S. 1170

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New York (Mr. SCHUMER) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1170, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S. 1178

At the request of Mr. FLAKE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1178, a bill to prohibit implementation of a proposed rule relating to the definition of the term ''waters of the United States'' under the Clean Water Act, or any substantially similar rule, until a Supplemental Scientific Review Panel and Ephemeral and Intermittent Streams Advisory Committee produce certain reports, and for other purposes.

S. 1182

At the request of Mr. BLUNT, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1182, a bill to exempt application of JSA attribution rule in case of existing agreements.

S. 1193

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1193, a bill to amend the Internal Revenue Code of 1986 to make permanent and expand the temporary minimum credit rate for the low-income housing tax credit program.

S. 1212

At the request of Mr. CARDIN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1212, 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. 1300

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1300, a bill to amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa feeds in certain situations.

S. 1375

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1375, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1382

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1382, a bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1407

At the request of Mr. HELLER, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 1407, a bill to promote the development of renewable energy on public land, and for other purposes.

S. 1412

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1412, a bill to amend the Internal Revenue Code of 1986 to qualify homeless youth and veterans who are full-time students for purposes of the low income housing tax credit.

S. CON. RES. 4

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 134

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 134, a resolution expressing the sense of the Senate that the President and the Secretary of State should ensure that the Government of Canada does not permanently store nuclear waste in the Great Lakes Basin.

S. RES. 143

At the request of Mr. SCHATZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 143, a resolution supporting efforts to ensure that students have access to debt-free higher education.

AMENDMENT NO. 1455

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 1455 intended to be proposed to H.R. 2048, a bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1476. A bill to require States to report to the Attorney General certain information regarding shooting incidents involving law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. BOOKER. Mr. President, I am proud to join with Senator BOXER to introduce the Police Reporting of Information, Data, and Evidence Act of 2015, PRIDE Act, a critical data collection bill designed to advance public safety, strengthen police-community relations, and foster mutual trust and respect. I thank Senator BOXER for her leadership on this issue.

A critical issue in our Nation today is the issue of trust between law enforcement and the communities they serve. