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Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

King of creation, Your faithfulness reaches to the skies. May every nation on Earth exalt You as King of kings and Lord of lords. Today, remind us of Your strength and grace, for You are mighty to save and gracious to all who seek Your face.

Lord, move in our midst and shower our Senators with wisdom and courage to unite in a common quest to solve the difficult issues of our times. Protect this Nation from dangers seen and unseen, and continue to equip our brave military and civilian protectors with Your full armor.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMEN-

THAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

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

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, there will be no rollcall votes today. The first vote of the week will be tomorrow at noon on the confirmation of the Fowlkes nomination.

MEASURE PLACED ON CALENDAR—H.R. 4018

Mr. REID. Mr. President, I understand that H.R. 4018 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will report the bill by title for a second time.

The legislative clerk read as follows:

A bill (H.R. 4018) to improve the Public Safety Officers' Benefits Program.

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

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

FOCUSING ON JOBS

Mr. REID. Mr. President, last month we got a lot done. It was incredibly productive. Congress and President Obama worked together to prevent interest rates from doubling for more than 7 million college students, and we also worked to put 2.8 million Americans back to work or create new jobs and to rebuild our crumbling roads, bridges, and other parts of our transportation system. The Senate passed an FDA bill, which was so necessary to focus on why we have, among other things, shortages of lifesaving drugs. We also passed something that will allow the construction industry to go forward, which is flood insurance for the entire country. We passed a farm bill that will strengthen the agriculture industry and support some 16 million jobs.

We were able to accomplish this much last month because Republicans and Democrats worked together and compromised. Rather than wasting time participating in political theater, we actually legislated.

I hoped to continue that productive process in this work period, characterized by cooperation between lawmakers on both sides of the Capitol and in both Chambers. Unfortunately, we already know that our colleagues in the House are going to waste much of this short work period refighting very old battles.

Republicans had indicated they would support the ruling of the Supreme Court. They, in fact, said the Supreme Court is going to decide this matter regarding affordable health care. Well, they have now changed their tune. Mitt Romney has said he would nominate Supreme Court Justices just like Justice Roberts. I wonder if he is saying that to his rightwing base today.

But now that the Court has upheld this landmark health care reform with the majority decision, written by Justice Roberts, Republicans refuse to admit that the matter is settled. This

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



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week the House will vote—and this is almost hard to comprehend—for the 31st time to repeal health care reform. They have already voted 30 times, but Speaker BOEHNER said: Let's do it again—31 times, taking many hours and many days that should have been spent on creating jobs. Congressional Republicans have spent months trying to repeal a law that has already saved lives and made people more safe as they look at health care in this country.

While House Republicans hold a political showboat, the Senate will take a different approach. We are going to continue to try to be constructive and focus on jobs. While Republicans are stuck in the past, we will be addressing the most pressing issues facing this Nation: creating jobs and securing the economy.

Last week's job report underscored the fact that Congress must do more to strengthen the recovery. So the Senate will immediately consider a package of commonsense tax cuts that will lower the cost of doing business for small businesses and pave the way for small businesses to succeed.

Our legislation will cut taxes for small firms that invest in new workers and equipment. The Small Business Jobs and Tax Relief Act will provide a 10-percent income tax credit for companies that add up to \$5 million to their payroll, creating hundreds of thousands of new jobs. Businesses are eligible for a tax break if they hire new workers or if they raise the wages of hard-working employees already on their payroll. And because the credit is capped at \$500,000, it is targeted to benefit small businesses most.

The legislation will also allow companies to write off the entire cost of purchases, such as new equipment, and they will be able to do it in the year the purchases are made instead of writing them off over long periods of time.

More than 2 million companies could get a boost to their bottom lines, creating hundreds of thousands more jobs.

Proposals such as these have garnered Republican support in the past, and I hope they will receive bipartisan support again tomorrow.

After our weekly caucus meetings tomorrow, the Senate will vote to end a Republican filibuster and begin to debate these tax cuts. Democrats can't undertake the work of strengthening the economy alone. We will need Republican support, which is why we have proposed consensus tax cuts that should pass the Senate overwhelmingly.

It was good to see that so many reasonable Republicans were willing to work with us last month to save college students money, rebuild the Nation's infrastructure, and help protect American farmers. Tomorrow, Republicans will have an opportunity to prove they are willing to continue working with us to create jobs.

RESERVATION OF LEADER TIME

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

Mr. REID. I thank the Chair.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, Senators are permitted to speak for up to 10 minutes each.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I ask unanimous consent that I may address the Senate as in morning business for 20 minutes.

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

FAIRNESS

Mr. KYL. Mr. President, "fairness" has become one of the watch words in this year's political debates, both at home and abroad. The term echoes throughout Europe, where German Chancellor Angela Merkel is under pressure to come up with billions in bailouts for troubled eurozone countries. Her insistence on reasonable reforms is considered unfair by many in those countries, even though Germans have sacrificed to live within their means, for example, by forgoing wage increases to avoid the problems of their neighbors.

In the United States, President Obama and his supporters have used fairness as a justification for various redistributionist policies, including a massive tax hike, a government takeover of health care, complex financial regulations, and new government spending programs.

The President and his supporters believe the Federal Government should pursue policies that will result in economic equality. But forced equality is inherently unfair. It necessarily relies on the wrong incentives that penalize success. More fundamentally, it is based on a shallow, materialistic definition of "fairness."

