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 Reconciliation 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 MEDICARE 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,

further increasing taxes on investment income is the wrong approach and simply adds to a tax system that is already anti-growth. We look forward to working with you and your staff to advance this important legislation.

Sincerely,
DOROTHY COLEMAN, *Vice President, Tax, Technology & Domestic Policy.*

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.

Mr. FRANKEN. Mr. President, today I am introducing the Minnesota Chippewa Tribe Judgment Fund Distribution Act with my friend and colleague from Minnesota, Senator KLOBUCHAR. This legislation will finally allow for the distribution of funds owed to the Minnesota Chippewa Tribe. Before I talk about our legislation, I want to first thank my colleague in the House, Representative PETERSON of Minnesota, for his leadership on this issue and for the tremendous work he put into crafting this bill.

It has been a long road to get to this point. The Minnesota Chippewa Tribe first filed complaints before the Indian Claims Commission in 1948. It took all the way until 1999 before their claims were settled. For over 60 years, members of the Minnesota Chippewa Tribe have been waiting for these funds. It's time to get this done.

In 1999, the United States Court of Federal Claims awarded $20 million to the Minnesota Chippewa Tribe. This money is to compensate tribal members for the improper taking and sale of land and timber under the Nelson Act of 1889. The Federal Government owes the Minnesota Chippewa Tribe this money. In fact, in 1999, the $20 million owed to the tribe was transferred to the Department of the Interior and deposited in a trust fund account, where it has been collecting one percent interest. But tribal members in my home State of Minnesota have never received a dime. That is because, before any money can go to the tribe, Congress must pass legislation detailing how to allocate the funds between the 6 bands that make up the Minnesota Chippewa Tribe.

Today, Senator KLOBUCHAR and I are introducing legislation to do just that. Our bill will provide $300 to every tribal member. While this might not seem like a lot of money, I want to remind my colleagues that Native Americans represent one of the poorest segments of Minnesota's population. On the White Earth reservation, where one in five members live under the poverty line, a check for $1,200 for a family of four would make a real difference. This is money that the 40,000 enrolled members of the Minnesota Chippewa Tribe could be using right now to put tires on their car or fix a leaking roof or buy new shoes for their children.

Our bill allocates the remaining funds equally to each of the six bands that make up the Minnesota Chippewa Tribe. That is approximately $15 million or $2.5 million per band. This funding is desperately needed. It will allow the bands to provide for the basic needs for their people by investing in economic development, health care, housing, and education.

There is one band, the Leech Lake Band of Ojibwe, that does not agree with this distribution plan. I am sympathetic to their concerns, and I sincerely hoped that a consensus agreement could have been reached that would have satisfied all those involved. But, in the end, I believe we must respect the decision of the tribe.

The bill we are introducing today reflects the distribution agreed upon by the Minnesota Chippewa Tribal Executive Committee. This is a democratic body comprised of two elected officials from each of the six bands. Under the tribal constitution, the Executive Committee is the governing body of the tribe. After years of disagreement, the Tribal Excusive Committee has agreed on an allocation formula. I deeply respect tribal sovereignty and therefore believe we must respect their decision.

I also worry that any further delay will only cause hardship for individual tribal members. The thousands of tribal members across Minnesota cannot afford to wait another decade. It is time for Congress to act to allow for the distribution of the funds owed to the Minnesota Chippewa Tribe.

I urge my colleagues to support this legislation and send it to the President's desk to be signed into law as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1739

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 ''Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2011''.

SEC. 2. FINDINGS.

Congress finds that—

(1) on January 22, 1948, the Minnesota Chippewa Tribe, representing all Chippewa bands in the State of Minnesota except the Red Lake Band, filed a claim before the Indian Claims Commission in Docket No. 19 for an accounting of all amounts received and expended pursuant to the Act of January 14, 1889 (25 Stat. 642, chapter 24) (referred to in this Act as the ''Nelson Act'');

(2) on August 2, 1951, the Minnesota Chippewa Tribe, representing all Chippewa bands in the State of Minnesota except the Red Lake Band, filed a number of claims before the Indian Claims Commission in Docket No. 188 for an accounting of the obligation of the Federal Government to each member Band of the Minnesota Chippewa Tribe under various statutes and treaties not covered by the Nelson Act;

(3) on May 17, 1999, a joint motion for findings in aid of settlement of the claims in Docket No. 19 and 188 was filed in the Court of Federal Claims;

(4) the terms of the settlement were approved by the Court of Federal Claims and final judgment in the matter was entered on May 26, 1999;

(5) on June 22, 1999, $20,000,000 was transferred to the Department of the Interior and deposited in a trust fund account established for the beneficiaries of the amounts awarded in Docket No. 19 and 188;

(6) pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), Congress must act to authorize the use or distribution of the judgment funds; and

(7) on October 1, 2009, the Minnesota Chippewa Tribal Executive Committee passed Resolution 146–09, approving a plan to distribute the judgment funds and requesting that Congress authorize the distribution of the judgment funds in the manner described by the plan.

