,000.
(B) Outlays, $22,255,000,000.
Fiscal year 2014:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $19,523,000,000.
Fiscal year 2015:
(A) New budget authority, $20,545,000,000.
(B) Outlays, $20,545,000,000.
Fiscal year 2016:
(A) New budget authority, $20,567,000,000.
(B) Outlays, $19,628,000,000.
Fiscal year 2017:
(A) New budget authority, $20,518,000,000.
(B) Outlays, $19,549,000,000.
Fiscal year 2018:
(A) New budget authority, $20,811,000,000.
(B) Outlays, $19,765,000,000.
Fiscal year 2019:
(A) New budget authority, $21,010,000,000.
(B) Outlays, $19,990,000,000.
Fiscal year 2020:
(A) New budget authority, $21,275,000,000.
(B) Outlays, $20,266,000,000.
Fiscal year 2021:
(A) New budget authority, $21,560,000,000.
(B) Outlays, $20,514,000,000.
Fiscal year 2022:
(A) New budget authority, $21,631,000,000.
(B) Outlays, $20,583,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2012:
(A) New budget authority, $42,288,000,000.
(B) Outlays, $42,685,000,000.
Fiscal year 2013:
(A) New budget authority, $12,386,000,000.
(B) Outlays, $11,996,000,000.
Fiscal year 2014:
(A) New budget authority, $12,332,000,000.
(B) Outlays, −$552,000,000.
Fiscal year 2015:
(A) New budget authority, $12,332,000,000.
(B) Outlays, −$1,240,000,000.
Fiscal year 2016:
(A) New budget authority, $11,997,000,000.
(B) Outlays, −$4,202,000,000.
Fiscal year 2017:
(A) New budget authority, $15,199,000,000.
(B) Outlays, −$4,255,000,000.
Fiscal year 2018:
(A) New budget authority, $15,864,000,000.
(B) Outlays, −$5,765,000,000.
Fiscal year 2019:
(A) New budget authority, $16,368,000,000.
(B) Outlays, $2,829,000,000.
Fiscal year 2020:
(A) New budget authority, $16,930,000,000.
(B) Outlays, $2,174,000,000.
Fiscal year 2021:
(A) New budget authority, $17,448,000,000.
(B) Outlays, $1,283,000,000.
Fiscal year 2022:
(A) New budget authority, $17,820,000,000.
(B) Outlays, $230,000,000.
(8) Transportation (400):
Fiscal year 2012:
(A) New budget authority, $88,325,000,000.
(B) Outlays, $91,171,000,000.
Fiscal year 2013:
(A) New budget authority, $77,499,000,000.
(B) Outlays, $80,200,000,000.
Fiscal year 2014:
(A) New budget authority, $76,644,000,000.
(B) Outlays, $80,149,000,000.
Fiscal year 2015:
(A) New budget authority, $77,240,000,000.
(B) Outlays, $81,869,000,000.
Fiscal year 2016:
(A) New budget authority, $78,217,000,000.
(B) Outlays, $83,149,000,000.
Fiscal year 2017:
(A) New budget authority, $79,069,000,000.
(B) Outlays, $84,439,000,000.
Fiscal year 2018:
(A) New budget authority, $79,014,000,000.
(B) Outlays, $83,270,000,000.
Fiscal year 2019:
(A) New budget authority, $80,669,000,000.
(B) Outlays, $84,969,000,000.
Fiscal year 2020:
(A) New budget authority, $81,266,000,000.
(B) Outlays, $85,940,000,000.
Fiscal year 2021:
(A) New budget authority, $81,783,000,000.
(B) Outlays, $87,078,000,000.
Fiscal year 2022:
(A) New budget authority, $82,635,000,000.
(B) Outlays, $88,495,000,000.
(9) Community and Regional Development (450):
Fiscal year 2012:
(A) New budget authority, $18,783,000,000.
(B) Outlays, $24,628,000,000.

Fiscal year 2013:
(A) New budget authority, $11,998,000,000.
(B) Outlays, $13,439,000,000.
Fiscal year 2014:
(A) New budget authority, $12,036,000,000.
(B) Outlays, $13,336,000,000.
Fiscal year 2015:
(A) New budget authority, $12,256,000,000.
(B) Outlays, $12,761,000,000.
Fiscal year 2016:
(A) New budget authority, $12,478,000,000.
(B) Outlays, $12,725,000,000.
Fiscal year 2017:
(A) New budget authority, $12,701,000,000.
(B) Outlays, $11,854,000,000.
Fiscal year 2018:
(A) New budget authority, $12,932,000,000.
(B) Outlays, $11,621,000,000.
Fiscal year 2019:
(A) New budget authority, $13,163,000,000.
(B) Outlays, $11,835,000,000.
Fiscal year 2020:
(A) New budget authority, $13,401,000,000.
(B) Outlays, $12,073,000,000.
Fiscal year 2021:
(A) New budget authority, $13,645,000,000.
(B) Outlays, $12,325,000,000.
Fiscal year 2022:
(A) New budget authority, $13,890,000,000.
(B) Outlays, $12,647,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2012:
(A) New budget authority, $88,578,000,000.
(B) Outlays, $105,484,000,000.
Fiscal year 2013:
(A) New budget authority, $33,898,000,000.
(B) Outlays, $42,292,000,000.
Fiscal year 2014:
(A) New budget authority, $30,868,000,000.
(B) Outlays, $32,933,000,000.
Fiscal year 2015:
(A) New budget authority, $32,868,000,000.
(B) Outlays, $29,490,000,000.
Fiscal year 2016:
(A) New budget authority, $33,437,000,000.
(B) Outlays, $29,870,000,000.
Fiscal year 2017:
(A) New budget authority, $42,660,000,000.
(B) Outlays, $37,022,000,000.
Fiscal year 2018:
(A) New budget authority, $46,337,000,000.
(B) Outlays, $43,104,000,000.
Fiscal year 2019:
(A) New budget authority, $49,313,000,000.
(B) Outlays, $45,960,000,000.
Fiscal year 2020:
(A) New budget authority, $49,859,000,000.
(B) Outlays, $47,385,000,000.
Fiscal year 2021:
(A) New budget authority, $50,122,000,000.
(B) Outlays, $50,122,000,000.
Fiscal year 2022:
(A) New budget authority, $50,554,000,000.
(B) Outlays, $47,920,000,000.
(11) Health (550):
Fiscal year 2012:
(A) New budget authority, $357,821,000,000.
(B) Outlays, $358,737,000,000.
Fiscal year 2013:
(A) New budget authority, $338,159,000,000.
(B) Outlays, $334,163,000,000.
Fiscal year 2014:
(A) New budget authority, $348,397,000,000.
(B) Outlays, $338,935,000,000.
Fiscal year 2015:
(A) New budget authority, $359,620,000,000.
(B) Outlays, $357,023,000,000.
Fiscal year 2016:
(A) New budget authority, $365,157,000,000.
(B) Outlays, $364,094,000,000.
Fiscal year 2017:
(A) New budget authority, $374,943,000,000.
(B) Outlays, $373,308,000,000.
Fiscal year 2018:
(A) New budget authority, $385,894,000,000.
(B) Outlays, $381,726,000,000.
Fiscal year 2019:
(A) New budget authority, $397,015,000,000.
(B) Outlays, $392,850,000,000.
Fiscal year 2020:
(A) New budget authority, $417,710,000,000.
(B) Outlays, $403,283,000,000.
Fiscal year 2021:
(A) New budget authority, $419,586,000,000.
(B) Outlays, $415,086,000,000.
Fiscal year 2022:
(A) New budget authority, $431,913,000,000.
(B) Outlays, $427,453,000,000.
(12) Medicare (570):
Fiscal year 2012:
(A) New budget authority, $487,762,000,000.
(B) Outlays, $487,661,000,000.
Fiscal year 2013:
(A) New budget authority, $509,976,000,000.
(B) Outlays, $510,212,000,000.
Fiscal year 2014:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2015:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2016:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2017:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2018:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2019:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2020:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2021:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2022:
(A) New budget authority, $0.
(B) Outlays, $0.
(13) Income Security (600):
Fiscal year 2012:
(A) New budget authority, $534,107,000,000.
(B) Outlays, $533,175,000,000.
Fiscal year 2013:
(A) New budget authority, $355,125,000,000.
(B) Outlays, $347,966,000,000.
Fiscal year 2014:
(A) New budget authority, $362,716,000,000.
(B) Outlays, $355,966,000,000.
Fiscal year 2015:
(A) New budget authority, $362,163,000,000.
(B) Outlays, $357,163,000,000.
Fiscal year 2016:
(A) New budget authority, $369,163,000,000.
(B) Outlays, $369,695,000,000.
Fiscal year 2017:
(A) New budget authority, $368,254,000,000.
(B) Outlays, $364,817,000,000.
Fiscal year 2018:
(A) New budget authority, $371,087,000,000.
(B) Outlays, $636,453,000,000.
Fiscal year 2019:
(A) New budget authority, $385,838,000,000.
(B) Outlays, $383,743,000,000.
Fiscal year 2020:
(A) New budget authority, $396,715,000,000.
(B) Outlays, $395,180,000,000.
Fiscal year 2021:
(A) New budget authority, $408,219,000,000.
(B) Outlays, $407,134,000,000.
Fiscal year 2022:
(A) New budget authority, $422,855,000,000.
(B) Outlays, $427,176,000,000.
(14) Social Security (650):
Fiscal year 2012:
(A) New budget authority, $779,797,000,000.
(B) Outlays, $776,213,000,000.
Fiscal year 2013:
(A) New budget authority, $823,017,000,000.
(B) Outlays, $819,677,000,000.
Fiscal year 2014:
(A) New budget authority, $866,901,000,000.
(B) Outlays, $863,317,000,000.
Fiscal year 2015:
(A) New budget authority, $912,103,000,000.
(B) Outlays, $908,091,000,000.
Fiscal year 2016:
(A) New budget authority, $960,918,000,000.
(B) Outlays, $956,379,000,000.
Fiscal year 2017:
(A) New budget authority, $1,075,559,000,000.
(B) Outlays, $1,010,794,000,000.
Fiscal year 2018:
(A) New budget authority, $1,075,559,000,000.
(B) Outlays, $1,070,115,000,000.
Fiscal year 2019:
(A) New budget authority, $1,140,590,000,000.
(B) Outlays, $1,134,743,000,000.
Fiscal year 2020:
(A) New budget authority, $1,210,617,000,000.
(B) Outlays, $1,204,570,000,000.
Fiscal year 2021:
(A) New budget authority, $1,283,153,000,000.
(B) Outlays, $1,276,804,000,000.
Fiscal year 2022:
(A) New budget authority, $1,360,160,000,000.
(B) Outlays, $1,353,009,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2012:
(A) New budget authority, $126,263,000,000.
(B) Outlays, $126,262,000,000.
Fiscal year 2013:
(A) New budget authority, $132,924,000,000.
(B) Outlays, $133,660,000,000.
Fiscal year 2014:
(A) New budget authority, $135,032,000,000.
(B) Outlays, $135,471,000,000.
Fiscal year 2015:
(A) New budget authority, $138,369,000,000.
(B) Outlays, $138,367,000,000.
Fiscal year 2016:
(A) New budget authority, $147,201,000,000.
(B) Outlays, $146,698,000,000.
Fiscal year 2017:
(A) New budget authority, $146,175,000,000.
(B) Outlays, $145,526,000,000.
Fiscal year 2018:
(A) New budget authority, $145,004,000,000.
(B) Outlays, $144,303,000,000.
Fiscal year 2019:
(A) New budget authority, $154,685,000,000.
(B) Outlays, $153,943,000,000.
Fiscal year 2020:
(A) New budget authority, $159,160,000,000.
(B) Outlays, $158,409,000,000.
Fiscal year 2021:
(A) New budget authority, $163,701,000,000.
(B) Outlays, $163,701,000,000.
Fiscal year 2022:
(A) New budget authority, $173,802,000,000.
(B) Outlays, $172,995,000,000.
(16) Administration of Justice (750):
Fiscal year 2012:
(A) New budget authority, $51,700,000,000.
(B) Outlays, $54,471,000,000.
Fiscal year 2013:
(A) New budget authority, $50,998,000,000.
(B) Outlays, $38,113,000,000.
Fiscal year 2014:
(A) New budget authority, $41,766,000,000.
(B) Outlays, $40,926,000,000.
Fiscal year 2015:
(A) New budget authority, $42,296,000,000.
(B) Outlays, $40,215,000,000.
Fiscal year 2016:
(A) New budget authority, $45,028,000,000.
(B) Outlays, $42,812,000,000.
Fiscal year 2017:
(A) New budget authority, $43,922,000,000.
(B) Outlays, $41,759,000,000.
Fiscal year 2018:
(A) New budget authority, $44,527,000,000.
(B) Outlays, $42,294,000,000.
Fiscal year 2019:
(A) New budget authority, $45,216,000,000.
(B) Outlays, $41,863,000,000.
Fiscal year 2020:
(A) New budget authority, $45,915,000,000.
(B) Outlays, $41,951,000,000.
Fiscal year 2021:

