

operate basic health-care clinics thanks to the volunteer efforts of local medical professionals, and assist in the development of literacy and other skills in order to create new jobs.

Most importantly, however, the countless volunteers who work tirelessly to provide Mission of Hope's services receive the greatest possible reward for their efforts. The sense of gratitude that is visible in thankful children's eyes is what motivates the volunteers each and every day, and it is the satisfaction from this "personal touch" that drives the people of Mission of Hope and their cause.

"What we do wouldn't work in today's business world," says Mr. Emmette Thompson, who is fundamental to the organization's success. "Our business model and the way we distribute our harvest wouldn't work in corporate America because it defies logic . . . I'd love to tell people that I speak to that we're working ourselves out of a job, but that would be a bold-faced lie."

Mr. President, the charitable work that Mr. Emmette Thompson and Mission of Hope provide to the impoverished families of Kentucky and the Appalachia region is extremely honorable. I commend Emmette and the organization for their selfless devotion to this important cause. Organizations and people such as these embrace the spirit of Kentucky and continue to provide hope to the people of our great Commonwealth.

#### BUDGETARY ADJUSTMENTS

Mr. CONRAD. Mr. President, on October 20, 2011, I filed a statement regarding a revision to committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Specifically, I adjusted the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Two of the tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates that are customarily provided for such an adjustment were inadvertently omitted and are provided here.

I ask unanimous consent that the following tables be printed in the RECORD.

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

#### BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[\$s in millions]		
	2011	2012
Current Spending Aggregates:		
Budget Authority .....	3,070,885	2,983,770
Outlays .....	3,161,974	3,047,206
Adjustments:		
Budget Authority .....	0	475
Outlays .....	0	62
Revised Spending Aggregates:		
Budget Authority .....	3,070,885	2,984,245

#### BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974—Continued

[\$s in millions]		
	2011	2012
Outlays .....	3,161,974	3,047,268

#### FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[\$s in millions]			
	Current Allocation/Limit	Adjustment	Revised Allocation/Limit
Fiscal Year 2011:			
General Purpose Discretionary Budget Authority .....	1,211,141	0	1,211,141
General Purpose Discretionary Outlays .....	1,391,055	0	1,391,055
Fiscal Year 2012:			
Security Discretionary Budget Authority .....	814,744	0	814,744
Nonsecurity Discretionary Budget Authority .....	363,806	475	364,281
General Purpose Discretionary Outlays .....	1,327,942	62	1,328,004

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

Ms. KLOBUCHAR. Mr. President, I rise today to speak about the proposed rules issued by the U.S. Department of Agriculture, USDA, regarding tomato product crediting. I believe we must provide our children with healthy meals and ensure they have access to nutritious foods not only for their own well-being, but for the well-being of our Nation.

Given that a significant number of children rely on school lunch programs for meals every day, I am concerned that provisions in the rule regarding tomato paste crediting could have unintended consequences.

Tomato paste contributes dietary fiber, potassium—a nutrient of concern for children—as well as Vitamins A and C. It is delivered to kids in popular school menu items they enjoy eating and drives National School Lunch Program and School Breakfast Program participation. The proposed rule changes a technical crediting issue, effectively mandating the use of three times as much tomato paste or other tomato product. For example, under the proposed rules, the crediting of tomato paste would be based on the volume served as opposed to "single-strength reconstituted basis" as outlined in the Food Buying Guide for Child Nutrition Programs. To achieve one vegetable serving, an estimated three times the current quarter cup volume of tomato product—like tomato paste, tomato sauce, or salsa—would be required. This increased amount is unrealistic for many single foods and combination foods and would make the weekly vegetable serving requirement more difficult for schools to achieve.

Under this rule, a plate of spaghetti with three times the normal amount of sauce becomes more of a soup than a pasta dish, and a slice of whole grain pizza with three times the amount of sauce could be equally excessive. This becomes a problem for schools hoping to feed their students healthy meals that kids like.

