

technology by safety net providers and clinics; to the Committee on Finance.

By Mr. TESTER:

S. 3540. A bill to reduce Federal advertising budgets; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. JOHANNIS):

S. 3541. A bill to amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Mr. BLUNT):

S. 3542. A bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 3543. A bill to exempt from the Lacey Act Amendments of 1981 certain water transfers by the North Texas Municipal Water District and the Greater Texoma Utility Authority; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio (for himself, Mr. SCHUMER, and Ms. STABENOW):

S. 3544. A bill to make available funds from the Emergency Economic Stabilization Act of 2008 for funding pension benefits with respect to former employees of Delphi Corporation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. FRANKEN):

S. 3545. A bill to amend title 11 of the United States Code to clarify the rule allowing discharge as a nonpriority claim of governmental claims arising from the disposition of farm assets under chapter 12 bankruptcies; to the Committee on Finance.

By Mr. JOHNSON of South Dakota (for himself, Mr. AKAKA, Mr. TESTER, Mr. UDALL of New Mexico, and Mr. FRANKEN):

S. 3546. A bill to amend the Native American Programs Act of 1974 to reauthorize a provision to ensure the survival and continuing vitality of Native American languages; to the Committee on Indian Affairs.

By Mr. KERRY (for himself, Mr. LIEBERMAN, Mr. SANDERS, and Mr. BLUMENTHAL):

S. 3547. A bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA:

S. 3548. A bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994; to the Committee on Indian Affairs.

By Mrs. GILLIBRAND:

S. 3549. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide grants for the revitalization of waterfront brownfields, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself and Mr. HARKIN):

S. 3550. A bill to amend the Higher Education Act of 1965 to protect students from deceptive practices and high-pressure sales by institutions of higher education, to provide a waiting period for students to make enrollment decisions, to guard against misrepresentation, to standardize and elevate institutional disclosures, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself and Mr. CORKER):

S. 3551. A bill to require investigations into and a report on the September 11-13, 2012, attacks on the United States missions in Libya, Egypt, and Yemen, and for other purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself and Mr. ROBERTS):

S. 3552. A bill to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. BOXER (for herself and Mr. CORNYN):

S. Res. 554. A resolution calling on the Government of the People's Republic of China to facilitate the immediate and unconditional release of Gao Zhisheng, and for other purposes; to the Committee on Foreign Relations.

By Mr. CONRAD (for himself, Mr. ENZI, and Mr. CARDIN):

S. Res. 555. A resolution supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. Res. 556. A resolution expressing the sense of the Senate that foreign assistance funding to the Governments of Libya and Egypt should be suspended until the President certifies to Congress that both governments are providing proper security at United States embassies and consulates pursuant to the Vienna Convention on Consular Relations; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. LUGAR, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of Colorado, Mr. LIEBERMAN, Mr. KIRK, Mr. MCCAIN, and Mrs. BOXER):

S. Res. 557. A resolution honoring the contributions of Lodi Gyaltzen Gyari as Special Envoy of His Holiness the Dalai Lama and in promoting the legitimate rights and aspirations of the Tibetan people; to the Committee on Foreign Relations.

By Mr. REID:

S. Res. 558. A resolution congratulating the athletes from the State of Nevada and throughout the United States who participated in the 2012 Olympic and Paralympic Games as members of the United States Olympic and Paralympic Teams; to the Committee on Commerce, Science, and Transportation.

## ADDITIONAL COSPONSORS

S. 621

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 621, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes.

S. 755

At the request of Mr. WYDEN, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1171

At the request of Mr. SCHUMER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the

Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1324

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1324, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. CONRAD) 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. 1894

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 1910

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1910, a bill to provide benefits to domestic partners of Federal employees.

S. 1966

At the request of Ms. AYOTTE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1966, a bill to direct the Secretary of Homeland Security to reform the process for enrolling, activating, issuing, and renewing Transportation Worker Identification Credentials so that applicants are not required to visit a designated enrollment center more than once.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 2172

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2288

At the request of Ms. LANDRIEU, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2288, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3196

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3196, a bill to establish the National Women's High-Growth Business Bipartisan Task Force, and for other purposes.

S. 3197

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3197, a bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes.

S. 3204

At the request of Mr. JOHANNES, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3248

At the request of Mr. ENZI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3252

At the request of Mr. PORTMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 3252, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 3402

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3402, a bill to require the Secretary of Labor to maintain a publicly

available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 3426

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3426, a bill to amend the Truth in Lending Act to address certain issues related to the extension of consumer credit, and for other purposes.

S. 3457

At the request of Mr. NELSON of Florida, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

S. 3463

At the request of Mr. FRANKEN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3463, a bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries.

S. 3477

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3485

At the request of Mr. BROWN of Ohio, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3485, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 3522

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3522, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3536

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3536, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit for hiring veterans, and for other purposes.

S.J. RES. 50

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. ISAKSON) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S.J. Res. 50, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program.

S. RES. 543

At the request of Mrs. BOXER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 543, a resolution to express the sense of the Senate on international parental child abduction.

