

Foundation for a term expiring December 15, 2015.

\*Claude M. Steele, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

\*Anneila I. Sargent, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

\*Catharine Friend Easterly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

\*Corinne Ann Beckwith, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

\*Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

\*Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

\*Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2016.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BLUMENTHAL (for himself, Mr. CORKER, Mr. BENNET, Mr. HATCH, Mr. CASEY, Mr. ALEXANDER, and Mr. COONS):

S. 1734. A bill to provide incentives for the development of qualified infectious disease products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 1735. A bill to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi; to the Committee on Environment and Public Works.

By Mr. BROWN of Massachusetts (for himself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1736. A bill to achieve cost savings through the reform of Federal acquisition practices and procedures; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself and Mr. ISAKSON):

S. 1737. A bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN (for himself, Mr. CRAPO, Mr. RUBIO, Mrs. HUTCHISON, and Mr. BURR):

S. 1738. A bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses; to the Committee on Finance.

By Mr. FRANKEN (for himself and Ms. KLOBUCHAR):

S. 1739. A bill to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. WEBB, Mr. CARPER, and Mr. COONS):

S. 1740. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the reauthorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself, Mr. CRAPO, Mr. KOHL, and Mr. LAUTENBERG):

S. Res. 299. A resolution designating October 2011 as "National Work and Family Month"; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. GRASSLEY, Mr. CRAPO, Mr. CHAMBLISS, Mrs. FEINSTEIN, and Mr. THUNE):

S. Res. 300. A resolution supporting the goals and ideals of Red Ribbon Week, 2011; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 229

At the request of Mr. BEGICH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 229, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish.

S. 306

At the request of Mr. WEBB, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 390

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was withdrawn as a cosponsor of S. 390, a bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged.

At the request of Mr. WEBB, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 390, supra.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Tennessee

(Mr. CORKER) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 720

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 968

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1133

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1385

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1385, a bill to terminate the \$1 presidential coin program.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1508

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1610

At the request of Mr. THUNE, his name was added as a cosponsor of S.

1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1615

At the request of Mr. SHELBY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1615, a bill to require enhanced economic analysis and justification of regulations proposed by certain Federal banking, housing, securities, and commodity regulators, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1653

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1653, a bill to make minor modifications to the procedures relating to the issuance of visas.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1692

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1704

At the request of Ms. AYOTTE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1704, a bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1720

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1720, a bill to provide American jobs through economic growth.

S. 1723

At the request of Mr. COONS, his name was added as a cosponsor of S.

1723, a bill to provide for teacher and first responder stabilization.

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 1723, *supra*.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 291

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 291, a resolution recognizing the religious and historical significance of the festival of Diwali.

AMENDMENT NO. 749

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 749 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 750

At the request of Mr. WEBB, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN), the Senator from Colorado (Mr. UDALL), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 750 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 769

At the request of Mr. VITTER, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Arizona (Mr. MCCAIN), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 769 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 771

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors

of amendment No. 771 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 781

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 781 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 812

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 812 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 814

At the request of Mr. CRAPO, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 814 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 817

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 817 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 827

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 827 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 836

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of amendment No. 836 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

## AMENDMENT NO. 844

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 844 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

## AMENDMENT NO. 854

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 854 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

## AMENDMENT NO. 855

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 855 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

## AMENDMENT NO. 857

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. BROWN), the Senator from Maryland (Mr. CARDIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 857 proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. CRAPO, Mr. RUBIO, Mrs. HUTCHISON, and Mr. BURR):

S. 1738. A bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses; to the Committee on Finance.

Mr. CORNYN. Mr. President, today I am introducing the Economic Growth and Jobs Protection Act of 2011. This legislation would repeal the 3.8 percent surtax on investment income that was included in the Health Care Reconcili-

ation Act of 2010 (P.L. 111-152, signed into law by the President last year. I am pleased that Senators CRAPO, RUBIO, HUTCHISON, and BURR are cosponsors of this legislation.