The Institute of School Meals report does not recommend a change in the way tomato products are calculated. This change does not bring a nutritional benefit, and it was not called for by schools, nutritionists, or the Institute of Medicine. Constituents in Minnesota have said that this would result in increased volumes of foods consumed, increased costs to schools, and the virtual elimination of many foods served in school lunch, because of altered formulas and proper ratios that no longer allows for proper preparation or consumption.

I am not suggesting that USDA stop action on the rule—but, I believe we must focus on increasing fruits and vegetables rather than decreasing specific foods that provide an important source of essential nutrients. And because of that, I suggest that USDA refrain from changing the current tomato paste crediting levels. We need to make sure that we promote nutritious meals and recognize that the quality of the meals our kids eat in school plays a major role in their health and well-being.

#### AMENDMENT NO. 810

Mr. President, I also wish to speak on Senator SESSIONS' amendment No. 810. While I support Senator SESSIONS' efforts to eliminate waste, fraud, and abuse in the government, I have concerns that this amendment will take food away from children and families with the greatest needs. This amendment prohibits the use of any funds from being used to support categorical eligibility in the Supplemental Nutrition Assistance Program, SNAP. Categorical eligibility reduces administrative costs, simplifies enrollment, and helps eligible low-income households receive food assistance. I have heard from a number of groups in my State who stressed the importance of categorical eligibility in giving states the option to enroll beneficiaries in SNAP, and I know how important it is to reach out to citizens that are eligible for benefits.

While I opposed this amendment, I will work in the farm bill to strengthen and improve the program to ensure that taxpayer resources are spent wisely.

#### AMENDMENT NO. 739

Mr. President, I also wish to discuss amendment No. 739 offered by Senator MCCAIN to the Transportation, Housing and Urban Development appropriations bill. I share Senator MCCAIN's concern that transportation funds need to be spent carefully to address our most critical infrastructure priorities. However, I voted to table the McCain amendment because I believe it needed

to be changed to allow States to continue to maintain existing infrastructure projects. The Minnesota Department of Transportation noted that the McCain amendment could have negatively impacted proposed projects to rehabilitate historic bridges that remain in use today as a critical part of Minnesota's road network. Specifically, bridges in Winona and Oslo, Minnesota may have been impacted and possibly Baudette, Minnesota's project as well. The chairman of the Environment and Public Works Committee which has jurisdiction over transportation policy also assured me that no funding in this bill would be used to fund transportation museums.

#### AMENDMENT NO. 792

Mr. President, I also wish to discuss amendment No. 792 offered by Senator COBURN to the Transportation, Housing and Urban Development appropriations bill. While I agree with Senator COBURN that Federal dollars should not end up in the hands of property owners that put their tenants at risk, I ultimately could not support this amendment because it could have harmed the very families it sought to help.

Before the vote, I was contacted by several affordable housing groups from my home State of Minnesota asking that I oppose this amendment. They were concerned that because of the way this amendment was drafted it could end up forcing the tenants it sought to protect into worse housing conditions, or even onto the street. By suspending payments to properties identified as deficient, it could also have prevented new owners from taking over deficient properties in order to rehabilitate them as they wouldn't have any way of financing the rehabilitation.

The Department of Housing and Urban Development already has the ability to enforce physical standards by suspending payments, seeking appointment of a receiver, and pursuing civil money penalties. I will continue to insist that they use these tools to develop responsive strategies for every troubled property while putting the safety of the tenants first.

#### WITHHOLDING TAX RELIEF ACT OF 2011

Ms. SNOWE. Mr. President, I rise to express support for the Republican leader's legislation on a critical issue that addresses the burdensome cost of compliance with the Tax Code. Senator MCCONNELL's bill is modeled after bipartisan legislation Senator BROWN and I introduced earlier this year which would repeal the 3 percent withholding on government contractors that was enacted in 2005 and which mandates that Federal, State, and local governments withhold 3 percent of their payments to private contractors, including Medicare provider payments, farm payments, defense contracts and certain grants.

I am deeply disappointed by the fact that the bill received 57 votes on the

floor on October 20 but failed to pass the 60-vote threshold. The onerous withholding mandate on government contracts therefore remains before us and must be repealed. The House of Representatives has spoken quite clearly by passing repeal legislation last week by a vote of 405-16 and it is time for the Senate to do the same!