(A) New budget authority, $46,787,000,000.
(B) Outlays, $42,718,000,000.
Fiscal year 2022:
(A) New budget authority, $51,306,000,000.
(B) Outlays, $47,151,000,000.
(17) General Government (800):
Fiscal year 2012:
(A) New budget authority, $24,163,000,000,000.
(B) Outlays, $30,033,000,000.
Fiscal year 2013:
(A) New budget authority, $21,262,000,000.
(B) Outlays, $18,354,000,000.
Fiscal year 2014:
(A) New budget authority, $21,414,000,000.
(B) Outlays, $19,949,000,000.
Fiscal year 2015:
(A) New budget authority, $21,586,000,000.
(B) Outlays, $20,149,000,000.
Fiscal year 2016:
(A) New budget authority, $21,762,000,000.
(B) Outlays, $20,373,000,000.
Fiscal year 2017:
(A) New budget authority, $22,114,000,000.
(B) Outlays, $20,531,000,000.
Fiscal year 2018:
(A) New budget authority, $22,470,000,000.
(B) Outlays, $20,836,000,000.
Fiscal year 2019:
(A) New budget authority, $22,893,000,000.
(B) Outlays, $21,252,000,000.
Fiscal year 2020:
(A) New budget authority, $23,227,000,000.
(B) Outlays, $21,614,000,000.
Fiscal year 2021:
(A) New budget authority, $23,622,000,000.
(B) Outlays, $21,904,000,000.
Fiscal year 2022:
(A) New budget authority, $23,933,000,000.
(B) Outlays, $22,217,000,000.
(18) Net Interest (900):
Fiscal year 2012:
(A) New budget authority, $224,064,000,000.
(B) Outlays, $224,064,000,000.
Fiscal year 2013:
(A) New budget authority, $183,281,000,000.
(B) Outlays, $183,281,000,000.
Fiscal year 2014:
(A) New budget authority, $184,653,000,000.
(B) Outlays, $184,653,000,000.
Fiscal year 2015:
(A) New budget authority, $211,497,000,000.
(B) Outlays, $211,497,000,000.
Fiscal year 2016:
(A) New budget authority, $293,109,000,000.
(B) Outlays, $293,109,000,000.
Fiscal year 2017:
(A) New budget authority, $361,394,000,000.
(B) Outlays, $361,394,000,000.
Fiscal year 2018:
(A) New budget authority, $440,040,000,000.
(B) Outlays, $440,040,000,000.
Fiscal year 2019:
(A) New budget authority, $501,224,000,000.
(B) Outlays, $501,224,000,000.
Fiscal year 2020:
(A) New budget authority, $536,534,000,000.
(B) Outlays, $536,534,000,000.
Fiscal year 2021:
(A) New budget authority, $565,473,000,000.
(B) Outlays, $565,473,000,000.
Fiscal year 2022:
(A) New budget authority, −$588,933,000,000.
(B) Outlays, −$588,933,000,000.
(19) Allowances (920):
Fiscal year 2012
(A) New budget authority, −$45,400,000,000.
(B) Outlays, −$45,400,000,000.
Fiscal year 2013:
(A) New budget authority, −$57,358,000,000.
(B) Outlays, −$57,358,000,000.
Fiscal year 2014:
(A) New budget authority, −$71,118,000,000.
(B) Outlays, −$71,118,000,000.
Fiscal year 2015:
(A) New budget authority, −$79,148,000,000.
(B) Outlays, −$79,148,000,000.
Fiscal year 2016:
(A) New budget authority, −$92,742,000,000.
(B) Outlays, −$92,742,000,000.
Fiscal year 2017:
(A) New budget authority, −$91,236,000,000.
(B) Outlays, −$91,236,000,000.
Fiscal year 2018:
(A) New budget authority, −$86,010,000,000.
(B) Outlays, −$86,010,000,000.
Fiscal year 2019:
(A) New budget authority, −$56,114,000,000.
(B) Outlays, −$56,114,000,000.
Fiscal year 2020:
(A) New budget authority, −$58,063,000,000.
(B) Outlays, −$58,063,000,000.
Fiscal year 2021:
(A) New budget authority, −$58,990,000,000.
(B) Outlays, −$58,990,000,000.
Fiscal year 2022:
(A) New budget authority, −$55,589,000,000.
(B) Outlays, −$55,589,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2012:
(A) New budget authority, −$91,535,000,000.
(B) Outlays, −$91,535,000,000.
Fiscal year 2013:
(A) New budget authority, −$95,678,000,000.
(B) Outlays, −$95,678,000,000.
Fiscal year 2014:
(A) New budget authority, −$96,030,000,000.
(B) Outlays, −$96,030,000,000.
Fiscal year 2015:
(A) New budget authority, −$101,010,000,000.
(B) Outlays, −$101,010,000,000.
Fiscal year 2016:
(A) New budget authority, −$104,680,000,000.
(B) Outlays, −$104,680,000,000.
Fiscal year 2017:
(A) New budget authority, −$117,921,000,000.
(B) Outlays, −$117,921,000,000.
Fiscal year 2018:
(A) New budget authority, −$123,045,000,000.
(B) Outlays, −$123,045,000,000.
Fiscal year 2019:
(A) New budget authority, −$133,352,000,000.
(B) Outlays, −$133,352,000,000.
Fiscal year 2020:
(A) New budget authority, −$138,451,000,000.
(B) Outlays, −$138,451,000,000.
Fiscal year 2021:
(A) New budget authority, −$144,197,000,000.
(B) Outlays, −$144,197,000,000.
Fiscal year 2022:
(A) New budget authority, −$150,911,000,000.
(B) Outlays, −$150,911,000,000.
(21) Global War on Terrorism (970):
Fiscal year 2012:
(A) New budget authority, $126,544,000,000.
(B) Outlays, $126,544,000,000.
Fiscal year 2013:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $50,000,000,000.
Fiscal year 2014:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2015:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2016:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2017:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2018:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2019:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2020:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2021:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2022:
(A) New budget authority, $0.
(B) Outlays, $0.
(22) Congressional Health Insurance for Seniors (990):
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2013:
(A) New budget authority, $3,125,000,000.
(B) Outlays, $3,125,000,000.
Fiscal year 2014:
(A) New budget authority, $539,435,000,000.
(B) Outlays, $532,135,000,000.
Fiscal year 2015:
(A) New budget authority, $466,210,000,000.
(B) Outlays, $468,810,000,000.
Fiscal year 2016:
(A) New budget authority, $494,278,000,000.
(B) Outlays, $494,278,000,000.
Fiscal year 2017:
(A) New budget authority, $513,342,000,000.
(B) Outlays, $511,342,000,000.
Fiscal year 2018:
(A) New budget authority, $544,406,000,000.
(B) Outlays, $542,406,000,000.
Fiscal year 2019:
(A) New budget authority, $577,470,000,000.
(B) Outlays, $575,470,000,000.
Fiscal year 2020:
(A) New budget authority, $623,534,000,000.
(B) Outlays, $623,534,000,000.
Fiscal year 2021:
(A) New budget authority, $666,598,000,000.
(B) Outlays, $664,598,000,000.
Fiscal year 2022:
(A) New budget authority, $712,662,000,000.
(B) Outlays, $710,662,000,000.

