

“(ii) such shareholder’s net earnings from self-employment shall include such shareholder’s pro rata share of such items of income or loss, except that in computing such pro rata share of such items the exceptions provided in subsection (a) shall apply.

“(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary of the Treasury, the applicable shareholder’s pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such applicable shareholder’s family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

“(C) SPECIFIED S CORPORATION.—For purposes of this subsection, the term ‘specified S corporation’ means—

“(i) any S corporation (as defined in section 1361(a) of the Internal Revenue Code of 1986) which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership; and

“(ii) any other S corporation (as so defined) which is engaged in a professional service business if 75 percent or more of the gross income of such business is attributable to service of 3 or fewer shareholders of such corporation.

“(D) APPLICABLE SHAREHOLDER.—For purposes of this paragraph, the term ‘applicable shareholder’ means any shareholder whose modified adjusted gross income for the taxable year exceeds—

“(i) in the case of a shareholder making a joint return under section 6013 of the Internal Revenue Code of 1986 or a surviving spouse (as defined in section 2(a) of such Code), \$250,000,

“(ii) in the case of a married shareholder (as defined in section 7703 of such Code) filing a separate return, half of the dollar amount determined under clause (i), and

“(iii) in any other case, \$200,000.

“(2) PARTNERS.—

“(A) IN GENERAL.—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any applicable partner who provides substantial services with respect to such professional service business.

“(B) APPLICABLE PARTNER.—For purposes of this paragraph, the term ‘applicable partner’ means any partner whose modified adjusted gross income for the taxable year exceeds—

“(i) in the case of a partner making a joint return under section 6013 of the Internal Revenue Code of 1986 or a surviving spouse (as defined in section 2(a) of such Code), \$250,000,

“(ii) in the case of a married partner (as defined in section 7703 of such Code) filing a separate return, half of the dollar amount determined under clause (i), and

“(iii) in any other case, \$200,000.

“(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term ‘professional service business’ means any trade or business (or portion thereof) providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

“(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ‘modified adjusted gross income’ means adjusted gross income as determined under section 62 of the Internal Revenue Code of 1986—

“(A) determined without regard to any deduction allowed under section 164(f) of such Code, and

“(B) increased by the amount excluded from gross income under section 911(a)(1) of such Code.”.

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

SEC. 4. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 432—DESIGNATING APRIL 30, 2012, AS “DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS”

Mr. MENENDEZ (for himself, Mr. REID of Nevada, Mr. CRAPO, Mr. DURBIN, Mr. CASEY, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 432

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate “Día de los Niños”, or “Day of the Children”, on the 30th of April, in recognition and celebration of their country’s future—their children;

Whereas children represent the hopes and dreams of the people of the United States and children are the center of families in the United States;

Whereas the people of the United States should nurture and invest in children to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the 2010 Census report, there are more than 50,000,000 individuals of Hispanic descent living in the United States, more than 17,000,000 of those are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members, and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children’s Institute, serving as a voice for children, has worked with cities throughout the Nation to

declare April 30, 2012, to be “Día de los Niños: Celebrating Young Americans”, a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all of its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2012, as “Día de los Niños: Celebrating Young Americans”; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all people;

(B) are positive and uplifting, and help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another’s cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

SENATE RESOLUTION 433—DESIGNATING APRIL 2012 AS “NATIONAL CHILD ABUSE PREVENTION MONTH”

Ms. COLLINS (for herself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 433

Whereas in 2010, approximately 695,000 children were determined to be victims of abuse or neglect;

Whereas in 2010, more than 1,530 children died as a result of abuse or neglect;

Whereas in 2010, an estimated 79.4 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas in 2010, of the children under the age of 4 who died due to abuse or neglect, 47.7 percent were under the age of 1;

Whereas abused or neglected children have a higher risk for developing health problems in adulthood, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated one-third of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing other services to abused or neglected children, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect have long-term economic and societal costs: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2012 as “National Child Abuse Prevention Month”;

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2012 to be “National Child Abuse Prevention Month”; and

(4) should increase public awareness of prevention programs relating to child abuse and neglect, and continue to work with States to reduce the incidence of child abuse and neglect in the United States.