AMENDMENT NO. 2782

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 2782 intended to be proposed to S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

AMENDMENT NO. 2790

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2790 intended to be proposed to S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

AMENDMENT NO. 2801

At the request of Ms. SNOWE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2801 intended to be proposed to S. 3457, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3539. A bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics; to the Committee on Finance.

Mr. KERRY. Mr. President, the American Recovery and Reinvestment Act of 2009, ARRA, provided Medicare and Medicaid incentive payments to providers that adopt and meaningfully use electronic health records, EHRs, in their practices. While this program has helped thousands of providers, practices, and hospitals nationwide, many safety net providers and clinics have not been able to benefit from the Medicaid EHR incentives.

Safety net providers serve as a critical entry point into the health care system, and provide essential health care services for millions of low-income, uninsured and underinsured individuals. Given that Medicaid eligibility levels are so low in many States, it is difficult for many safety net providers to meet the 30 percent Medicaid threshold required to participate in the Medicaid EHR incentive program even though their patients are predominantly low-income. Congress addressed this problem only for practitioners working in federally-qualified health centers and rural health centers by creating a 30 percent "needy" threshold in ARRA for those providers. Unfortunately, ARRA fails to provide a similar standard for other providers serving low-income individuals.

The Medicaid Information Technology to Enhance Community Health, MITECH, Act of 2012 seeks to eliminate the barriers that prevent safety net providers from qualifying from Medicaid EHR incentives. Specifically, it would expand eligibility for meaningful use incentives to providers that practice predominantly in a qualified safety net clinic, QSNCL. The act defines a QSNCL as a clinic or network of clinics that is operated by a private non-profit or public entity and that has at least 30 percent of its patient volume attributable to needy individuals. The act also directs the Secretary of Health and Human Services to develop a methodology to allow these clinics to be eligible for meaningful use payments as an entity, similar to the current process that exists for hospitals.

I would like to thank the 13 national organizations who have been integral to the development of this legislation and who have endorsed it today, including the Association of State and Territorial Health Officials, the HIV Medicine Association, Mental Health America, the National Association of Public Hospitals, the National Family Planning and Reproductive Health Association, and the Trust for America's Health.

The MITECH Act will allow safety net clinics to better communicate with patients about necessary screenings, help ensure compliance with prescription drugs, and will strengthen the safety net which provides essential care to so many Americans. It is my hope that we can move forward with this bill in a bipartisan manner. I ask all of my colleagues to support this important legislation.

By Mr. GRASSLEY (for himself and Mr. FRANKEN):

S. 3545. A bill to amend title 11 of the United States Code to clarify the rule allowing discharge as a nonpriority claim of governmental claims arising from the disposition of farm assets under chapter 12 bankruptcies; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce, along with Senator FRANKEN, the Family Farmer Bank-

ruptcy Tax Clarification Act of 2012. This bill addresses the recent United States Supreme Court case *Hall v. United States*. In a 5-4 decision, the Supreme Court ruled the provision I inserted into the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act did not accomplish what we intended. The Family Farmer Bankruptcy Tax Clarification Act of 2012 corrects this and clarifies that bankrupt family farmers reorganizing their debts are able to treat capital gains taxes owed to a governmental unit, arising from the sale of farm assets during a bankruptcy, as general unsecured claims. This bill will remove the Internal Revenue Service's veto power over a bankruptcy reorganization plan's confirmation, giving the family farmer a chance to reorganize successfully.

In 1986 Congress enacted Chapter 12 of the Bankruptcy Code to provide a specialized bankruptcy process for family farmers. In 2005 Chapter 12 was made permanent. Between 1986 and 2005 we learned what aspects worked and did not work for family farmers reorganizing in bankruptcy. One problematic area was where a family farmer needed to sell assets in order to generate cash for the reorganization. Specifically, a family farmer would have to sell portions of the farm to generate cash to fund a reorganization plan so that the creditors could receive payment. Unfortunately, in situations like this, the family farmer is selling land that has been owned for a very long time, with a very low cost basis. Thus, when the land is sold, the family farmer is hit with a substantial capital gains tax, which is owed to the Internal Revenue Service.

Under the Bankruptcy Code, taxes owed to the Internal Revenue Service receive priority treatment. Holders of priority claims must receive payment in full, unless the claim holder agrees to be treated differently. This creates problems for the family farmer who needs the cash to pay creditors to reorganize. However, since the Internal Revenue Service has the ability to require full payment, they hold veto power over a plan's confirmation, which means in many instances the plan will not be confirmed. This does not make sense if the goal is to give the family farmer a fresh start. Thus, in 2005 Congress said that in these limited situations, the taxes owed to the Internal Revenue Service could be treated as general, unsecured debt. This removed the government's veto power over plan confirmation and paved the way for family farmers to reorganize successfully.

However, in *Hall v. United States*, the Supreme Court ruled that despite Congress's express goal of helping family farmers, the language inserted into the Bankruptcy Code in 2005 conflicted with the Tax Code. The *Hall* case was one of statutory interpretation. There is no question what Congress was trying to do; rather, did Congress use the