TITLE II—RESERVE FUNDS

SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF UNUSED OR VACANT FEDERAL PROPERTIES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling any unused or vacant Federal properties. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

SEC. 202. DEFICIT-REDUCTION RESERVE FUND FOR SELLING EXCESS FEDERAL LAND.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling any excess Federal land. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

SEC. 203. DEFICIT-REDUCTION RESERVE FUND FOR THE REPEAL OF DAVIS-BACON PREVAILING WAGE LAWS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills,

joint resolutions, amendments, motions, or conference reports from savings achieved by repealing the Davis-Bacon prevailing wage laws. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

SEC. 204. DEFICIT-REDUCTION RESERVE FUND FOR THE REDUCTION OF PURCHASING AND MAINTAINING FEDERAL VEHICLES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by reducing the federal vehicles fleet. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

SEC. 205. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF FINANCIAL ASSETS PURCHASED THROUGH THE TROUBLED ASSET RELIEF PROGRAM.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling financial instruments and equity accumulated through the Troubled Asset Relief Program. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

TITLE III—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2012 THROUGH 2022, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2012, $1,201,863,000,000 in new budget authority and $1,308,512,000,000 in outlays;

(2) for fiscal year 2013, $934,104,000,000 in new budget authority and $1,023,435,000,000 in outlays;

(3) for fiscal year 2014, $891,861,000,000 in new budget authority and $965,519,000,000 in outlays;

(4) for fiscal year 2015, $906,188,000,000 in new budget authority and $943,141,000,000 in outlays;

(5) for fiscal year 2016 $921,824,000,000 in new budget authority and $955,362,000,000 in outlays;

(6) for fiscal year 2017, $939,918,000,000 in new budget authority and $964,874,000,000 in outlays;

(7) for fiscal year 2018, $958,654,000,000 in new budget authority and $974,728,000,000 in outlays;

(8) for fiscal year 2019, $977,693,000,000 in new budget authority and $998,696,000,000 in outlays;

(9) for fiscal year 2020, $997,939,000,000 in new budget authority and $1,018,172,000,000 in outlays;

(10) for fiscal year 2021, $1,018,340,000,000 in new budget authority and $1,038,189,000,000 in outlays; and

(11) for fiscal year 2022, $1,040,081,000,000 in new budget authority and $1,064,838,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(A) the Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—

(A) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, allocations to the Committee on Appropriations of the Senate, and aggregates for one or more—

(i) bills reported by the Committee on Appropriations of the Senate or passed by the House of Representatives;

(ii) joint resolutions or amendments reported by the Committee on Appropriations of the Senate;

(iii) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Committee on Appropriations of the Senate; or

(iv) conference reports;

making appropriations for overseas deployments and other activities in the amounts specified in subparagraph (B).

(B) AMOUNTS SPECIFIED.—The amounts specified are—

(i) for fiscal year 2012, $126,544,000,000 in new budget authority and the outlays flowing therefrom;

(ii) for fiscal year 2013, $50,000,000,000 in new budget authority and the outlays flowing therefrom;

(iii) for fiscal year 2014, $0 in new budget authority and the outlays flowing therefrom;

(iv) for fiscal year 2015, $0 in new budget authority and the outlays flowing therefrom;

(v) for fiscal year 2016, $0 in new budget authority and the outlays flowing therefrom;

(vi) for fiscal year 2017, $0 in new budget authority and the outlays flowing therefrom;

(vii) for fiscal year 2018, $0 in new budget authority and the outlays flowing therefrom;

(viii) for fiscal year 2019, $0 in new budget authority and the outlays flowing therefrom;

(ix) for fiscal year 2020, $0 in new budget authority and the outlays flowing therefrom;

(x) for fiscal year 2021, $0 in new budget authority and the outlays flowing therefrom; and

(xi) for fiscal year 2022, $0 in new budget authority and the outlays flowing therefrom.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(b) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2013 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order

is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

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

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

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.

(a) ADJUSTMENT.—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) COVERED POINTS OF ORDER.—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) QUALIFYING LEGISLATION.—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139);

(2) amend the Internal Revenue Code of 1986, in order to establish a single, flat tax rate of 17 percent consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010; and

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010.

(d) DEFINITION.—For the purposes of this section, the terms ''budgetary effects'' or ''effects'' mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(e) SUNSET.—This section shall expire on December 31, 2012.

Subtitle B—Other Provisions

SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs and tax expenditures within their jurisdiction to identify waste, fraud, abuse or duplication, and increase the use of performance data to inform committee work. Committees are also directed to review the matters for congressional consideration identified on the Government Accountability Office's High Risk list reports. Based on these oversight efforts and performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 313. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 314. RESCIND UNSPENT OR UNOBLIGATED BALANCES AFTER 36 MONTHS.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall require that any unobligated or unspent allocations be rescinded after 36 months.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments resulting from the required rescissions shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

TITLE IV—RECONCILIATION

SEC. 401. RECONCILIATION IN THE SENATE.

(a) SUBMISSION TO PROVIDE FOR THE REFORM OF MANDATORY SPENDING.—

(1) IN GENERAL.—Not later than September 1, 2012, the Senate committees named in paragraph (2) shall submit their recommendations to the Committee on the Budget of the United States Senate. After receiving those recommendations from the applicable committees of the Senate, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON FOREIGN RELATIONS.—The Committee on Foreign Relations shall report changes in law within its jurisdiction sufficient to reduce direct spending by $2,864,000,000 for the period of fiscal years 2013 through 2022.

(B) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Committee on Commerce, Science, and Transportation shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by $2,432,000,000 for the period of fiscal years 2013 through 2022.

