

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b and 2000e-16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e-16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES.—The procedures applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) REMEDIES.—

(1) In any claim alleging a violation of Section 374(a)(1) or 374(b)(1) of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate—

(A) an order enjoining the respondent from engaging in the unlawful employment practice;

(B) reimbursement of costs expended as a result of the unlawful employment practice;

(C) an amount in liquidated damages not to exceed \$1,000 for each day of the violation; and

(D) reasonable attorney's fees (including expert fees) and costs attributable to the pursuit of a claim under this Act, except that no person identified in Section 103(a) of this Act shall be eligible to receive attorney's fees.

(2) In any claim alleging a violation of any other subsection of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate, the remedies available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16b(a)(1)), section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)), and section 411 of title 3, United States Code, except that in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the individual, damages may be awarded in an amount not to exceed \$5,000.

#### SEC. 376. FEDERAL AND STATE IMMUNITY.

(a) ABROGATION OF STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) WAIVER OF STATE IMMUNITY.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under Section 375(c) of this Act.

(B) DEFINITION.—In this paragraph, the term "program or activity" has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a).

(2) EFFECTIVE DATE.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST STATE OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of this Act, for relief that is authorized under this Act.

(d) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies would be available against a non-governmental entity.

#### SEC. 377. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

#### SEC. 378. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

#### SEC. 379. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

### TITLE IV—SURTAX ON MILLIONAIRES

#### SEC. 401. SURTAX ON MILLIONAIRES.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

##### "PART VIII—SURTAX ON MILLIONAIRES

"Sec. 59B. Surtax on millionaires.

##### "SEC. 59B. SURTAX ON MILLIONAIRES.

"(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 5.6 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds \$1,000,000 (\$500,000, in the case of a married individual filing a separate return).

"(b) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning after 2013, each dollar amount under subsection (a) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011'

for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

"(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

"(d) SPECIAL RULES.—

"(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

"(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (a) shall be decreased by the excess of—

"(A) the amounts excluded from the taxpayer's gross income under section 911, over

"(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

"(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

"(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"PART VIII. SURTAX ON MILLIONAIRES."

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 286—RECOGNIZING MAY 16, 2012, AS HEREDITARY ANGIOEDEMA AWARENESS DAY AND EXPRESSING THE SENSE OF THE SENATE THAT MORE RESEARCH AND TREATMENTS ARE NEEDED FOR HEREDITARY ANGIOEDEMA

Mr. INOUE (for himself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 286

Whereas Hereditary Angioedema (HAE) is a rare and potentially life-threatening genetic disease, affecting between 1 in 10,000 and 1 in 50,000 people, leading to patients being undiagnosed or misdiagnosed for many years;

Whereas HAE is characterized by symptoms including episodes of edema or swelling in various body parts including the hands, feet, gastrointestinal tract, face, and airway;

Whereas patients often experience swelling in the intestinal wall, causing bouts of excruciating abdominal pain, nausea, and vomiting, and swelling of the airway, which can lead to death by asphyxiation;

Whereas a defect in the gene that controls the C1-inhibitor blood protein causes production of either inadequate or non-functioning C1-inhibitor protein, leading to an inability to regulate complex biochemical interactions of blood-based systems involved in disease fighting, inflammatory response, and coagulation;

Whereas HAE is an autosomal dominant disease, and 50 percent of patients with the disease inherited the defective gene from a parent, while the other 50 percent developed a spontaneous mutation of the C1-inhibitor gene at conception;

Whereas HAE patients often experience their first HAE attack during childhood or adolescence, and continue to suffer from subsequent attacks for the duration of their lives;

Whereas HAE attacks can be triggered by infections, minor injuries or dental procedures, emotional or mental stress, and certain hormonal or blood medications;

Whereas the onset or duration of an HAE attack can negatively affect a person's physical, emotional, economic, educational, and social well-being due to activity limitations;

Whereas the annual cost for treatment per patient can exceed \$500,000, causing a substantial economic burden;