This issue originated as a result of very legitimate efforts to address the tax gap—the difference between what is owed in taxes and the amount that the IRS is able to collect. I believe everyone agrees that Americans should pay their taxes in full and none of us supports tax cheats, yet the issue that Senator MCCONNELL's legislation addresses arises from the means of mandating compliance with the Tax Code, the cost of that compliance compared to the revenue collected, and impact on hiring. The unfortunate fact is that the 3 percent withholding provision will cost far more to implement than will be collected in tax revenue. More importantly, our economy will suffer as this provision would take a significant toll on jobs and growth.

According to the Bureau of Labor Statistics, the average annual unemployment rate for 2010 was 9.6 percent. For 27 out of the past 32 months the unemployment rate has been at 9 percent or above. About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the six decades since World War II. At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping begun in 1948, our government should be taking every possible step to ease the burden on job creators. We need to offer the American people solutions that help to grow jobs, not provisions that prevent it!

Compliance with this law will impose billions of dollars of cost on both the public and private sectors, with a disproportionate impact on small businesses. These compliance costs will far exceed projected tax collections. For instance, just one Federal agency, the Department of Defense, estimated that it would cost over \$17 billion in the first 5 years to comply, and the revenue estimate in 2005 projected that only \$6.977 billion would be collected over a 10-year window. Even if that DOD estimate is inflated, as some charge, the Congressional Budget Office projects costs of \$12 billion just to implement this provision at the Federal level. There are similar costs imposed across all of the Nation's State and local governments, making this provision simply an unfunded mandate on State and local governments. This is a case of spending a dollar to collect a dime, which is counterproductive for addressing the Nation's deficits.

What is worse is that this provision is not going to impact only those who have skirted tax laws—this provision will fall most heavily on innocent parties who have done nothing wrong at all, jeopardizing their cash flow and

ability to grow. As ranking member of the Senate Committee on Small Business, I have heard from many businesses across the country that the 3 percent withholding amount will exceed their profit on a given contract and will prevent them from being able to make payroll, forcing them to borrow from banks just to pay their employees. This is not the way to encourage jobs and business growth but rather way to stifle it.

This 3 percent withholding provision would increase the tax and regulatory burdens on our businesses, precisely the wrong policy potion for these troubled times. We have the opportunity now to repeal this provision and we need to take that step to help the jobs picture. It is vital to note that it is not just workers who would suffer under this provision but Medicare recipients as well. Maine has the oldest population in the Nation and I know all too well how fragile are the finances of our seniors who depend on this vital program. This provision would deduct 3 percent from payments to Medicare providers and instead send the cash to the IRS. Why would we want to give these precious dollars to the tax man rather than doctors? This new problem would give doctors one more reason to turn away Medicare patients. And that is to say nothing of the cost to CMS of setting up the accounting systems that would implement this withholding scheme.

In the American Recovery and Reinvestment Act, ARRA, Congress delayed for 1 year the implementation of this mandate in recognition of the exorbitant expenditures that will be necessary to implement accounting systems and hire new compliance employees at a time when the those resources were desperately needed for productive uses. The IRS itself recently recognized the enormous burdens that this provision will put on government agencies and as a result issued an administrative delay, meaning the 3 percent withholding provision now becomes effective after 2012. And even the President, in his recent Jobs Act proposal, called for further delay of any implementation of this provision. If the Congress, the IRS, and this administration all recognize that the costs of this provision outweigh the benefits, then it is time to act to repeal it.

As a result of the IRS regulatory delay, this provision goes into effect at the end of 2012, but people and businesses already are expending valuable resources in anticipation of having to comply with this pernicious provision. At a time when the American people are extremely frustrated with the partisan gridlock and Congress inability to pass meaningful legislation, we had an opportunity to pass a bipartisan bill that would provide small businesses with much needed certainty and relief. The Senate failed to grasp that opportunity on October 20 but we cannot stop fighting to defend small businesses from its implementation. We