(C) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Committee on Agriculture, Nutrition, and Forestry shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by $6,100,000,000 for the period of fiscal years 2013 through 2022.

(D) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by $3,422,000,000 for the period of fiscal years 2013 through 2022.

(E) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by $1,584,000,000,000 for the period of fiscal years 2013 through 2022.

(F) COMMITTEE ON FINANCE.—The Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by

$3,473,634,000,000 for the period of fiscal years 2013 through 2022.

(G) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by $7,818,000,000 for the period of fiscal years 2013 through 2022.

(b) SUBMISSION OF REVISED ALLOCATIONS.—Upon the submission to the Committee on the Budget of the Senate of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the Senate revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

SEC. 402. DIRECTIVE TO THE COMMITTEE ON THE BUDGET OF THE SENATE TO REPLACE THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.

(a) SUBMISSION.—In the Senate, the Committee on the Budget shall report to the Senate a bill carrying out the directions set forth in subsection (b).

(b) DIRECTIONS.—The bill referred to in subsection (a) shall include the following provisions:

(1) REPLACING THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.—The language shall amend section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established under that section consistent with this concurrent resolution.

(2) APPLICATION OF PROVISIONS.—The bill referred to in subsection (a) shall include language making it application contingent upon the enactment of the reconciliation bill referred to in section 401.

TITLE V—CONGRESSIONAL POLICY CHANGES

SEC. 501. POLICY STATEMENT ON SOCIAL SECURITY.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure the Social Security System achieves solvency over the 75 year window as follows:

(1) The legislation must modify the Primary Insurance Amount formula between 2018 and 2055 to gradually reduce benefits on a progressive basis for works with career-average earnings above the 40th percentile of new retired workers.

(2) The normal retirement age will increase by 3 months each year starting with individuals reaching age 62 in 2017 and stopping with the normal retirement age reaches the age of 70 for individuals reaching the age of 62 in 2032.

(3) The earliest eligibility age will be increased by 3 months per year starting with individuals reaching age 62 in 2021 and will stop with the reaches age 64 for individuals reaching the age 62 in 2028 or later.

SEC. 502. POLICY STATEMENT ON MEDICARE.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a reduction in the unfunded liabilities of Medicare as follows:

(1) Enrolls seniors in the same health care plan as Federal employees and Members of Congress, similar to the Federal Employee Health Benefits Plan (FEHBP).

(2) Beginning on January 1, 2014, the Director of the Office of Personnel Management shall ensure seniors currently enrolled or eligible for Medicare will have access to Congressional Health Care for Seniors Act.

(3) Prevents the Office of Personnel and Management from placing onerous new mandates on health insurance plans, but allows the agency to continue to enforce reasonable minimal stands for plans, ensure the plans are fiscally solvent, and enforces rules for consumer protections.

(4) The legislation must create a new ''high-risk pool'' for the highest cost patients, providing a direct reimbursement to health care plans that enroll the costliest 5 percent of patients.

(5) Ensures that every senior can afford the high-quality insurance offered by FEHBP, providing support for 75 percent of the total costs, providing additional premium assistance to those who cannot afford the remaining share.

(6) The legislation must increase the age of eligibility gradually over 20 years, increasing the age from 65 to 70, resulting in a 3-month increase per year.

(7) High-income seniors will be provided less premium support than low-income seniors.

SEC. 503. POLICY STATEMENT ON TAX REFORM.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a tax reform that broadens the tax base, reduces tax complexity, includes a consumption-based income tax, and a globally competitive flat tax as follows:

(1) This concurrent resolution shall eliminate all tax brackets and have one standard flat tax rate of 17 percent on adjusted gross income. The individual tax code shall remove all credits and deductions, with exception to the mortgage interest deduction, offsetting these with a substantially higher standard deduction and personal exemption. The standard deduction for joint filers is $30,320, $19,350 for head of household, and $15,160 for single filers. The personal exemption amount is $6,530. This proposal eliminates the individual alternative minimum tax (AMT). The tax reform would repeal all tax on savings and investments, including capital gains, qualified and ordinary dividends, estate, gift, and interest saving taxes.

(2) This concurrent resolution shall eliminate all tax brackets and have one standard flat tax of 17 percent on adjusted gross income. The business tax code shall remove all credits and deductions, offsetting these with a lower tax rate and immediate expensing of all business inputs. Such inputs shall be determined by total revenue from the sale of good and services less purchases of inputs from other firms less wages, salaries, and pensions paid to workers less purchases of plant and equipment.

(3) The individuals and businesses would be subject to taxation on only those incomes that are produced or derived, as a territorial system in the United States. The aggregate taxes paid should provide the ability to fill out a tax return no larger than a postcard.

TITLE VI—SENSE OF CONGRESS

SEC. 601. REGULATORY REFORM.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a regulatory reform as follows:

(1) APPLY REGULATORY ANALYSIS REQUIREMENTS TO INDEPENDENT AGENCIES.—It shall be the policy of Congress to pass into law a requirement for independent agencies to abide by the same regulatory analysis requirement as those required by executive branch agencies

(2) ADOPT THE REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT (REINS).—It shall be the of Congress to vote on the Executive In Need of Scrutiny Act, legislation that would require all regulations that impose a burden greater than $100 million in economic aggregate may not be implement as law unless Congress gives their consent by voting on the rule.

(3) SUNSET ALL REGULATIONS.—It shall be the policy of Congress that regulations imposed by the Federal Government shall automatically sunset every 2 years unless repromulgated by Congress.

(4) PROCESS REFORM.—It shall be the policy of Congress to implement regulatory process reform by instituting statutorily require regulatory impact analysis for all agencies, require the publication of regulatory impact analysis before the regulation is finalized, and ensure that not only are regulatory impact analysis conducted, but applied to the issued regulation or rulemaking.

(5) INCORPORATION OF FORMAL RULEMAKING FOR MAJOR RULES.—It shall be the policy of Congress to apply formal rulemaking procedures to all major regulations or those regulations that exceed $100,000,000 in aggregate economic costs.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2000. Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2000. Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; 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 ''21st Century Postal Service Act of 2012''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF POSTAL FUNDING SURPLUS FOR FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5)(A) In this paragraph, the term 'postal funding surplus' means the amount by which the amount computed under paragraph (1)(B) is less than zero.

''(B)(i) Beginning with fiscal year 2011, for each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the postal funding surplus for that fiscal year for use in accordance with this paragraph.

''(ii) The Office shall calculate the amount under paragraph (1)(B) for a fiscal year by not later than June 15 after the close of the fiscal year, and shall transfer any postal funding surplus to the United States Postal Service within 10 days after a request by the Postmaster General.

''(C) For each of fiscal years 2011, 2012, 2013, and 2014 if the amount computed under paragraph (1)(B) is less than zero, a portion of the postal funding surplus for the fiscal year shall be used by the United States Postal Service for the cost of providing incentives for voluntary separation, in accordance with section 102 of the 21st Century Postal Service Act of 2012 and sections 8332(p) and 8411(m) of this title, to employees of the United States Postal Service who voluntarily separate from service before October 1, 2015.

''(D) Any postal funding surplus for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

''(i) repaying any obligation issued under section 2005 of title 39; or

''(ii) making required payments to—

''(I) the Employees' Compensation Fund established under section 8147;

''(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

''(III) the Employees Health Benefits Fund established under section 8909; or

''(IV) the Civil Service Retirement and Disability Fund.''.

SEC. 102. INCENTIVES FOR VOLUNTARY SEPARATION.

(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—The Postal Service may provide voluntary separation incentive payments to employees of the Postal Service who voluntarily separate from service before October 1, 2015 (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, before October 1, 2015), which may not exceed the maximum amount provided under section 3523(b)(3)(B) of title 5, United States Code, for any employee.

(b) ADDITIONAL SERVICE CREDIT.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 1 year to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8411(m)(1) is not more than $25,000 per employee provided additional creditable service under paragraph (1) or section 8411(m)(1).

''(3)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).''.

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 2 years to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8332(p)(1) is not more than $25,000 per employee provided additional creditable service under paragraph (1) or section 8332(p)(1)

''(3)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).''.

(c) GOALS.—

(1) IN GENERAL.—The Postal Service shall offer incentives for voluntary separation under this section and the amendments made by this section as a means of ensuring that the size and cost of the workforce of the Postal Service is appropriate to the work required of the Postal Service, including consideration of—

(A) the closure and consolidation of postal facilities;

(B) the ability to operate existing postal facilities more efficiently, including by reducing the size or scope of operations of postal facilities in lieu of closing postal facilities; and

(C) the number of employees eligible, or projected in the near-term to be eligible, for retirement, including early retirement.