Aristotle wrote: "The worst form of inequality is to try to make unequal things equal."

Contrary to the goal President Obama pursues, the key determinant of lasting happiness and success is not whether you have as much money as your neighbor, regardless of the differences between you. Rather, it is what American Enterprise Institute president Arthur Brooks calls earned success and meritocratic fairness.

Much research shows people are happiest when they have the opportunity to succeed and earn their rewards. Sometimes we take risks and

succeed. Sometimes we fail. Sometimes we defer gratification by saving our money. Maybe our neighbor does not. Some of us are better at making money than others. Some deliberately earn less to enjoy other pursuits in life. Decisions about families result in very different economic circumstances.

When the government tries to equalize everyone or take all the trouble out of life by taking care of our every need, it makes earned success and meritocratic fairness that much harder to achieve. When government aims to smooth over every rough patch, it eliminates the experiences that make us resourceful and resilient—the experiences that teach us how to work harder or smarter for our rewards.

Those of us who believe in earned success and meritocratic fairness believe the best way to promote these concepts is through the free enterprise system, a system in which opportunity is sacred and excellence is rewarded. We reject the notion that it is fair to impose interventionist and redistributionist policies to guarantee material equality. As Brooks notes: "For the overwhelming majority of Americans, fairness means rewarding merit, not spreading the wealth around."

In his new book, "The Road to Freedom," Brooks asks some fundamental questions related to the future of earned success, the pursuit of happiness, and meritocratic fairness:

First, "Will we see a growing bureaucracy or more entrepreneurship?"

Second, "Will we be a culture of redistribution or a culture of aspiration?"

Third, "Will we be a nation of takers or a nation of makers?"

These are serious questions that will be answered in the long run—not in 1 day or 1 year or in one session of Congress. But for now, I would like to focus on the short term. How do recent government policies help answer these questions about what is fair?

How does government spending, and the staggering debt that comes with it, affect bureaucracy and entrepreneurship? How does a redistributionist tax policy affect the aspirations of job creators and innovators? And how does our burdensome regulatory regime affect the so-called "makers" in American society?

Let's take these Brooks' questions one at a time. First, will we see a growing bureaucracy or more entrepreneurship? We all know entrepreneurship requires opportunity and private investment. But a burdensome Federal Government reduces opportunity and it crowds out private investment. Let's take a look at the growth of government under President Obama. Since his inauguration in January of 2009, the Federal debt has increased by more than \$5 trillion, and it is rapidly approaching \$16 trillion in total.

Meanwhile, the Federal budget deficit has exceeded \$1 trillion 4 years in a row. The highest deficit before President Obama was less than half that

amount. How did our deficit and debt skyrocket so quickly? Well, for starters, President Obama's economic policies have resulted in slower GDP growth, which means less tax revenue flowing to the Treasury and more Americans requiring government assistance. So government income is down.

Second, the President has dramatically increased government spending. Prior to the 2008 fiscal crisis, the 40-year average for Federal outlays was less than 21 percent of our gross domestic product. But under President Obama, spending soared over 25 percent of the GDP in 2009. It has remained above 24 percent since then. This new spending has grown the Federal bureaucracy and it has increased the regulatory burden on families and businesses.

For example, the President's 2,700-page health spending law created or codified at least 159 new boards, bureaucracies, and programs, along with thousands of new pages of government regulations and more than 20 new taxes. A recent Bloomberg News report notes that the President's health care law imposes \$813 billion in taxes on middle-income families and job creators, according to the Congressional Budget Office. In total, it has imposed \$24 billion in new regulatory costs on the private sector and States, as well as almost \$59 billion in annual paperwork hours on the economy.

The 2010 Dodd-Frank law is a similar story. It is still creating countless new rules and its direct compliance costs have already exceeded \$7 billion. Indeed, according to the Financial Services Roundtable, Dodd-Frank will force more than 26,000 employees to comply with the law.

Other Obama initiatives have failed to pass the Congress, but likewise would have expanded the bureaucracy and funneled resources from the private sector to the government. These initiatives include cap and trade, the deceptively named Employee Free Choice Act, and the more recent Paycheck Fairness Act. We need to get back to basics.

As Congressman RYAN has said, we need to make it easier for people to employ their "right to rise." That means leaving more money in the private sector and reducing the size of the Washington bureaucracy. We can start by stopping tax hikes and bills such as ObamaCare that suck needed resources out of the economy and give unaccountable regulators immense power.

Let's consider Brooks' second question. Will we be a culture of redistribution or a culture of aspiration? Public policy has a direct impact on economic aspiration and economic mobility. America has traditionally been an aspirational society with high levels of mobility. Although President Obama has made class warfare a central campaign tactic, we do not have a class system here in America. We do not have an American aristocracy or noble blood-

lines. Because of our meritocratic system, people in America can and do jump from one income level to another throughout their lifetimes, from the one place to another. But with unemployment stuck above 8 percent now for 41 consecutive months, and the Obama administration's preference for redistributionist policies, there is real concern that America's culture of aspiration may gradually be replaced by a culture of redistribution.

Look at the tax issue. President Obama wants to increase the top marginal income tax rates in order to expand the entitlement state and promote what he calls greater "fairness" in society. But what about the economic consequences of taking more money from successful people as the economy continues to struggle? The Joint Committee on Taxation has told us that allowing the top two marginal income tax rates to rise from 33 and 35 percent to 36 and 39.6 percent, respectively, will hit 53 percent of net positive income and just under 1 million business owners overall.