SEC. 3. DEFINITIONS.

In this Act:

(1) BANDS.—The term ''Bands'' means—

(A) the Bois Forte Band;

(B) the Fond du Lac Band;

(C) the Grand Portage Band;

(D) the Leech Lake Band;

(E) the Mille Lacs Band; and

(F) the White Earth Band.

(2) JUDGMENT FUNDS.—The term ''judgment funds'' means the $20,000,000 awarded on May 26, 1999, to the Minnesota Chippewa Tribe by the Court of Federal Claims and transferred to the Secretary for deposit in a trust fund account established for the beneficiaries of Docket No. 19 and 188.

(3) MINNESOTA CHIPPEWA TRIBE.—The term ''Minnesota Chippewa Tribe'' means the Minnesota Chippewa Tribe, composed solely of the Bands.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIPPEWA TRIBE.

(a) IN GENERAL.—The Secretary may reimburse the Minnesota Chippewa Tribe the amount that the Minnesota Chippewa Tribe contributed for attorneys' fees and litigation expenses associated with the litigation of Docket No. 19 and 188 in the Court of Federal Claims and the distribution of judgment funds, plus any interest earned on that amount as of the date of payment under this section to the Minnesota Chippewa Tribe.

(b) PROCEDURE.—

(1) IN GENERAL.—To receive a reimbursement payment under subsection (a), not later than 90 days after the date of enactment of this Act, the Minnesota Chippewa Tribe shall submit to the Secretary a written claim for the reimbursement amount described in that subsection, subject to the condition that the Minnesota Chippewa Tribe certify that the reimbursement expenses claimed have not been reimbursed to the Tribe by any other entity.

(2) PAYMENT.—If the Minnesota Chippewa Tribe submits a claim to the Secretary in accordance with paragraph (1), the Secretary shall, using the judgment funds, pay to the Minnesota Chippewa Tribe the full reimbursement amount claimed, plus interest on that amount, calculated at the rate of 6.0 percent per year, simple interest, beginning on the date on which the amounts were expended by the Tribe and ending on the date on which the amounts are reimbursed to the Tribe.

SEC. 5. DISTRIBUTION OF JUDGMENT FUNDS.

(a) MEMBERSHIP ROLLS.—Not later than 90 days after the date of enactment of this Act, the Minnesota Chippewa Tribe shall submit to the Secretary an updated membership roll for each Band of the Tribe, each of which

shall include the names of all enrolled members of that Band living on the date of enactment of this Act.

(b) DISBURSEMENT OF AVAILABLE FUNDS.—

(1) PER CAPITA ACCOUNT.—After the date on which any amounts under section 4 have been disbursed and the Secretary has received the updated membership rolls under subsection (a), the Secretary shall, from the remaining judgment funds, deposit in a per capita account established by the Secretary for each Band, an amount that is equal to $300 for each member of that Band listed on the updated membership roll.

(2) REMAINING AMOUNTS.—If, after the disbursement described in paragraph (1), any judgment funds remain undisbursed, the Secretary shall deposit in an account established by the Secretary for each Band, which shall be separate from the per capita account described in paragraph (1), all remaining amounts, divided equally among the Bands.

(c) USE OF AMOUNTS.—

(1) DISBURSEMENT OF PER CAPITA PAYMENTS.—Any amounts deposited in the per capita account of a Band described in subsection (b)(1) shall be—

(A) made available to the Band for immediate withdrawal; and

(B) used by the Band solely for the purpose of distributing 1 $300 payment to each individual member of the Band listed on the updated membership roll.

(2) TREATMENT OF DEPENDENTS.—For each minor or dependent member of the Band listed on the updated roll, the Band may—

(A) distribute the $300 payment to a parent or legal guardian of that dependent Band member; or

(B) deposit in a trust account the $300 payment of that dependent Band member for the benefit of that dependent Band member, to be distributed under the terms of the trust.