(2) PERCENTAGE GOAL.—The Postal Service shall offer incentives for voluntary separation under this section to a sufficient number of employees as would reasonably be expected to lead to an 18 percent reduction in the total number of career employees of the Postal Service by the end of fiscal year 2015.

(3) DEFINITION.—In this subsection, the term ''career employee of the Postal Service'' means an employee of the Postal Service—

(A) whose appointment is not for a limited period; and

(B) who is eligible for benefits, including retirement coverage under chapter 83 or 84 of title 5, United States Code.

(d) FUNDING.—The Postal Service shall carry out subsection (a) and sections 8332(p) and 8411(m) of title 5, United States Code, as added by subsection (b) of this section, using funds made available under section 8423(b)(5)(C) of title 5, United States Code, as amended by section 101 of this Act.

SEC. 103. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) CONTRIBUTIONS.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking ''through September 30, 2016, be paid by the United States Postal Service, and thereafter shall'' and inserting ''after the date of enactment of the 21st Century Postal Service Act of 2012''.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

''(2)(A) Not later than 180 days after the date of enactment of the 21st Century Postal Service Act of 2012, or March 31, 2013, whichever is later, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute, a schedule including a series of annual installments which provide for the liquidation of the amount described under subparagraph (B) (regardless of whether the amount is a liability or surplus) by September 30, 2052, or within 15 years, whichever is later, including interest at the rate used in the computations under this subsection.

''(B) The amount described in this subparagraph is the amount, as of the date on which the applicable computation or recomputation under subparagraph (A) is made, that is equal to the difference between—

''(i) 80 percent of the Postal Service actuarial liability as of September 30 of the most recently ended fiscal year; and

''(ii) the value of the assets of the Postal Retiree Health Benefits Fund as of September 30 of the most recently ended fiscal year.''.

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding ''and'' at the end;

(II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking ''2017'' and inserting ''2013'';

(C) by amending paragraph (4) to read as follows:

''(4) Computations under this subsection shall be based on—

''(A) economic and actuarial methods and assumptions consistent with the methods and assumptions used in determining the Postal surplus or supplemental liability under section 8348(h); and

''(B) any other methods and assumptions, including a health care cost trend rate, that the Director of the Office determines to be appropriate.''; and

(D) by adding at the end the following:

''(7) In this subsection, the term 'Postal Service actuarial liability' means the difference between—

''(A) the net present value of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants; and

''(B) the net present value as computed under paragraph (1) attributable to the future service of United States Postal Service employees.''; and

(2) by adding at the end the following:

''(e) Subsections (a) through (d) of this section shall be subject to section 104 of the 21st Century Postal Service Act of 2012.''.

SEC. 104. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''covered employee'' means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term ''Federal Employee Health Benefits Program'' means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term ''Postal Service Health Benefits Program'' means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) CONSULTATION WITH SUPERVISORY AND MANAGERIAL PERSONNEL.—In the course of negotiations under paragraph (1), the Postal Service shall consult with each of the organizations of supervisory and other managerial personnel that are recognized under section 1004 of title 39, United States Code, concerning the views of the personnel represented by each of those organizations.

(3) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(4) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee, at the option solely of that officer or employee;

(C) provide adequate and appropriate health benefits;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report 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 that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 105. MEDICARE COORDINATION EFFORTS FOR POSTAL SERVICE EMPLOYEES AND RETIREES.

(a) ADDITIONAL ENROLLMENT OPTIONS UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

''SEC. 8903c. COORDINATION WITH MEDICARE FOR POSTAL SERVICE EMPLOYEES AND ANNUITANTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'contract year' means a calendar year in which health benefits plans are administered under this chapter;

''(2) the term 'Medicare part A' means the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

''(3) the term 'Medicare part B' means the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

''(4) the term 'Postal Service employee or annuitant' means an individual who is—

''(A) an employee of the Postal Service; or

''(B) an annuitant covered under this chapter whose Government contribution is paid by the Postal Service under section 8906(g)(2).

''(b) ENROLLMENT OPTIONS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—For contract years beginning on or after January 1, 2014, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service employees and annuitants, and family members of a Postal Service employee or annuitant, who are enrolled in Medicare part A and Medicare part B.

''(B) ADDITIONAL PLANS.—The enrollment options established under this subsection shall be in addition to any other health benefit plan or enrollment option otherwise available to Postal Service employees or annuitants under this chapter and shall not affect the eligibility of a Postal Service employee or annuitant for any another health benefit plan or enrollment option under this chapter.

''(2) ENROLLMENT ELIGIBILITY.—Any Postal Service employee or annuitant, or family member of a Postal Service employee or annuitant, who is enrolled in Medicare part A and Medicare part B may enroll in 1 of the enrollment options established under paragraph (1).

''(3) VALUE OF COVERAGE.—The Office shall ensure that the aggregate actuarial value of coverage under the enrollment options established under this subsection, in combination with the value of coverage under Medicare part A and Medicare part B, shall be not less than the actuarial value of the most closely corresponding enrollment options for each plan available under section 8905, in combination with the value of coverage under Medicare part A and Medicare part B.

''(4) ENROLLMENT OPTIONS.—

''(A) IN GENERAL.—The enrollment options established under paragraph (1) shall include—

''(i) an individual option, for Postal Service employees or annuitants enrolled in Medicare part A and Medicare part B;

''(ii) a self and family option, for Postal Service employees or annuitants and family members who are each enrolled in Medicare part A and Medicare part B; and

''(iii) a self and family option, for Postal Service employees or annuitants—

''(I) who are enrolled in Medicare part A and Medicare part B; and

''(II) the family members of whom are not enrolled in Medicare part A or Medicare part B.

''(B) SPECIFIC SUB-OPTIONS.—The Office may establish more specific enrollment options within the types of options described under subparagraph (A).

''(5) REDUCED PREMIUMS TO ACCOUNT FOR MEDICARE COORDINATION.—In determining the premiums for the enrollment options under paragraph (4), the Office shall—

''(A) establish a separate claims pool for individuals eligible for coverage under any of those options; and

''(B) ensure that—

''(i) the premiums are reduced from the premiums otherwise established under this chapter to directly reflect the full cost savings to the health benefits plans due to the complete coordination of benefits with Medicare part A and Medicare part B for Postal Service employees or annuitants, or family members of Postal Service employees or annuitants, who are enrolled in Medicare part A and Medicare part B; and

''(ii) the cost savings described under clause (i) result solely in the reduction of—

''(I) the premiums paid by the Postal Service employee or annuitant; and

''(II) the Government contributions paid by the Postal Service or other employer.

''(c) POSTAL SERVICE CONSULTATION.—The Office shall establish the enrollment options and premiums under this section in consultation with the Postal Service.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903b the following:

''8903c. Coordination with Medicare for Postal Service employees and annuitants.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to contract years beginning on or after January 1, 2014.

(d) SPECIAL ENROLLMENT PERIOD FOR POSTAL SERVICE EMPLOYEES AND ANNUITANTS.—

(1) SPECIAL ENROLLMENT PERIOD.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

''(m)(1) In the case of any individual who, as of the date of enactment of the 21st Century Postal Service Act of 2012, is a Postal Service employee or annuitant (as defined in section 8903c(a) of title 5, United States Code) at the time the individual is entitled to part A under section 226 or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period, there shall be a special enrollment period described in paragraph (2).

''(2) The special enrollment period described in this paragraph, with respect to an individual, is the 1-year period beginning on July 1, 2013.

''(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls.''.

(2) WAIVER OF INCREASE OF PREMIUM.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking ''(i)(4) or (l)'' and inserting ''(i)(4), (l), or (m)''.

(e) EDUCATIONAL PROGRAM.—The Postmaster General, in consultation with the Director of the Office of Personnel Management and the Administrator of the Centers for Medicare & Medicaid Services, shall develop an educational program to encourage the voluntary use of the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) (commonly known as ''Medicare Part A'') and the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) (commonly known as ''Medicare Part B'') for eligible Postal Service employees and annuitants that may benefit from enrollment, the objective of which shall be to—

(1) educate employees and annuitants on how Medicare benefits interact with and can supplement the benefits of the employee or annuitant under the Federal Employees Health Benefit Program; and

(2) reduce costs to the Federal Employees Health Benefit Program, beneficiaries, and the Postal Service by coordinating services with the Medicare program.

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c) of title 39, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting ''(A)'' after ''(2)'';

(B) by striking the last sentence and inserting ''The arbitration board shall render a decision not later than 45 days after the date of its appointment.''; and

(C) by adding at the end the following:

''(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as the financial condition of the Postal Service.''; and

(2) by adding at the end the following:

''(4) Nothing in this section may be construed to limit the relevant factors that the arbitration board may take into consideration in rendering a decision under paragraph (2).''.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. MAINTENANCE OF DELIVERY SERVICE STANDARDS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''plant service area'' means the geographic area served by a single sectional center facility, or a corresponding successor facility, as designated by the Postal Service; and

(2) the term ''continental United States'' means the 48 contiguous States and the District of Columbia.