Raising marginal tax rates is no way to encourage aspiration or job creation. It certainly imposes a wet blanket on the kind of risk taking that has helped build America. It is merely redistribution under the guise of social justice. The President's approach to investment is also hostile to aspiration and risk taking. He has endorsed raising the top capital gains rate from 15 to 23.8 percent, and he also wants to raise the top rate on dividends from 15 to 43.4 percent.

The so-called "Buffet tax" is yet another method of hiking taxes on investment. All of these taxes on investment reduce the value of the asset by reducing the aftertax return. Our private economy runs on business investment, which is highly sensitive to tax rates, especially on capital gains and dividends.

Some of those who prefer higher taxes have argued that if taxes do not go up, those in the top brackets will invest and save more, but that will not do much for job creation and economic growth. Well, that is factually incorrect. Saving does not mean throwing your money under a mattress or burying it in your backyard. Anyone who saves money either puts it into the bank, where it is lent to someone, often a business, so they can hire more people, purchase equipment or invest in stocks and bonds, or the money is directly invested in a stock or a bond, which provides capital for the same purpose.

In other words, savings actually puts the money saved to work providing capital for someone to do something with it. And that creates economic growth. If that increment of income is instead taken from those who earned it and spent by the government, the effect on the economy will almost always be a net negative. If we want to encourage aspiration, innovation, and the job creation that comes with those, is it a

good idea to raise the capital gains rate by almost 59 percent and nearly triple taxes on dividends, even though these profits have already been taxed once at the corporate level? The President and some Congressional Democrats think so, but I strongly disagree.

Here is Brooks' third question: Will we be a Nation of takers or a Nation of makers? Many have lamented the decline of the manufacturing base in America. Although the United States is still the largest manufacturing economy in the world, there is no doubt that policies from Washington have made it more difficult for manufacturers—and those are the economy's foremost makers—to compete in global markets. The list of these policies is long. Let me explain a few.

First, the corporate tax rate. At over 39 percent, our combined corporate tax rate is now the highest in the industrialized world. Other countries are cutting their corporate tax rates to encourage economic growth, but we are doing nothing on the tax front to follow their lead and attract more investment to the United States. Is it any wonder jobs are moving overseas? If not, whose fault is it, the company trying to return a profit to its investors or the government which makes it impossible to compete with foreign corporations?

Look at energy. Manufacturers rely on cheap sources of energy to produce products cheaply. Yet President Obama has stood in the way of domestic production of energy such as the Keystone XL Pipeline and worked tirelessly to punitively raise taxes on the oil and gas industries. New regulations on coal-fired powerplants, emissions of greenhouse gases, and industrial boilers will also hurt our economy.

Simply put, domestic makers are being hurt by the President's anti-energy and proregulatory agenda. Is this fair? Why should Americans pay more than the real economic cost of available American energy? And is it fair that a few corporations make billions because the government mandates that we buy ethanol from them, just to cite one example?

Now let's turn to labor. Manufacturers are also being burdened by union-dictated rules including from the National Labor Relations Board such as the "ambush elections rule" and new rules on the establishment of "micro unions" within the workplace.

With anticompetitive tax, energy, and labor policy, it will be increasingly difficult for our country to compete as a Nation of makers. These are precisely the kinds of policies that encourage employers to move jobs overseas, which hurts American workers and the greater economy. And this is required in the name of fairness?

We are also trending toward being a Nation of "taking." The government is the biggest taker. But a majority of Americans now take more than they contribute. In tax year 2009, 51 percent of Americans paid zero Federal income

taxes, according to the Joint Committee on Taxation—over half of Americans. And these citizens take much more than their fellow citizens in government benefits.

Look at food stamps, for example. As my friend Senator SESSIONS has pointed out, “food stamp spending has quadrupled since 2001. It has doubled just since 2008. A program that began as a benefit for 1 in 50 Americans is now received by 1 in 7.” Spending on food stamp welfare has increased 100 percent since President Obama took office. Some 80 percent of all spending in the recently passed farm bill will go toward food stamps.

In total, there are 69 means-tested Federal welfare programs costing taxpayers \$940 billion every year, including both Federal programs and State contributions to those programs. The number of Americans living off the wealth of “makers” keeps growing and growing. There are nearly twice as many government workers today as there are in the manufacturing sector, meaning that there are more government workers than people making products and paying their salaries. Is that fair?

As economist Stephen Moore noted, “This is an almost exact reversal of the situation in 1960 when there were 15 million workers in manufacturing, and 8.7 million collecting a paycheck from the government.”

The growth of taxpayer-funded dependency is directly connected with the growth in the economy. The more we make as a Nation, the more wealth we generate and the less people who rely on welfare to survive. To get there we need aggressive pro-growth policies in place to encourage free enterprise and discourage a Nation of taking. It is neither fair to the makers nor those who must rely on the government for the President to impose policies that reduce economic growth, reduce job creation, reduce savings and investment, and reduce opportunity and freedom.

In conclusion, free enterprise and meritocratic policies are consistent with our founding principles. As Thomas Jefferson declared in his first inaugural address, “A wise and frugal government . . . shall not take from the mouth of labor the bread it has earned.”