SENATE RESOLUTION 434—SUPPORTING THE GOAL OF PREVENTING AND EFFECTIVELY TREATING ALZHEIMER’S DISEASE BY THE YEAR 2025, AS ARTICULATED IN THE DRAFT NATIONAL PLAN TO ADDRESS ALZHEIMER’S DISEASE FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. WARNER (for himself, Ms. COLLINS, Mr. SANDERS, Ms. STABENOW, Mr. MENENDEZ, Ms. MIKULSKI, Mr. CASEY, Mrs. GILLIBRAND, and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 434

Whereas Alzheimer’s disease is the sixth leading cause of death in the United States;

Whereas Alzheimer’s disease is the only disease among the 10 leading causes of death in the United States that lacks a means of prevention or a cure, and the progression of which cannot be slowed;

Whereas more than 5,000,000 people in the United States suffer from Alzheimer’s disease;

Whereas, in 2011, 15,200,000 family members and friends provided 17,400,000,000 hours of unpaid care valued at \$210,500,000,000 to patients with Alzheimer’s disease and other dementias;

Whereas, by the year 2050, as many as 15,000,000 people in the United States will have Alzheimer’s disease if scientists do not make progress in the prevention or treatment of the disease;

Whereas the Federal Government spent an estimated \$140,000,000,000 under the Medicare and Medicaid programs to care for patients with Alzheimer’s disease in 2011;

Whereas spending relating to the treatment of Alzheimer’s disease under the Medicare and Medicaid programs is projected to be more than \$850,000,000,000 per year, in 2012 dollars, by the year 2050;

Whereas scientists working to find a cure for Alzheimer’s disease have already identified—

(1) more than 100 genes linked to Alzheimer’s disease;

(2) biomarkers to identify the people who are at risk for Alzheimer’s disease; and

(3) other promising leads in gene, protein, and drug therapies to benefit people who

have Alzheimer’s disease or are at risk for developing the disease;

Whereas an emphasis on early diagnosis, workforce training, education, and support for patients and the families of patients, as well as other programs and initiatives spearheaded by State and local governments, advocacy organizations, doctors, hospitals, and long-term care facilities, are already making a difference in reducing the burden of Alzheimer’s disease for patients, families, and communities;

Whereas the National Alzheimer’s Project Act (Public Law 111-375; 124 Stat. 4100), which Congress passed unanimously on December 15, 2010 and President Barack Obama signed into law on January 4, 2011, required the Secretary of Health and Human Services to create the first National Plan to Address Alzheimer’s Disease, and established the Advisory Council on Alzheimer’s Research, Care, and Services to assist the Secretary of Health and Human Services in this task;

Whereas, shortly after the National Alzheimer’s Project Act was enacted, the Department of Health and Human Services created the Interagency Group on Alzheimer’s Disease and Related Dementias to inform the National Plan to Address Alzheimer’s Disease;

Whereas, in formulating the draft National Plan to Address Alzheimer’s Disease, the Department of Health and Human Services, the Interagency Group on Alzheimer’s Disease and Related Dementias, and the Advisory Council on Alzheimer’s Research, Care, and Services focused on 3 main topics, long-term services and support, clinical care, and research; and

Whereas the draft National Plan to Address Alzheimer’s Disease includes—

(1) the bold and transformative goal of preventing and treating Alzheimer’s disease by the year 2025; and

(2) specific performance metrics to optimize the quality and efficiency of care, expand support for patients and families, enhance public awareness and engagement, track progress, and drive improvement: Now, therefore, be it

Resolved by the Senate That the Senate—

(1) supports the groundbreaking national goal of preventing and treating Alzheimer’s disease by the year 2025 and the other goals of the draft National Plan to Address Alzheimer’s Disease;

(2) finds that basic science, medical research, and therapy development, through enhanced research programs and expanded public-private partnerships, are necessary for—

(A) reaching the goal of preventing and treating Alzheimer’s disease by the year 2025; and

(B) identifying a definitive cure for Alzheimer’s disease;

(3) calls for further public awareness and understanding of Alzheimer’s disease;

(4) supports increased assistance for people with Alzheimer’s disease and the caregivers and families of those people; and

(5) encourages early diagnosis and access to high-quality care for people with Alzheimer’s disease.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m. to conduct a

committee hearing entitled “The Collapse of MF Global: Lessons Learned and Policy Implications.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 24, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “The Emergence of Online Video: Is It the Future?”

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

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Anatomy of a Fraud Bust: From Investigation to Conviction.”

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

AFRICAN AFFAIRS SUBCOMMITTEE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m., to hold an African Affairs subcommittee hearing entitled, “U.S. Policy to Counter the Lord’s Resistance Army.”

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

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate on April 24, 2012, at 10 a.m., in room SD-G50 of the Dirksen Senate Office Building, to conduct a hearing entitled “Examining the Constitutionality and Prudence of State and Local Governments Enforcing Immigration Law.”

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

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 24, 2012, at 10:15 a.m. in room SD-406 of the Dirksen Senate Office Building.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Paul Edenfield a member of my staff, be granted floor privileges for the duration of today’s session.