Whereas there is a significant need for increased and normalized medical professional education regarding HAE; and

Whereas there is also a significant need for further research on HAE to improve diagnosis and treatment options for patients; Now, therefore, be it

*Resolved, That—*

(1) the Senate—

(A) recognizes and celebrates May 16, 2012, as Hereditary Angioedema Awareness Day; and

(B) supports increased awareness of Hereditary Angioedema (HAE) by physicians and the public; and

(2) it is the sense of the Senate that increased Federal research on HAE is needed, including that—

(A) the Director of the National Institutes of Health (NIH) should take a leadership role in the search for new treatment options and a cure for HAE by—

(i) encouraging the National Institute of Allergy and Infectious Diseases (NIAID) to implement the research recommendations of the international HAE research community;

(ii) exploring collaborative research opportunities between the NIAID, the Office of Rare Diseases Research, and other NIH Institutes and Centers; and

(iii) encouraging NIAID to provide the necessary funding for continued expansion and advancement of the HAE research portfolio through intramural and extramural research; and

(B) the Commissioner of Food and Drugs should take a leadership role in ensuring new HAE treatments are developed and appropriately monitored by—

(i) issuing further guidance to industry on the development criteria and adverse event standards for HAE treatments; and

(ii) encouraging the participation of patient groups and considering the views of patients when discussing standards and protocols for the development and monitoring of HAE treatments.

Mr. INOUE. Mr. President, I rise today to submit a resolution recognizing May 16, 2012, as Hereditary Angioedema, HAE, Awareness Day. HAE is a rare and potentially life

threatening genetic disease which impacts between 1 in 10,000 and 1 in 50,000 Americans. HAE is characterized by severe swelling throughout the body, including the digestive tract and airways. The swelling caused by episodes of HAE is both very painful and can cause sufferers to asphyxiate when the swelling impacts the airways. To date there is only one Food and Drug Administration approved treatment for HAE, but this treatment is only effective in about a third of patients afflicted with this devastating disease. It is clearly evident that more research is needed to combat this terrible disease.

On May 16, 2012, an international conference on HAE will be convened in Copenhagen, Denmark to discuss issues relating to HAE research, treatments, and awareness. The American component of this conference will be spearheaded by the U.S. Hereditary Angioedema Association, USHAEA, based in my home state of Hawaii. USHAEA is an organization that provides education, support, funding for research, and a voice to HAE patients, their families, healthcare providers and the general public at large. I urge my colleagues to support this important resolution and help find a cure for HAE.

SENATE RESOLUTION 287—DESIGNATING OCTOBER 2011 AS “FILIPINO AMERICAN HISTORY MONTH”

Mr. REID of Nevada (for himself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. AKAKA, Mr. INOUE, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. HELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas October 18, 1587, when the first “Luzones Indios” set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza, marks the earliest documented Filipino presence in the continental United States;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana;

Whereas the recognition of the first permanent Filipino settlement in the United States adds new perspective to United States history by bringing attention to the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the United States;

Whereas the Filipino-American community is the third largest Asian-American group in the United States, with a population of approximately 3,417,000 individuals;

Whereas Filipino-American servicemen and servicewomen have a longstanding history of serving in the Armed Forces, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend the United States;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an

enemy force that can be bestowed upon an individual serving in the Armed Forces;

Whereas Filipino Americans play an integral role in the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color largely have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the significance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2011: Now, therefore, be it

*Resolved, That the Senate—*

(1) designates October 2011 as “Filipino American History Month”;

(2) recognizes the celebration of Filipino American History Month as—

(A) a study of the advancement of Filipino Americans;

(B) a time of reflection and remembrance of the many notable contributions Filipino Americans have made to the United States; and

(C) a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the United States; and

(3) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 722. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

SA 723. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 724. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 725. Ms. SNOWE (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 726. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 727. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 728. Mr. COONS (for himself, Mr. GRASSLEY, and Mr. RUBIO) submitted an amendment intended to be proposed by him