

Whereas the Alliance to Save Energy has shown that energy efficiency and conservation measures taken by the United States during the past 35 years have caused annual energy consumption in the United States to decrease by more than 52 quads;

Whereas the Alliance to Save Energy is recognized across the United States as an authority on energy efficiency, and regularly provides testimony and resources to the Federal Government, State governments, and members of the business and media communities;

Whereas the Alliance to Save Energy contributes to a variety of educational and outreach initiatives, including—

(1) the award-winning Green Schools and Green Campus programs;

(2) award-winning public service announcements; and

(3) a variety of targeted energy-efficiency campaigns; and

Whereas the Alliance to Save Energy collaborates with other prominent organizations to form partnerships and create groups that advance the cause of energy efficiency, including—

(1) the Building Codes Assistance Project (commonly known as “BCAP”);

(2) the Southeast Energy Efficiency Alliance (commonly known as “SEEA”);

(3) the Clean and Efficient Energy Program (commonly known as “CEEP”);

(4) the Efficient Windows Collaborative; and

(5) the Appliance Standards Awareness Project (commonly known as “ASAP”): Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Alliance to Save Energy on the 35th anniversary of the incorporation of the Alliance; and

(2) recognizes the important contributions that the Alliance to Save Energy has made to further the cause of energy efficiency.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1946. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table.

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SA 1952. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. TESTER, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. LEVIN, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2204, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1946. Mr. MCCAIN submitted an amendment intended to be proposed by

him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —FOREIGN EARNINGS REINVESTMENT

SEC. 01. SHORT TITLE.

This title may be cited as the “Foreign Earnings Reinvestment Act”.

SEC. 02. ALLOWANCE OF TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM A CONTROLLED FOREIGN CORPORATION.

(a) APPLICABILITY OF PROVISION.—

(1) IN GENERAL.—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) ELECTION; ELECTION YEAR.—

“(1) IN GENERAL.—The taxpayer may elect to apply this section to—

“(A) the taxpayer’s last taxable year which begins before the date of the enactment of the Foreign Earnings Reinvestment Act, or

“(B) the taxpayer’s first taxable year which begins during the 1-year period beginning on such date.

Such election may be made for a taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.

“(C) ELECTION YEAR.—For purposes of this section, the term ‘election year’ means the taxable year—

“(i) which begins after the date that is one year before the date of the enactment of the Foreign Earnings Reinvestment Act, and

“(ii) to which the taxpayer elects under paragraph (1) to apply this section.”.

(2) CONFORMING AMENDMENTS.—

(A) EXTRAORDINARY DIVIDENDS.—Section 965(b)(2) of such Code is amended—

(i) by striking “June 30, 2003” and inserting “September 30, 2011”, and

(ii) by adding at the end the following new sentence: “The amounts described in clauses (i), (ii), and (iii) shall not include any amounts which were taken into account in determining the deduction under subsection (a) for any prior taxable year.”.

(B) DETERMINATIONS RELATING TO RELATED PARTY INDEBTEDNESS.—Section 965(b)(3)(B) of such Code is amended by striking “October 3, 2004” and inserting “September 30, 2011”.

(C) APPLICABLE FINANCIAL STATEMENT.—Section 965(c)(1) of such Code is amended by striking “June 30, 2003” each place it appears and inserting “September 30, 2011”.

(D) DETERMINATIONS RELATING TO BASE PERIOD.—Section 965(c)(2) of such Code is amended by striking “June 30, 2003” and inserting “September 30, 2011”.

(b) DEDUCTION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(c) of such Code, as amended by subsection (a), is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5), as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (4) of section 965(c) of such Code, as redesignated by subparagraph (A), is amended to read as follows:

“(4) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(c) AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Paragraph (1) of section 965(a) of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “75 percent”.