Will America remain the country our Founders envisioned or will we become a country where fairness means equal outcomes for all dictated by the government? Will we make it easier or harder for people to earn their success? And will the American people be happier if allowed to pursue their dreams, sometimes failing, sometimes succeeding, or if the government tries to force equal economic outcomes? Which is more moral, which is more fair, which is more American?

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

PASSTHROUGH INCOME

Mr. ISAKSON. Mr. President, if the distinguished whip will remain on the

floor for a second, as I was passing through listening to his speech, I wanted to add some meat on the bones of this business of passthrough income and the 940,000 American small businesses that will be affected dramatically by the President’s announcement today.

For 22 years, I ran a subchapter S corporation. A subchapter S corporation passes through its revenues to its investors who pay it at the ordinary income tax rate of an individual. Now, \$250,000 is not an inordinate amount of a number for somebody to have passed through to them in the ownership of a subchapter S corporation.

I passed the money through and paid them back based on the investment they made in the company I ran. When you raise the tax on the individual rate, then for a subchapter S corporation and limited liability corporation, for a limited partnership, you have two decisions to make as the runner of that operation: Do you reduce your retained earning investment in your company to maintain the return to your investors at the same level or do you continue to wind your company down because you cannot distribute at the rate you used to distribute?

It is very important to understand that whichever decision you make has a direct negative impact on future hiring in that company. The Congressional Research Service estimates 940,000 businesses will be affected. But listen to this number. As the leader has said, 53 percent of all passthrough income becomes subjected to the higher tax rate—53 percent, over half. That is American small business. So I want to commend the leader, because he has hit the heart of the story. This is a tax on what we need the most; that is, reinvestment of earnings to hire more people to build more businesses in America. This has the exact opposite effect on the middle class that the President described.

The second thing I will point out is that today America suffers economically from the uncertainty of what is going to happen postelection. With this proposal, the President has now made a recommendation that would extend that uncertainty for another year. The last thing American business needs is to have that uncertainty about when the next shoe is going to drop in terms of taxation on the middle class—or any class.

I commend the assistant leader for coming to the floor and telling the story about American business. We are not here to try to shelter the rich. We are here to empower business, to have more employees in the United States, and to empower our economy. Again, I commend the whip on his remarks on the Senate floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO MRS. TONI RYSER

Mr. MCCONNELL. Mr. President, I rise today in recognition of Mrs. Toni Ryser of Laurel County, KY, a businesswoman who is a pillar of her town, East Bernstadt. Mrs. Ryser’s entrepreneurial spirit caused her to open a furniture store in East Bernstadt, KY, in 1969 that continues to thrive and service the people of Kentucky and other States in the region. She is a shining example of a Kentuckian who has established a successful business while maintaining an important role in her community.

The daughter of Chester and Carrie Bales, Mrs. Ryser grew up in East Bernstadt. Despite hard financial times during the Great Depression, she grew up as a happy child. Her father was a truck driver and delivered groceries around Laurel County for Laurel Grocery, and her mother worked in the home. Her mother used to joke with family members that of the four children, Mrs. Ryser was the most difficult child because she always did what she wanted and had a mind of her own.

Mrs. Ryser graduated high school at age 16 and worked for Aetna Oil Company. In a bold move encouraged by her then-boss, Mrs. Ryser asked her would-be husband, R.D. Ryser, out to the movies for their first date. The couple married in June of 1947 and at age 20, Toni had their first child, Kandy. The Rysers had two more children, Bo and Kim, over the course of the next 5 years.

Though Mrs. Ryser always wanted to be a mother, she decided she wanted to do more than keep the house during the day. Remembering the skill her mother taught her as a child, she began sewing and selling drapes. Soon Mrs. Ryser’s drapery business grew and she could not complete orders as quickly as they arrived. As business increased, she decided to expand and not only sell draperies but also upscale furniture.

In 1969, Mrs. Ryser approached a furniture retailer that was hesitant to do business with her because of the rural nature of East Bernstadt. However, despite the concerns of the retailer, Mrs. Ryser decided she was going to sell furniture and was not dissuaded by the larger company’s misgivings. She never doubted her ability to sell the furniture and make a profit. So in September of 1969, when Toni was 39,

Ryser's Inc. was officially open for business.

Despite the continued success of the drapery business, Ryser's Inc. furniture sales did not really take off until 1972, when the Kentucky coal industry experienced a boom. The extra cash flow in the area caused the furniture business to flourish in East Bernstadt and the surrounding region. Before long, the entire family worked for the company: taking orders, making deliveries, and even offering advice on interior design.

Ryser's Inc. quickly became a premier name in furniture in Kentucky, Tennessee, and Florida. The store in East Bernstadt evolved into a warehouse, and Mrs. Ryser spent her time in the Laurel County area and the greater region bringing upscale furniture to the people. The reputation of the family business continued to grow over the years throughout the region and State and caused Mrs. Ryser to be named a Kentucky retailer of the year in the 1990s.

A long standing member of East Bernstadt Baptist Church, a dedicated wife and mother, and a successful business woman, Mrs. Toni Ryser is most deserving of recognition for her contributions to the greater Laurel County community and economy. Mrs. Ryser never hesitated in her journey to establish a fine furnishings store in a rural area some 40 years ago. It was her belief in herself, her family, and most importantly her fellow Kentuckians that allowed her dream to become an enduring reality.