(b) INTERIM MAINTENANCE OF STANDARDS.—During the 3-year period beginning on the date of enactment of this Act, the Postal Service—

(1) shall maintain the service standards described in subsection (c);

(2) may not establish a new or revised service standard for market-dominant products under section 3691 of title 39, United States Code, that is inconsistent with the requirements under subsection (c); and

(3) shall include in any new or revised overnight service standard established for market-dominant products under section 3691 of title 39, United States Code, a policy on changes to critical entry times at post offices and business mail entry units that ensures that any such changes maintain meaningful access to the services provided under the service standard required to be maintained under subsection (c).

(c) SERVICE STANDARDS.—

(1) OVERNIGHT STANDARD FOR FIRST-CLASS MAIL AND PERIODICALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Postal Service shall maintain an overnight service standard that provides overnight service for first-class mail and periodicals that—

(i) originate and destinate in the same plant service area; and

(ii) enter the mails before the critical entry time established and published by the Postal Service.

(B) AREAS OUTSIDE THE CONTINENTAL UNITED STATES.—The requirements of subparagraph (A) shall not apply to areas outside the continental United States—

(i) in the case of mail that originates or destinates in a territory or possession of the United States that is part of a plant service area having a sectional center facility that—

(I) is not located in the territory or possession; and

(II) was not located in the territory or possession on January 1, 2012; and

(ii) in the case of mail not described in clause (i), except to the extent that the requirements are consistent with the service standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012.

(2) TWO-DAY DELIVERY FOR FIRST-CLASS MAIL.—The Postal Service shall maintain a service standard that provides that first-class mail not delivered overnight will be delivered within 2 delivery days, to the maximum extent feasible using the network of postal facilities maintained to meet the requirements under paragraph (1).

(3) MAXIMUM DELIVERY TIME FOR FIRST-CLASS MAIL.—

(A) IN GENERAL.—The Postal Service shall maintain a service standard that provides that first-class mail will be delivered—

(i) within a maximum of 3 delivery days, for mail that originates and destinates within the continental United States; and

(ii) within a maximum period of time consistent with service standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012, for mail originating or destinating outside the continental United States.

(B) REVISIONS.—Notwithstanding subparagraph (A)(ii), the Postal Service may revise the service standards under part 121 of title 39, Code of Federal Regulations for mail described in subparagraph (A)(ii) to take into account transportation conditions (including the availability of transportation) or other circumstances outside the control of the Postal Service.

SEC. 202. PRESERVING MAIL PROCESSING CAPACITY.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

''(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

''(1) POSTAL FACILITY.—In this subsection, the term 'postal facility'—

''(A) means any Postal Service facility that is primarily involved in the preparation, dispatch, or other physical processing of mail; and

''(B) does not include—

''(i) any post office, station, or branch; or

''(ii) any facility used only for administrative functions.

''(2) AREA MAIL PROCESSING STUDY.—

''(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

''(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

''(ii) publish the study on the Postal Service website; and

''(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

''(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

''(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

''(I) consider a plan to reduce the capacity of the postal facility without closing the postal facility; and

''(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

''(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

''(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility without closing the postal facility has been completed;

''(II) an area mail processing study is in progress; or

''(III) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

''(3) NOTICE, PUBLIC COMMENT, AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

''(A) provide notice of the determination to—

''(i) Congress; and

''(ii) the Postal Regulatory Commission;

''(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

''(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

''(D) before the 45-day period described in subparagraph (C), provide for public notice of that opportunity by—

''(i) publication on the Postal Service website;

''(ii) posting at the affected postal facility; and

''(iii) advertising the date and location of the public community meeting under subparagraph (E); and

''(E) during the 45-day period described in subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

''(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination to close or consolidate a postal facility, shall consider—

''(A) the views presented by interested persons under paragraph (3);

''(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closing or consolidation may have on a State, region, or locality;

''(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

''(D) the effect of the closing or consolidation on delivery times for all classes of mail;

''(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

''(F) any other factor the Postal Service determines is necessary.

''(5) JUSTIFICATION STATEMENT.—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closing or consolidation justification statement that includes—

''(A) a response to all public comments received with respect to the considerations described under paragraph (4);

''(B) a description of the considerations made by the Postal Service under paragraph (4); and

''(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

''(6) CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—

''(A) IN GENERAL.—Not earlier than the 15 days after posting the final determination and the justification statement under paragraph (5) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

''(B) ALTERNATIVE INTAKE OF MAIL.—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

''(C) LIMITATIONS.—During the 3-year period beginning on the date of enactment of the 21st Century Postal Service Act of 2012, the Postal Service may not close or consolidate a postal facility if the closing or consolidation prevents the Postal Service from maintaining service standards as required under section 201 of the 21st Century Postal Service Act of 2012.

''(7) REVIEW BY POSTAL REGULATORY COMMISSION.—In accordance with section 3662—

''(A) an interested person may lodge a complaint with the Postal Regulatory Commission if the person believes that the closure or consolidation of a postal facility is not in conformance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012; and

''(B) if the Postal Regulatory Commission finds a complaint lodged by an interested person to be justified, the Commission shall order the Postal Service to take appropriate action to achieve compliance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.

''(8) POSTAL SERVICE WEBSITE.—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

''(A) is updated routinely; and

''(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.

''(9) PROTECTION OF CERTAIN INFORMATION.—Nothing in this subsection may be construed to require the Postal Service to disclose—

''(A) any proprietary data, including any reference or citation to proprietary data; or

''(B) any information relating to the security of a postal facility.''.

SEC. 203. ESTABLISHMENT OF RETAIL SERVICE STANDARDS.

(a) DEFINITION.—In this section, the term ''retail postal service'' means service that allows a postal customer to—

(1) purchase postage;

(2) enter packages into the mail; and

(3) procure other services offered by the Postal Service.

(b) ESTABLISHMENT OF RETAIL SERVICE STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(c) CONTENTS.—The service standards established under subsection (b) shall—

(1) be consistent with—

(A) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(B) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), and any updated or revised plan developed under section 204 of this Act; and

(2) take into account factors including—

(A) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(B) the importance of facilitating communications for communities with limited or no access to Internet, broadband, or cellular telephone services;

(C) population, including population density, demographic factors such as the age, disability status, and degree of poverty of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(D) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(E) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services; and

(F) the ability of postal customers to access retail postal services in areas that were served by a post office that was closed or consolidated during the 1 year period ending on the date of enactment of this Act.

SEC. 204. EXPANDED RETAIL ACCESS.

(a) UPDATED PLAN.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall, in consultation with the Commission, develop and submit to Congress a revised and updated version of the plan to expand and market retail access to postal services required under section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note).

(b) CONTENTS.—The plan required under subsection (a) shall—

(1) include a consideration of methods to expand and market retail access to postal services described in paragraphs (1) through (8) of section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(2) where possible, provide for an improvement in customer access to postal services;

(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on rural areas, communities, and small towns; and

(4) ensure that—

(A) rural areas, communities, and small towns continue to receive regular and effective access to retail postal services after implementation of the plan; and

(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.

(c) FURTHER UPDATES.—The Postal Service, in consultation with the Commission, shall—

(1) update the plan required under subsection (a) as the Postal Service determines is appropriate; and

(2) submit each update under paragraph (1) to Congress.

SEC. 205. PRESERVING COMMUNITY POST OFFICES.

(a) CLOSING POST OFFICES.—Section 404(d) of title 39, United States Code, is amended to read as follows:

''(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall—

''(A) consider whether—

''(i) to close the post office or consolidate the post office and another post office located within a reasonable distance;

''(ii) instead of closing or consolidating the post office—

''(I) to reduce the number of hours a day that the post office operates; or

''(II) to continue operating the post office for the same number of hours a day;

''(iii) to procure a contract providing full, or less than full, retail services in the community served by the post office; or

''(iv) to provide postal services to the community served by the post office through a rural carrier;

''(B) provide postal customers served by the post office an opportunity to participate in a nonbinding survey conducted by mail on a preference for an option described in subparagraph (A); and

''(C) if the Postal Service determines to close or consolidate the post office, provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

''(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

''(A) shall consider—

''(i) the effect of such closing or consolidation on the community served by such post office;

''(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

''(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

''(iv) the extent to which the community served by the post office lacks access to Internet, broadband and cellular phone service;

''(v) the economic savings to the Postal Service resulting from such closing or consolidation; and

''(vi) such other factors as the Postal Service determines are necessary; and

''(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

''(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

''(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

''(5) A determination of the Postal Service to close or consolidate any post office, station, or branch may be appealed by any person served by such office, station, or branch to the Postal Regulatory Commission within 30 days after such determination is made available to such person. The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

''(B) without observance of procedure required by law;

''(C) not in conformance with the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

''(D) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

''(6) For purposes of paragraph (5), any appeal received by the Commission shall—

''(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

''(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).