(2) BONUS DEDUCTION IN SUBSEQUENT TAXABLE YEAR FOR INCREASING JOBS.—Section 965 of such Code is amended by adding at the end the following new subsection:

“(g) BONUS DEDUCTION.—

“(1) IN GENERAL.—In the case of any taxpayer who makes an election to apply this section, there shall be allowed as a deduction for the first taxable year following the election year an amount equal to the applicable percentage of the cash dividends which are taken into account under subsection (a) with respect to such taxpayer for the election year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is the amount which bears the same ratio (not greater than 1) to 10 percent as—

“(A) the excess (if any) of—

“(i) the qualified payroll of the taxpayer for the calendar year which begins with or within the first taxable year following the election year, over

“(ii) the qualified payroll of the taxpayer for calendar year 2010, bears to

“(B) 10 percent of the qualified payroll of the taxpayer for calendar year 2010.”

“(3) QUALIFIED PAYROLL.—For purposes of this paragraph:

“(A) IN GENERAL.—The term ‘qualified payroll’ means, with respect to a taxpayer for any calendar year, the aggregate wages (as defined in section 3121(a)) paid by the corporation during such calendar year.

“(B) EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.—

“(i) ACQUISITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer acquires the trade or business of a predecessor, then the qualified payroll of such taxpayer for any calendar year shall be increased by so much of the qualified payroll of the predecessor for such calendar year as was attributable to the trade or business acquired by the taxpayer.

“(ii) DISPOSITIONS.—If, after December 31, 2009, and before the close of the first taxable year following the election year, a taxpayer disposes of a trade or business, then—

“(I) the qualified payroll of such taxpayer for calendar year 2010 shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer, and

“(II) if the disposition occurs after the beginning of the first taxable year following the election year, the qualified payroll of such taxpayer for the calendar year which begins with or within such taxable year shall be decreased by the amount of wages for such calendar year as were attributable to the trade or business which was disposed of by the taxpayer.

“(C) SPECIAL RULE.—For purposes of determining qualified payroll for any calendar year after calendar year 2011, such term shall not include wages paid to any individual if such individual received compensation from the taxpayer for services performed—

“(i) after the date of the enactment of this paragraph, and

“(ii) at a time when such individual was not an employee of the taxpayer.”.

(3) **REDUCTION FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.**—Paragraph (4) of section 965(b) of such Code (relating to limitations) is amended to read as follows:

“(4) **REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.**—

“(A) **IN GENERAL.**—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer's prior average employment, an additional amount equal to \$75,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)(1)) shall be taken into income by the taxpayer during the taxable year that includes the final day of such period.

“(B) **AVERAGE EMPLOYMENT LEVEL.**—For purposes of this paragraph, the taxpayer's average employment level for a period shall be the average number of full-time United States employees of the taxpayer, measured at the end of each month during the period.

“(C) **PRIOR AVERAGE EMPLOYMENT.**—For purposes of this paragraph, the taxpayer's ‘prior average employment’ shall be the average number of full-time United States employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a)(1).

“(D) **FULL-TIME UNITED STATES EMPLOYEE.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘full-time United States employee’ means an individual who provides services in the United States as a full-time employee, based on the employer's standards and practices; except that regardless of the employer's classification of the employee, an employee whose normal schedule is 40 hours or more per week is considered a full-time employee.

“(ii) **EXCEPTION FOR CHANGES IN OWNERSHIP OF TRADES OR BUSINESSES.**—Such term does not include—

“(I) any individual who was an employee, on the date of acquisition, of any trade or business acquired by the taxpayer during the 24-month period referred to in subparagraph (A), and

“(II) any individual who was an employee of any trade or business disposed of by the taxpayer during the 24-month period referred to in subparagraph (A) or the 24-month period referred to in subparagraph (C).

“(E) **AGGREGATION RULES.**—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group shall be treated as a single taxpayer.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 1947. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS

SEC. 401. WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.

(a) **IN GENERAL.**—Section 12112 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “A coastwise” and inserting “Except as provided in subsection (b), a coastwise”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) **WAIVER FOR OIL AND GASOLINE TANKERS.**—The requirements of subsection (a) shall not apply to an oil or gasoline tanker vessel and a coastwise endorsement may be issued for any such tanker vessel that otherwise qualifies under the laws of the United States to engage in the coastwise trade.”.