We know that taxpayers will likely face the largest tax increase in history when the 2001 and 2003 tax relief acts expire at the end of 2013. If Congress does nothing, the highest tax rate for individuals will rise from 35 percent to just under 40 percent; taxpayers in the lowest bracket will see a 50 percent tax increase, from 10 percent to 15 percent; the marriage penalty will increase; the child credit will be cut in half; and taxes on capital gains and dividends will increase. In other words, every taxpayer will pay higher taxes to Washington.

But while taxpayers may be aware of these expiring provisions, many are likely not fully aware of another unpleasant surprise that will arrive on the first day of 2013. The Health Care Reconciliation Act that was jammed through the Senate along partisan lines includes a 3.8 percent surtax on the dividends, rents, and interest earned by certain taxpayers. Enacting this permanent tax hike was a mistake then and is a mistake now.

The Institute for Research on the Economics of Taxation—a nonprofit economic policy research and educational organization recently told the Senate Finance Committee that the 3.8 percent surtax would reduce capital formation, which would lower productivity and wages and that a 3.8 percent surtax would lower GDP by about 0.9 percent and would actually result in lower revenue coming into the government's coffers.

Simply put, increasing taxes on investment income is a job killer and increases uncertainty at a time that the national unemployment is more than 9 percent. In fact, the top tax rate on capital gains will eventually be 23.8 percent as the rate bounces back to 20 percent from 15 percent in 2013. And dividends taxes would more than double to more than 43 percent.

We should not pile more taxes on the backs of working families and job creators. This will not help create jobs and will not make the tax code more pro-growth. We know the key to job creation is to grow the economy and allow small businesses to flourish, invest and create jobs.

In fact, according to the Federal Reserve Bank of Boston, we will need several years of very strong growth to reach 5 percent unemployment. For example, to reach 5 percent unemployment by 2015 the economy will need to grow 4.2 percent a year. This is just one reason that during the health care debate I offered a motion that would have directed the Senate Finance Committee to report the bill back without the 3.8 percent tax on the investment income. Although my attempt to strip out this job-killing tax fell short, I want to take this opportunity to note that six of my colleagues on the other side of the aisle supported my motion.

Not only will the Economic Growth and Jobs Protection Act of 2011 protect jobs and the investment security of taxpayers, it will also make sure that Congress restores one of the President's campaign promises. On September 12, 2008, then-candidate Obama promised the American people that, "Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s." But when combined with the President's budget proposal, this additional tax on investment will raise taxes on many Americans higher than they were under the rates President Clinton had in the 1990s.

I ask that my colleagues support this legislation that will repeal this job-killing tax on small business investment and will protect economic growth, jobs and the retirement savings of taxpayers. Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 1738

*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 "Economic Growth and Jobs Protection Act of 2011".

**SEC. 2. REPEAL OF UNEARNED INCOME MEDICAL CONTRIBUTION.**

Subsection (a) of section 1402 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) and the amendments made by such subsection are repealed.

NATIONAL ASSOCIATION  
OF MANUFACTURERS,

OCTOBER 18, 2011.

Hon. JOHN CORNYN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR CORNYN: On behalf of the National Association of Manufacturers (NAM)—the nation's largest industrial trade association—thank you for your leadership in introducing "The Economic Growth and Jobs Protection Act of 2011," to repeal the 3.8 percent surtax on "investment income" currently scheduled to go into effect beginning in 2013. The NAM strongly supports the passage of this legislation.

As you know, the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) imposes a new 3.8 percent surtax on the dividends, rents and interest income earned by certain taxpayers. This new surtax, if implemented, will discourage savings and investment. If not repealed, this surtax will come on top of increases on dividend taxes that are scheduled to accelerate from today's current rate of 15 percent to a top rate of 39.6 percent at the beginning of 2013. Combined with this surtax, dividends taxes could more than double to a total of 43.9 percent.

Manufacturers strongly support the repeal of this burdensome tax that would increase the tax on savings and investment and reduce the amount of capital business owners have available to invest in their companies. Such a tax will ultimately result in the loss of vital funds needed for business operations and job creation.

Thank you for introducing this legislation. At this time while our nation is working to emerge from recent economic challenges,