I am honored to recognize Mrs. Toni Ryser's admirable commitment to building a successful family business in East Bernstadt, KY. I ask my colleagues in the U.S. Senate to join with me in celebrating Mrs. Ryser's entrepreneurial spirit and tenacity and her important contributions to the greater Laurel County community. A recent article published in the Sentinel-Echo, a Laurel County publication, highlighted Mrs. Ryser's accomplishments. Mr. President, I ask unanimous consent that said article appear in the RECORD.

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

[From the Sentinel-Echo, May 30, 2012]

FAITH AND FAMILY HELPED BUILD FURNITURE BUSINESS

(By Tara Kaprowy)

As Toni Ryser sits down to talk about her life, she is the picture of elegance. With soft, silver hair that frames her face and several long necklaces offsetting a black blouse, she sinks into an overstuffed chair whose arm a cat casually uses as leverage to stretch its back.

The room itself can only be described as magnificent, with ochre tomes topped against each other on grand bookshelves, drapes embroidered with the most delicate flowers, and a giant, opulent mirror standing sentinel on the far wall. Yet, despite the beauty, the room is comforting and unpretentious, much like Ryser herself.

She was born in Harlan County on Valentine's Day 1931, the daughter of Chester and

Carrie Bales. While Ryser was still very young, the family moved to Livingston before settling in Laurel County when she was 7. Chester "bought a truck and started hauling groceries for Laurel Grocery," Ryser said, while Carrie got to work making her home in East Bernstadt, something she was particularly gifted at doing.

"Mother could do anything," Ryser said. "We had beautiful clothes, we had wonderful food, we had a house that was spotless."

Though money was tight and the Great Depression was raging, there were always fresh-cut flowers in the house and "I always felt rich because mother knew how to sew so I always looked the part," she said.

Ryser was the second-born of four children, and though Carrie was a strict disciplinarian, Ryser had a "way of finagling and not doing any work so I was a very happy child," she said.

And a precocious one. At the age of 4, she was getting paid a quarter to dance on the tables and, throughout her childhood, she said she broke her nose once playing baseball and four more times doing "whatever else I could get children to play with me."

She recalled one occasion when an aunt, "who thought she was an aristocrat out of Louisville," came to visit.

"People used to discuss dying earlier than they do now," she remembered. "She said, 'Why Carrie, if something happens to you, who's going to take care of these children?' Mother said, 'Well, so-and-so would take Sara Lee. So-and-so would take Mikey. But I don't know who would want Toni.' I was really lazy."

Carrie was not, however, and when Ryser started attending East Bernstadt School, she was one of the best-dressed girls in her class.

"I went to school in starched pinafores every day," she said. "In fact, they often made a joke about how my butt had to be cold—I sat right on the seat because my dress went straight out."

Though she looked like she could be a city girl, her life was firmly planted in East Bernstadt, which "was a little more town than it is now," she said.

"We had a hotel, we bought groceries in East Bernstadt, we went to church in East Bernstadt, we went to the movies in East Bernstadt," she said. "Sometimes, when we got a little older, we would ride the train to London and see an afternoon movie and ride the train back, but we had pretty much what we needed right here in East Bernstadt."

Ryser was a good student but having fun was still her major goal, and she "liked to see what I could get away with," she said. She became fast friends with Betty Marie Muster and Pat Finney. Together, they were cheerleaders, with a photo still hanging at Weaver's of Ryser wearing her uniform. "Every Friday night, there was a dance at the Swiss Lodge," she remembered. "That was our big thing as we were going through high school. We did a lot of dancing."

She graduated from high school at 16 and "immediately got married." During her final semester, she'd gotten a job at Aetna Oil Company and her boss Mr. Miller looked over at Hunt's Cafe one day, saw R.D. Ryser, and said, "Go over, get a Coke, and ask R.D. out." She did, passing "Colonel" Harland David Sanders who was eating with Mr. Hunt along the way, and asked him.

"I said, 'Why don't we go to the movies tonight?' He said, 'No, I don't think so.' I said, 'I would like to go with you tonight. I'll be expecting you; I'll be ready at 7:30.' He says, 'I don't think so,' but at 7:30 he showed up. That was the end of him, we got married."

The wedding was in the afternoon of June 14, 1947.

"The thing I regret the most about it is my mother had made me the most beautiful wed-

ding dress," she said. "You can't even imagine in your wildest dreams what a pretty dress I had. I was so foolish; I never even saved it. It was organdy and it was white and it had a full skirt and sleeves to my elbows and it had the most gorgeous appliqued pink flowers and leaves all the way around the skirt that you've ever seen. Her work was beautiful. I mean, nothing today could compare with it. Now I'd give anything to have that dress."

Ryser and R.D. moved into the two-room washhouse in the back of her parent's house—"I don't know where mother did her laundry after that"—and in 1949 moved into a home they built together.

At the age of 20, she had her first child, Kandy, followed by Bo three years later and Kim two years after that.

"I had always wanted to be a mother, very definitely," she said. "I just thought it was wonderful." Like her father, R.D. was a truck driver, hauling coal to Louisville three times a week—a five hour trek—and returning that day with groceries for Laurel Grocery. Ryser stayed home to raise her children, which she loved doing.

By the time Kim was in sixth grade, though, "I got to thinking I didn't want to spend my time doing nothing, so I decided to start making draperies." She'd been taught to sew by her mother and deeply enjoyed the meticulous work. Asking her friend Ruth Gabbard to help, she went into business and soon had so many orders they could hardly keep up.