''(7) Nothing in this subsection shall be construed to limit the right under section 3662—

''(A) of an interested person to lodge a complaint with the Postal Regulatory Commission under section 3662 concerning nonconformance with service standards, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

''(B) of the Postal Regulatory Commission, if the Commission finds a complaint lodged by an interested person to be justified, to order the Postal Service to take appropriate action to achieve compliance with applicable requirements, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.''.

(b) PROHIBITION ON CLOSING POST OFFICES.—Notwithstanding section 404(d) of title 39, United States Code, as amended by this section, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the retail service standards under section 203 of this Act, the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

(c) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by this section, is amended by adding at the end the following:

''(8)(A) In this paragraph, the term 'historic post office building' means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

''(B) In the case of a post office that has been closed and that is located within a historic post office building, the Postal Service shall provide Federal agencies and State and local government entities the opportunity to lease the historic post office building, if—

''(i) the Postal Service is unable to sell the building at an acceptable price within a reasonable period of time after the post office has been closed; and

''(ii) the Federal agency or State or local government entity that leases the building agrees to—

''(I) restore the historic post office building at no cost to the Postal Service;

''(II) assume responsibility for the maintenance of the historic post office building; and

''(III) make the historic post office building available for public use.''.

SEC. 206. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices within the continental United States (as defined in section 201(a)) wherever the Postal Service determines a consolidation would—

(A) be cost effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under and the criteria described in subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

(d) STATE LIAISON.—If the Postal Service does not maintain a district office in a State, the Postal Service shall designate at least 1 employee of the district office responsible for Postal Service operations in the State to represent the needs of Postal Service customers in the State.

SEC. 207. CONVERSION OF DOOR DELIVERY POINTS.

(a) IN GENERAL.—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''§ 3692. Conversion of door delivery points

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) CENTRALIZED DELIVERY POINT.—The term 'centralized delivery point' means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

''(2) CURBLINE DELIVERY POINT.—The term 'curbline delivery point' means a delivery point that is—

''(A) adjacent to the street address associated with the delivery point; and

''(B) accessible by vehicle on a street that is not a private driveway.

''(3) DOOR DELIVERY POINT.—The term 'door delivery point' means a delivery point at a door of the structure at a street address.

''(4) SIDEWALK DELIVERY POINT.—The term 'sidewalk delivery point' means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

''(b) CONVERSION.—Except as provided in subsection (c), and in accordance with the solvency plan required under section 401 of the 21st Century Postal Service Act of 2012 and standards established by the Postal

Service, the Postal Service is authorized to, to the maximum extent feasible, convert door delivery points to—

''(1) curbline delivery points;

''(2) sidewalk delivery points; or

''(3) centralized delivery points.

''(c) EXCEPTIONS.—

''(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

''(A) a physical hardship of a customer;

''(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

''(C) circumstances in an urban area that preclude efficient use of curbline delivery points;

''(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

''(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

''(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

''(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

''(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

''(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

''(1) includes the number of door delivery points—

''(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

''(B) that existed at the end of the preceding fiscal year;

''(C) that, during the preceding fiscal year, converted to—

''(i) curbline delivery points or sidewalk delivery points;

''(ii) centralized delivery points; and

''(iii) any other type of delivery point; and

''(D) for which door delivery was continued under subsection (c)(1);

''(2) estimates any cost savings, revenue loss, or decline in the value of mail resulting from the conversions from door delivery that occurred during the preceding fiscal year;

''(3) describes the progress of the Postal Service toward achieving the conversions authorized under subsection (b); and

''(4) provides such additional information as the Postal Service considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''3692. Conversion of door delivery points.''.

SEC. 208. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide delivery schedule of 5 or fewer days per week to street addresses under the authority of the Postal Service under title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) PRECONDITIONS.—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as ''particularly affected'' in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 207, and 211 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to achieve long-term solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and 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 a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to achieve long-term solvency.

(2) POSTAL REGULATORY COMMISSION.—

(A) REQUEST.—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) ADVISORY OPINION.—

(i) IN GENERAL.—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion 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.

(ii) REQUIRED DETERMINATIONS.—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to increase revenue and reduce costs as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to achieve long-term solvency.

(3) PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term solvency, without regard to whether the Commission determines that the change is advisable.

(d) ADDITIONAL LIMITATIONS.—

(1) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available at postal retail facilities or processing facilities; or

(ii) the locations at which postal retail service or mail acceptance occurs at postal retail facilities or processing facilities;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend, a

recognized Federal holiday, or any other specific day of the week; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

(e) DEFINITION.—In this section, the term ''long-term solvency'' means the ability of the Postal Service to pay debts and meet expenses, including the ability to perform maintenance and repairs, make investments, and maintain financial reserves, as necessary to fulfill the requirements and comply with the policies of title 39, United States Code, and other obligations of the Postal Service over the long term.

SEC. 209. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.—

''(1) SUBMISSION OF PROPOSAL.—If the Postal Service determines that there should be a change in the nature of postal services relating to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

''(2) ADVISORY OPINION.—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

''(A) provide an opportunity for public comment on the proposal; and

''(B) issue an advisory opinion not later than—

''(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

''(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

''(3) RESPONSE TO OPINION.—The Postal Service shall submit to the President and to Congress a response to an advisory opinion issued under paragraph (2) that includes—

''(A) a statement of whether the Postal Service plans to modify the proposal to address any concerns or implement any recommendations made by the Commission; and

''(B) for any concern that the Postal Service determines not to address and any recommendation that the Postal Service determines not to implement, the reasons for the determination.

''(4) ACTION ON PROPOSAL.—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

''(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

''(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

''(C) after the date described in paragraph (2)(B), if—

''(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

''(ii) the action is not otherwise prohibited under Federal law.

''(5) MODIFICATION OF TIMELINE.—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).''.

SEC. 210. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) EXCEPTION FOR GOOD CAUSE.—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) RULES RELATING TO NOTICE AND COMMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) RULES.—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rulemaking in the Federal Register that includes proposed definitions of the terms ''mailing specifications'' and ''significant burden'';

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 211. NONPOSTAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) after the date of enactment of the 21st Century Postal Service Act of 2012, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

''(A) makes a determination that the provision of such services—

''(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

''(ii) is consistent with the public interest and a demonstrated or potential public demand for—

''(I) the Postal Service to provide the services instead of another entity providing the services; or

''(II) the Postal Service to provide the services in addition to another entity providing the services;

''(iii) would not create unfair competition with the private sector, taking into consideration the extent to which the Postal Service will not, either by legal obligation or voluntarily, comply with any State or local requirements that are generally applicable to persons that provide the services;

''(iv) will be undertaken in accordance with all Federal laws generally applicable to the provision of such services; and

''(v) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

''(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, or experimental product, as required under chapter 36 of title 39, United States Code;''; and

(2) in subsection (e)(2), by striking ''Nothing'' and all that follows through ''except that the'' and inserting ''The''.

(b) COMPLAINTS.—Section 3662(a) of title 39, United States Code, is amended by inserting ''404(a)(6)(A),'' after ''403(c),''.

(c) MARKET ANALYSIS.—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(v) of title 39, United States Code, as amended by this section, 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.

SEC. 212. CHIEF INNOVATION OFFICER; INNOVATION STRATEGY.

(a) CHIEF INNOVATION OFFICER.—

(1) IN GENERAL.—Chapter 2 of title 39, United States Code, is amended by adding at the end the following:

''§ 209. Chief innovation officer

''(a) ESTABLISHMENT.—There shall be in the Postal Service a Chief Innovation Officer appointed by the Postmaster General.

''(b) QUALIFICATIONS.—The Chief Innovation Officer shall have proven expertise and a record of accomplishment in areas such as—

''(1) the postal and shipping industry;

''(2) innovative product research and development;

''(3) brand marketing strategy;

''(4) new and emerging technology, including communications technology; or

''(5) business process management.

''(c) DUTIES.—The Chief Innovation Officer shall lead the development and implementation of—

''(1) innovative postal products and services, particularly products and services that use new and emerging technology, including communications technology, to improve the net financial position of the Postal Service; and

''(2) nonpostal products and services authorized under section 404(a)(6) that have the potential to improve the net financial position of the Postal Service.

''(d) DEADLINE.—The Postmaster General shall appoint a Chief Innovation Officer not later than 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

''(e) CONDITION.—

''(1) IN GENERAL.—The Chief Innovation Officer may not hold any other office or position in the Postal Service while serving as Chief Innovation Officer.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in the Postal Service at the time the individual is appointed Chief Innovation Officer from serving as the Chief Innovation Officer under this section.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 39, United States Code, is amended by adding at the end the following:

''209. Chief innovation officer.''.

(b) INNOVATION STRATEGY.—

(1) INITIAL REPORT ON INNOVATION STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report that contains a comprehensive strategy (referred to in this subsection as the ''innovation strategy'') for improving the net financial position of the Postal Service through innovation, including the offering of new postal and nonpostal products and services, to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) MATTERS TO BE ADDRESSED.—At a minimum, the report on innovation strategy required under subparagraph (A) shall describe—

(i) the specific innovative postal and nonpostal products and services to be developed and offered by the Postal Service, including—

(I) the nature of the market demand to be satisfied by each product or service; and

(II) the estimated date by which each product or service will be introduced;

(ii) the cost of developing and offering each product or service;

(iii) the anticipated sales volume for each product or service;

(iv) the anticipated revenues and profits to be generated by each product or service;

(v) the likelihood of success of each product or service and the risks associated with the development and sale of each product or service;

(vi) the trends anticipated in market conditions that may affect the success of each product or service during the 5-year period beginning on the date of the submission of the report under subparagraph (A);

(vii) any innovations designed to improve the net financial position of the Postal Service, other than the offering of new products and services; and

(viii) the metrics that will be used to assess the effectiveness of the innovation strategy.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the submission of the initial report containing the innovation strategy under paragraph (1), and annually thereafter for 10 years, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report on the implementation of the innovation strategy to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) MATTERS TO BE ADDRESSED.—At a minimum, an annual report submitted under subparagraph (A) shall include—

(i) an update of the initial report on innovation strategy submitted under paragraph (1);

(ii) a description of the progress made by the Postal Service in implementing the products, services, and other innovations described in the initial report on innovation strategy;

(iii) an analysis of the performance of each product, service, or other innovation described in the initial report on innovation strategy, including—

(I) the revenue generated by each product or service developed in accordance with the innovation strategy under this section and the cost of developing and offering each product or service for the preceding year;

(II) trends in each market in which a product or service is intended to satisfy a demand;

(III) each product or service identified in the innovation strategy that is to be discontinued, the date on which each discontinuance will occur, and the reasons for each discontinuance;

(IV) each alteration that the Postal Service plans to make to a product or service identified in the innovation strategy to address changing market conditions and an explanation of how each alteration will ensure the success of the product or service;

(V) the performance of innovations other than new products and services that are designed to improve the net financial position of the Postal Service; and

(VI) the performance of the innovation strategy according to the metrics described in paragraph (1)(B)(viii).

SEC. 213. STRATEGIC ADVISORY COMMISSION ON POSTAL SERVICE SOLVENCY AND INNOVATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Postal Service a Strategic Advisory Commission on Postal Service Solvency and Innovation (in this section referred to as the ''Advisory Commission'').

(2) INDEPENDENCE.—The Advisory Commission shall not be subject to the supervision of the Board of Governors of the Postal Service (in this section referred to as the ''Board of Governors''), the Postmaster General, or any other officer or employee of the Postal Service.

(b) PURPOSE.—The purpose of the Advisory Commission is—

(1) to provide strategic guidance to the President, Congress, the Board of Governors, and the Postmaster General on enhancing the long-term solvency of the Postal Service; and

(2) to foster innovative thinking to address the challenges facing the Postal Service.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Commission shall be composed of 7 members, of whom—

(A) 3 members shall be appointed by the President, who shall designate 1 member appointed under this subparagraph to serve as Chairperson of the Advisory Commission; and

(B) 1 member shall be appointed by each of—

(i) the majority leader of the Senate;

(ii) the minority leader of the Senate;

(iii) the Speaker of the House of Representatives; and

(iv) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Advisory Commission shall be prominent citizens having—

(A) significant depth of experience in such fields as business and public administration;

(B) a reputation for innovative thinking;

(C) familiarity with new and emerging technologies; and

(D) experience with revitalizing organizations that experienced significant financial challenges or other challenges.

(3) INCOMPATIBLE OFFICES.—An individual who is appointed to the Advisory Commission may not serve as an elected official or an officer or employee of the Federal Government while serving as a member of the Advisory Commission, except in the capacity of that individual as a member of the Advisory Commission.

(4) DEADLINE FOR APPOINTMENT.—Each member of the Advisory Commission shall be appointed not later than 45 days after the date of enactment of this Act.

(5) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Advisory Commission shall meet at the call of the Chairperson or a majority of the members of the Advisory Commission.

(B) QUORUM.—4 members of the Advisory Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Advisory Commission shall not affect the powers of the Advisory Commission, but shall be filled as soon as practicable in the same manner in which the original appointment was made.

(d) DUTIES AND POWERS.—

(1) DUTIES.—The Advisory Commission shall—

(A) study matters that the Advisory Commission determines are necessary and appropriate to develop a strategic blueprint for the long-term solvency of the Postal Service, including—

(i) the financial, operational, and structural condition of the Postal Service;

(ii) alternative strategies and business models that the Postal Service could adopt;

(iii) opportunities for additional postal and nonpostal products and services that the Postal Service could offer;

(iv) innovative services that postal services in foreign countries have offered, including services that respond to the increasing use of electronic means of communication; and

(v) the governance structure, management structure, and management of the Postal Service, including—

(I) the appropriate method of appointment, qualifications, duties, and compensation for senior officials of the Postal Service, including the Postmaster General; and

(II) the number and functions of senior officials of the Postal Service and the number of levels of management of the Postal Service; and

(B) submit the report required under subsection (f).

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, April 18, 2012 at 10 a.m., in SD–430 Dirksen Senate Office Building to conduct a hearing entitled Effective Strategies for Accelerated Learning.

For further information regarding this meeting, please contact the committee on (202) 224–5501.

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 Thursday, April 19, 2012, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the impacts of sea level rise on domestic energy and water infrastructure.

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__Ginsaenergy.senate.gov.

For further information, please contact Kevin Rennert at 202–224–7826, Kelly Kryc at 202–224–0537 or Meagan Gins at 202–224–0883.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, April 19, 2012 at 10 a.m., in SD–430 Dirksen Senate Office Building to conduct a hearing entitled Time Takes Its Toll: Delays in OSHA's Standard-Setting Process and the Impact on Worker Safety.

For further information regarding this meeting, please contact the committee on (202) 224–5441.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 19, 2012, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on S. 1684, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011. Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

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 Thursday, April 26, 2012, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on weather related electrical outages.

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.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Maria Worthen, Brendan Iglehart, and Andrea Jarcho of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1789

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that following morning business on Tuesday, April 17, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 1789, be agreed to; that the motion to reconsider be agreed to and that there be up to 10 minutes of debate, equally divided between the two leaders or their designees, on the motion to invoke cloture on the motion to proceed to S. 1789; that upon the use or yielding back of time, the Senate proceed to the cloture vote on the motion to proceed to S. 1789, upon reconsideration.

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

ORDERS FOR TUESDAY, APRIL 17, 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until Tuesday, April 17, at 10 a.m.; 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 following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time 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; that following morning business, the Senate resume consideration of the motion to invoke cloture on the motion to proceed to S. 1789, the postal reform bill, under the previous order; and that the Senate recess from 12:30 p.m. until 2:15 p.m., to allow for the weekly caucus meetings.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, I am advised to inform my colleagues that the first vote tomorrow will be at approximately 11:10 a.m. on the motion to invoke cloture on the motion to proceed to S. 1789.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:19 p.m, adjourned until Tuesday, April 17, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

INGRID A. GREGG, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017, VICE JOHN E. KIDDE, TERM EXPIRED.

JAMES L. HENDERSON, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017, VICE JOHN PEYTON, TERM EXPIRED.

VICKI MILES-LAGRANGE, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2015, VICE ROGER L. HUNT, TERM EXPIRED.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

CHARLES P. ROSE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING APRIL 16, 2017, VICE STEPHEN M. PRESCOTT, TERM EXPIRED.

DEPARTMENT OF STATE

JAY NICHOLAS ANANIA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

GENE ALLAN CRETZ, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

SUSAN MARSH ELLIOTT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

DAVID J. LANE, OF FLORIDA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

PATRICIA M. WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2019. (REAPPOINTMENT)

CONFIRMATION

Executive nomination confirmed by the Senate April 16, 2012:

THE JUDICIARY

STEPHANIE DAWN THACKER, OF WEST VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.