(b) **REGULATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast Guard shall issue regulations to implement the amendments made by subsection (a). Such regulations shall require that an oil or gasoline tanker vessel permitted to engaged in the coastwise trade pursuant to subsection (b) of section 12112 of title 46, United States Code, as amended by subsection (a), meets all appropriate safety and security requirements.

SA 1948. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS

SEC. 401. WAIVER OF JONES ACT REQUIREMENTS FOR OIL AND GASOLINE TANKERS.

(a) **IN GENERAL.**—The Commandant of the United States Coast Guard may issue a coastwise endorsement to a oil or gasoline taker vessel that does not meet the requirements of section 12112(a) of title 46, United States Code.

(b) **PERIOD.**—A coastwise endorsement issued under subsection (a) shall expire no later than the date that is 6 months after the date of the enactment of this Act.

(c) **REGULATIONS.**—The Commandant shall ensure that a tanker vessel issued a coastwise endorsement under subsection (a) meets all appropriate safety and security requirements.

SA 1949. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—COASTWISE TRADE

SEC. 401. REPEAL OF JONES ACT LIMITATIONS ON COASTWISE TRADE.

(a) **IN GENERAL.**—Section 12112(a) of title 46, United States Code, is amended to read as follows:

“(a) **IN GENERAL.**—A coastwise endorsement may be issued for a vessel that qualifies under the laws of the United States to engage in the coastwise trade.”.

(b) **REGULATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Commandant of the United States Coast

Guard shall issue regulations to implement the amendment made by subsection (a). Such regulations shall require that a vessel permitted to engaged in the coastwise trade meets all appropriate safety and security requirements.

(c) **CONFORMING AMENDMENTS.**—

(1) **TANK VESSEL CONSTRUCTION STANDARDS.**—Section 3703a(c)(1)(C) of title 46, United States Code, is amended by striking “Coast Guard and is qualified for documentation as a wrecked vessel under section 12112 of this title.” and inserting “Coast Guard.”.

(2) **LIQUIFIED GAS TANKERS.**—Section 12120 of title 46, United States Code, is amended by striking “United States,” and all that follows and inserting “United States.”.

(3) **SMALL PASSENGER VESSELS.**—Section 12121(b) of title 46, United States Code, is amended by striking “12112.”.

(4) **LOSS OF COASTWISE TRADE PRIVILEGES.**—Section 12132 of title 46, United States Code, is repealed.

(5) **TABLE OF SECTIONS.**—The table of sections for chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12132.

SA 1950. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE IV—WAIVER OF JONES ACT REQUIREMENTS

SEC. 401. WAIVER OF JONES ACT REQUIREMENTS.

(a) **IN GENERAL.**—The Commandant of the United States Coast Guard may issue a coastwise endorsement to a vessel that does not meet the requirements of section 12112(a) of title 46, United States Code.

(b) **PERIOD.**—A coastwise endorsement issued under subsection (a) shall expire no later than the date that is 6 months after the date of the enactment of this Act.

(c) **REGULATIONS.**—The Commandant shall ensure that a vessel issued a coastwise endorsement under subsection (a) meets all appropriate safety and security requirements.

SA 1951. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION ON USE OF FEDERAL FUNDS RELATING TO ETHANOL BLENDER PUMPS AND ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law shall be expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility (unless the funds are expended to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility for use by motor vehicle fleets operated by a Federal agency), including—

(1) funds in any trust fund to which funds are made available by Federal law; and

(2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

TITLE IV—BUDGETARY EFFECTS**SEC. 401. DEFICIT REDUCTION.**

SA 1952. Mr. SANDERS (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. TESTER, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. LEVIN, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. CARDIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS**SEC. 301. ENERGY MARKETS.**

(a) FINDINGS.—Congress finds that—

(1) the Commodity Futures Trading Commission was created as an independent agency, in 1974, with a mandate—