"We'd stay backed up. Generally when we'd take an order, we'd tell them it would be two to three months," she said.

Eventually, the pressure to couple her drapery business with a furniture store grew.

"What changed things is I would go out to hang drapes and would spend maybe half a day with someone telling them what kind of sofa to go buy or where should they set their bed and wouldn't it be good to hang lights on the wall, that kind of conversation," she said. "I saw I was spending an awful lot of time, so I said if I'm going to spend my time with furniture, I'm going to be selling furniture."

Opening up a furniture store—which she decided from the beginning would be very high end—in the middle of East Bernstadt was risky. But she had the full support of her husband—"He was enough Swiss that if it was making money, he was for it," she joked—and so headed to market in High Point, N.C. She approached the big, upscale furniture lines, one of the only women there who was the main buyer.

"I went to Henredon and they didn't much want to open an account with me," she said. "They'd looked at East Bernstadt on a map. They said, 'Here's what we'll do: You place an order for \$20,000. We won't say we'll let you have an account, but we'll come by and see your place, and then we'll know if we want to take you on as a customer.' So he comes by, there's cows on this side, cows on the other side of the store, and he says, 'I want to know: Who in the world do you hope to sell furniture to?' I said, 'I'm not a bit worried about it, you just better believe I'll sell it.' So he opened up an account that day, and there never was any confusion after that."

Having put up everything she and her husband owned as collateral, Ryser's Inc. opened in September 1969. Ryser was 39.

She was soon working around the clock, keeping her focus by reminding herself, "All we have to lose is everything R.D. has ever worked for since he was 17."

The drapery business continued to flourish, but it wasn't until the coal boom in 1972 that furniture sales truly took off.

"Over night, many coal companies large and small hit the big time and there was lots

of extra money in circulation," she said. "We happened to be in the right place at the right time. We had a large inventory and were willing to work night and day to help with their furniture needs. The bottom line was business was good."

Gabbard and two other women continued making draperies, and Ryser hired her family to do everything else.

"It wasn't too long before Kandy was at the store," she said. "Bo was helping. I'd go out to the high school and Harold Storm was the principal. I'd say, 'Can Bo go with us?' And he'd say, 'How many do you want, Toni?' He'd give me two or three boys and so off we'd go with a truck full of furniture and drapes to hang."

Once arriving at their destination, Ryser would work her magic, attending to every last detail in a room.

"We did everything," she said. "We moved their old furniture until it looked nice, we put the new pieces in that they really needed. You set up and then you don't want to see a little lamp on the floor, you don't want to leave a picture hanging over here when it should have gone over there, so you just start doing it."

Once the home owner arrived home, the room would be completely transformed, with the pieces they knew they were buying accompanied by their existing furniture and a few extras that rounded out the space. The effect was enchanting, with all the parts seamlessly coming together to make the whole.

Her eye for design was flawless, with one customer who dealt in antiques asking her what she thought about his plan to mass produce the look of an antique table. Her opinion was so valuable to him that he called it the Mrs. Ryser table, which to this day is still being sold.

Word traveled fast, with the Rysers name soon extending throughout Kentucky and spreading down into Tennessee and Florida.

Ryser was having a ball and was on the road every day, telling her children, "If we are in the store, we aren't making money." Indeed, given its remote location, the store was always meant to be more of a warehouse than a space for customers to shop.

When Bo was in college, she said she "saw she had too much to handle" and the flooring side of the business was getting neglected, "so I told my son, 'If you want to buy the business, it's here for you.'"

He did. Kandy, meanwhile, had her own set of customers, and Kim, after graduating from Eastern Kentucky University's school of design, joined her siblings. Even her mother Carrie had a hand in things.

"Mother would come down and would tell them a thing or two about drapes. It was her way or no way," she laughed. "But Ruth, she never one time get upset that mother tried to boss. Ruth is a wonderful person, that was her nature."

Business continued to grow, with customers by now all over the country. In the 1990s, Ryser was named Kentucky's retailer of the year.

Though she stayed constantly busy, "thinking nothing of going in at midnight or one in the morning," Sundays were reserved for church and family.

To this day, she remains one of the most faithful members of East Bernstadt Baptist Church, with Pastor Norm Brock joking the only way to keep Ryser at home on a snowy, icy Sunday morning is to cancel church.

"I feel like God has walked beside me my whole life, my whole life," she said. "I like to give credit where it's due and it's definitely not due me."

Every Sunday evening, she would cook a sprawling family dinner.

"We had a ball," she said. "They would bring their dates, their friends and this

house would fill up from that end to this end. We'd all settle down in my kitchen and there weren't enough seats and all we'd do is discuss all the fun we'd had all week."

In 1992, she and R.D. decided to build a new house on the land on which he was born and, since they'd enjoyed their first home so much, decided to replicate the floor plan to the letter. She continues to live there.

In 2003, R.D. suffered a stroke and Ryser left the store to take care of him. She returned to work after he died a year later, but in 2006 Ryser also had a stroke. She's taken a back seat to the business for the past five years. But she continues to be active and last spring took a few months off from her regular Body Recall aerobics class to redecorate for a friend who was wintering in Florida but needed her Lexington home completely redone in time for Derby. She only trusted Ryser to do it.

Looking back, Ryser's eyes light up while talking about the excitement of the business and become moist when talking about her faith and family. When asked if she's proud of what she's accomplished, she shakes her head and sits up in her overstuffed chair.

"I'm proud of my family," she said. "I don't feel proud of myself. I've enjoyed it. I enjoyed it a lot."

ADDITIONAL STATEMENTS

SOPHIA, WEST VIRGINIA

• **Mr. ROCKEFELLER.** Mr. President, today I wish to bring attention to a small town in my home State. Sophia, WV, began its 100-year anniversary celebration on June 2, 2012, and will hold a litany of festive events throughout most of the summer.

Many of you present today will recall that Sophia is the town our dear friend and colleague, Senator Robert C. Byrd, so often referred to when he spoke of his home among the hills. This beautiful community served as his and Erma's haven for much of their lives.

The town of Sophia is reportedly named for Sophia Gravley McGinnis, who was born 200 years ago, in 1812. Mrs. McGinnis and her husband, Pyrrhus McGinnis, owned nearly 2,000 acres of land in and around the area according to the family's historical documents. Sophia became the first official citizen and its endeared namesake when the town incorporated in 1912. She went on to live to the ripe age of 104 years old and died in March of 1916. She is buried near Flat Top, WV.

Many times over, Senator Byrd reflected on his and Erma's time in Sophia, fondly remembering the friendships and once-bustling economy. Historically, the town of Sophia was known as the epicenter of the Winding Gulf region where countless tons of coal have been mined and transported all over the world via the extensive rail network intersecting the region.

Senator Byrd is certainly Sophia's favorite son. The memories he shared so freely with all of us act as a reminder of the importance of coal and its far-reaching impact on the State of West Virginia and our Nation. They also bring to mind the tremendous character of the people who helped cre-

ate those memories and how they helped guide him in his duties as the longest serving member of the Congress.

Unfortunately, as with many towns across our great land, Sophia fell on hard times for a number of years. With the march of technology and the mechanization of the coal industry, fewer men were needed to mine coal and service the railroads, causing Sophia's population to quickly dwindle. Grocers and markets and small shops began to close their doors. Schools helping to educate the children of Sophia were consolidated. The town soon became a shell of its former glory.

However, like other parts of West Virginia that have experienced decline, the citizens of the town of Sophia never gave up. Their story continues today and proves to be a testament of the talented and dedicated residents living there. Many of the efforts to revitalize this rural village have resulted in enormous success. Economic development initiatives have culminated in a bright future for Sophia that includes an economy of growth and a renewal of the spirit that lies deep within the hearts of the people Senator Byrd held in such high regard.

Evidence of the revitalization in the town of Sophia includes the opening of the Affinity Coal mining operation and the regular passage of railcars once again full of coal. Burning Rock Outdoor Adventure Park is bringing visitors from all across the Nation and the rich heritage of the coal industry is creating new tourism proposals and interest in the studies of mine safety and engineering. The young men and women of Sophia are no longer forced to leave their homes to find gainful employment because opportunities are once again available to them and their families.

All of these measures bring me to the floor to recognize what should be considered a shining example of dedication and commitment in times of hardship and adversity. On behalf of the people of the town of Sophia, it brings me great pride to present this statement in recognition of a community spirit that has fostered ongoing transformation, while always holding true to a history rich with fortitude.●

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Derek J. Mitchell, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma, discharged from the Committee on Foreign Relations and confirmed by the Senate on June 29, 2012:

Nominee: Derek J. Mitchell.

Post: Burma.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$2,500, 12/2/2011, Obama for America; \$200, 2009, DNC; \$1,000, 9/17/2008, Obama for America; \$1,050, 10/5/2008, Obama for America; \$200, 2008, DNC.

2. Spouse: None to report.

3. Children and Spouses: Names N/A.

4. Parents: Father—Malcolm Mitchell; \$25, 1/21/2011, Friends of Harry Reid; \$20, 9/8/2011, ActBlue; \$27.50, 6/29/2011, ActBlue; \$20, 1/12/2011, Al Franken for Senate; \$25, 11/4/2011, Beta O'Rourke Campaign; \$50, 1/13/2011, DNC; \$25, 2/24/2011, DNC; \$20, 6/30/2011, Democracy in Action; \$10, 6/2/2011, MoveOn.org; \$10, 7/22/2011, MoveOn.org; \$20, 10/14/2011, Tammy Baldwin for Senate; \$50, 4/21/2011, Obama for America; \$25, 9/7/2011, Obama for America; \$30, 1/14/2010, Act Blue; \$25, 8/11/2010, ActBlue; \$25, 9/24/2010, ActBlue; \$25, 10/12/2010, ActBlue; \$35, 2/1/2010, Democratic Party; \$25, 4/23/2010, Democratic Party; \$25, 3/6/2010, DNC; \$50, 3/25/2010, DNC; \$35, 4/17/2010, DNC; \$50, 5/19/2010, DNC; \$50, 9/2/2010, DNC.

5. Grandparents: Names—None to Report.

6. Brothers and Spouses: Names—None to Report.

7. Sisters and Spouses: Names—None to Report.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on July 2, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 4348. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was subsequently signed on July 2, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CARDIN).

MEASURES PLACED ON THE CALENDAR

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

H.R. 4018. An act to improve the Public Safety Officers' Benefits Program.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

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

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 Ms. STABENOW (for herself, Mr. COONS, Mr. SCHUMER, Mr. BROWN of Ohio, Mr. DURBIN, Mr. MERKLEY, Mr. WHITEHOUSE, and Mrs. GILLIBRAND):

S. 3364. A bill to provide an incentive for businesses to bring jobs back to America; read the first time.

ADDITIONAL COSPONSORS

S. 387

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 845

At the request of Mr. ENZI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 1483

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1483, a bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations in ways that threaten homeland security, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1806

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1806, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and rec-

ognition of military working dogs, and for other purposes.

S. 2374

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

S. 3309

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3309, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to homeless veterans, and for other purposes.

S. 3317

At the request of Mr. FRANKEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3317, a bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Non-discrimination Act of 2008, and for other purposes.

S. 3355

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3355, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Iowa (Mr. HARKIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 516

At the request of Mr. NELSON of Florida, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 516, a resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras.

NOTICES OF HEARINGS

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 an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 12, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to provide oversight on Remediation of Legacy Wells in the National Petroleum Reserve-Alaska.

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 Jake_McCook@energy.senate.gov.

For further information, please contact Patricia Beneke (202) 224-5451 or Jake McCook (202) 224-9313.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on July 12, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled "Federal Recognition: Political and Legal Relationship between Governments."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

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, July 12, 2012 at 10:30 a.m. in 106 Dirksen Senate Office Building to conduct a hearing entitled "Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students."

For further information regarding this meeting, please contact Michael Gamel-McCormick of the committee staff on (202) 224-5501.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, "U.S. Vulnerabilities to Money Laundering, Drugs, and Terrorist Financing: HSBC Case History." The Subcommittee hearing will examine money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk cli-

ents, using HSBC as a case study. Witnesses will include representatives from HSBC and the Office of the Comptroller of the Currency. A witness list will be available Friday, July 13, 2012.

The Subcommittee hearing has been scheduled for Tuesday, July 17, 2012, at 9:30 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

D.C. COURTS AND PUBLIC SERVICE
DEFENDER ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 436, S. 1379.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1379) to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Omit the part shown in boldface brackets and insert the part printed in italic.)

S. 1379

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "D.C. Courts and Public Defender Service Act of 2011".

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11-744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking "annually" and inserting "biennially or annually";

(2) in the first sentence, by striking "active judges" and inserting "active judges and magistrate judges";

(3) in the third sentence, by striking "Every judge" and inserting "Every judge and magistrate judge"; and

(4) in the third sentence, by striking "Courts of Appeals" and inserting "Court of Appeals".

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

"§ 11-947. Emergency authority to toll or delay proceedings.

"(a) TOLLING OR DELAYING PROCEEDINGS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior

Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

"(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-907(a) or by the Joint Committee on Judicial Administration.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

"(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

"(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

"(e) NOTICE.—Upon issuing an order under this section, the chief judge—

"(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

"(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

"(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

"(1) the reasons for issuing the orders;

"(2) the duration of the orders;

"(3) the effects of the orders on litigants; and

"(4) the costs to the court resulting from the orders.

"(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection

(f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-947. Emergency authority to toll or delay proceedings.”.

(2) PROCEEDINGS IN COURT OF APPEALS.—

(A) IN GENERAL.—Subchapter III of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

“§ 11-745. Emergency authority to toll or delay proceedings.

“(a) TOLLING OR DELAYING PROCEEDINGS.—

(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

(d) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representa-

tives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-745. Emergency authority to toll or delay proceedings.”.

[(c) AUTHORIZATION FOR PROGRAM OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—Chapter 17 of title 11, District of Columbia Official Code, is amended by inserting after section 11-1726 the following new section:

“§ 11-1726A. Voluntary Separation Incentive Payments

“The Joint Committee on Judicial Administration may, by regulation, establish a program substantially similar to the program established under subchapter II of chapter 35 of title 5, United States Code, for nonjudicial employees of the District of Columbia courts.”.

(2) CLERICAL AMENDMENT.—The table of contents of chapter 17 of title 11, District of Columbia Official Code, is amended by inserting after the item relating to section 11-1726 the following new item:

“11-1726A. Voluntary separation incentive payments.”.

[(d)](c) PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.—

(1) IN GENERAL.—Section 11-1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607, D.C. Official Code) is amended by adding at the end the following new subsection:

“(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person’s office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.”.

SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) REDUCTION IN TERM OF SERVICE.—Section 11-908A(c)(1), District of Columbia Official Code, is amended by striking “5 years” and inserting “3 years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

Mr. REID. I ask unanimous consent that the committee-reported amendment be agreed to, and the bill, as amended, be read a third time.

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

The committee amendment was agreed to.

The bill (S. 1379), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. REID. I know of no further debate on this bill, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the bill, as amended.

The bill, as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table.

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

MEASURE READ THE FIRST TIME—S. 3364

Mr. REID. Mr. President, S. 3364 was introduced earlier today by Senator STABENOW, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

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

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JULY 10, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that at 11:30 a.m., the Senate proceed to executive session under the previous order; further, that

the Senate recess from 12:30 p.m. until 2:15 p.m. tomorrow for our weekly caucus meetings.

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

PROGRAM

Mr. REID. Mr. President, the first vote will be at noon tomorrow on the

confirmation of the Fowkles nomination to be a Federal district court judge.

There will be an additional rollcall vote at 2:25 p.m. tomorrow, or thereabouts, on the motion to invoke cloture on the motion to proceed to the Small Business Jobs and Tax Relief Act.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 4:23 p.m., adjourned until Tuesday, July 10, 2012, at 10 a.m.