(d) UNCLAIMED PAYMENTS.—If, on the date that is 1 year after the date on which the amounts described in subsection (b)(1) are made available to a Band, any amounts remain unclaimed, those amounts shall be returned to the Secretary, who shall deposit the remaining amounts in the accounts described in subsection (b)(2) in equal shares for each Band.

(e) NO LIABILITY.—The Secretary shall not be liable for the expenditure or investment of any amounts disbursed to a Band from the accounts described in subsection (b) after those amounts are withdrawn by the Band.

SEC. 6. ADMINISTRATION.

Amounts disbursed under this Act—

(1) shall not be liable for the payment of previously contracted obligations of any recipient, as provided in section 2(a) of Public Law 98–64 (25 U.S.C. 117b(a)); and

(2) shall be subject to section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407).

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.

Mr. CARDIN. Mr. President, authorized under P.L. 105–312 in 1998 and reauthorized by P.L. 107–308 in 2002, the Chesapeake Bay Gateways and Watertrails Network helps several million visitors and residents find, enjoy, and learn about the special places and stories of the Chesapeake and its watershed. Today I am introducing legislation to reauthorize this successful program.

For visitors and residents, the Gateways are the ''Chesapeake connection.'' The Network members provide an experience of such high quality that their visitors will indeed connect to the Chesapeake emotionally as well as intellectually, and thus to its conservation.

The Chesapeake Bay is a national treasure. The Chesapeake ranks as the largest of America's 130 estuaries and one of the Nation's largest and longest fresh water and estuarine systems. The Atlantic Ocean delivers half the bay's 18 trillion gallons of water and the other half flows through over 150 major rivers and streams draining 64,000 square miles within 6 States and the District of Columbia. The Chesapeake watershed is among the most significant cultural, natural and historic assets of our Nation.

The Chesapeake is enormous and vastly diverse—how could you possibly experience the whole story in any one place? Better to connect and use the scores of existing public places to collaborate on presenting the many chapters and tales of the bay story. Visitors and residents go to more places for more experiences, all through a coordinated Gateways Network.

Beyond simply coordinating the Network, publishing a map and guides, and providing standard exhibits at all Gateways, the National Park Service has helped Gateways with matching grants and expertise for 200 projects with a total value of more than $12 million. This is a great deal for the bay—it helps network members tell the Chesapeake story better and inspires people to care for this National Treasure—and it is a good deal for the Park Service. In this legislation, we cap the Gateways authorization at just $2 million annually. It serves all 150+ Gateways and their 10 million visitors. No other National Park can provide such a dramatic ratio of public dollars spent to number of visitors served.

With the National Park Service's expertise and support, Gateways have made significant progress in their mission to tell the bay's stories to their millions of members and visitors, extend access to the bay and its watershed, and develop a conservation awareness and ethic. It is time to reauthorize the Chesapeake Gateways and Watertrails program. It is my hope that the Congress will act quickly to adopt this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1740

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 ''Chesapeake Bay Gateways and Watertrails Network Reauthorization Act''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''fiscal years'' and all that follows through the period at the end and inserting ''fiscal years 2012 through 2016.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 299—DESIGNATING OCTOBER 2011 AS ''NATIONAL WORK AND FAMILY MONTH''

Mr. MERKLEY (for himself, Mr. CRAPO, Mr KOHL, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of the workplace of the workers are key predictors of the job productivity, job satisfaction, and commitment to the employer of those workers, as well as of the ability of the employer to retain those workers;

Whereas ''work-life balance'' refers to specific organizational practices, policies, and programs that are guided by a philosophy of active support for the efforts of employees to achieve success within and outside the workplace, such as caring for dependents, health and wellness, paid and unpaid time off, financial support, community involvement, and workplace culture;

Whereas numerous studies show that employers that offer effective work-life balance programs are better able to recruit more talented employees, maintain a happier, healthier, and less stressed workforce, and retain experienced employees, which produces a more productive and stable workforce with less voluntary turnover;

Whereas job flexibility often allows parents to be more involved in the lives of their children, and research demonstrates that parental involvement is associated with higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates in children;

Whereas military families have special work-family needs that often require robust policies and programs that provide flexibility to employees in unique circumstances;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence the health and development of children and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally; and

Whereas the month of October is an appropriate month to designate as National Work and Family Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2011 as ''National Work and Family Month'';

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and