(A) to enforce and administer the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) to ensure market integrity;

(C) to protect market users from fraud and abusive trading practices; and

(D) to prevent and prosecute manipulation of the price of any commodity in interstate commerce;

(2) Congress has given the Commodity Futures Trading Commission authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to take necessary actions to address market emergencies;

(3) the Commodity Futures Trading Commission may use the emergency authority of the Commission with respect to any major market disturbance that prevents the market from accurately reflecting the forces of supply and demand for a commodity;

(4) Congress declared in section 4a of the Commodity Exchange Act (7 U.S.C. 6a) that excessive speculation imposes an undue and unnecessary burden on interstate commerce;

(5) according to an article published in *Forbes* on February 27, 2012, excessive oil speculation “translates out into a premium for gasoline at the pump of \$.56 a gallon” based on a recent report from Goldman Sachs;

(6) on March 9, 2012—

(A) the supply of crude oil and gasoline was higher than the supply was on March 6, 2009, when the national average price for a gallon of regular unleaded gasoline was just \$1.94; and

(B) demand for gasoline in the United States was lower than demand was on June 20, 1997;

(7) on March 12, 2012, the national average price of regular unleaded gasoline was over \$3.82 a gallon, the highest price ever recorded in the United States during the month of March;

(8) during the last quarter of 2011, according to the International Energy Agency—

(A) the world oil supply rose by 1,300,000 barrels per day while demand only increased by 700,000 barrels per day; but

(B) the price of Texas light sweet crude rose by over 12 percent;

(9) on November 3, 2011, Gary Gensler, the Chairman of the Commodity Futures Trading Commission testified before the Senate Permanent Subcommittee on Investigations that “80 to 87 percent of the [oil futures] market” is dominated by “financial participants, swap dealers, hedge funds, and other financials,” a figure that has more than doubled over the past decade;

(10) excessive oil and gasoline speculation is creating major market disturbances that prevent the market from accurately reflecting the forces of supply and demand; and

(11) the Commodity Futures Trading Commission has a responsibility —

(A) to ensure that the price discovery for oil and gasoline accurately reflects the fundamentals of supply and demand; and

(B) to take immediate action to implement strong and meaningful position limits to regulated exchange markets to eliminate excessive oil speculation.

(b) ACTIONS.—Not later than 14 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall use the authority of the Commission (including emergency powers)—

(1) to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commission, on or through which energy futures or swaps are traded; and

(2) to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations, or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

TITLE IV—BUDGETARY EFFECTS**SEC. 401. DEFICIT REDUCTION.****NOTICE OF HEARING****JOINT CONGRESSIONAL COMMITTEE ON
INAUGURAL CEREMONIES**

Mr. SCHUMER. Mr. President, I wish to announce that the Joint Congressional Committee on Inaugural Ceremonies will meet on Wednesday, March 28, 2012, at 10:30 a.m., to conduct its organization meeting.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224-6352.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of today's session and the debate on S. 2204: Juan Machado, David Sklar, Harun Dogo, and Avital Barnea.

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

**MEASURE READ THE FIRST
TIME—S. 2237**

Mr. DURBIN. Madam President, I understand that S. 2237, introduced earlier today by Senator REID of Nevada, is at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

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

Mr. DURBIN. Madam President, I ask for its second reading and 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.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 615, 616, 617, 618, 619, 620, 621, 622, 623, 625, 626, 627, and 628, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the Record; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Peter R. Masciola

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Mark A. Ediger

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Janet C. Wolfenbarger

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Colonel Ondra L. Berry
Colonel Allen D. Bolton
Colonel William D. Cobetto
Colonel Wade A. Lillegard
Colonel Thad L. Myers

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Steven A. Cray
Brigadier General William J. Crisler, Jr.
Brigadier General Jon F. Fago
Brigadier General Michael A. Loh
Brigadier General Eric W. Vollmecke

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General David W. Allvin
Brigadier General Howard B. Baker
Brigadier General Thomas W. Bergeson
Brigadier General Charles Q. Brown, Jr.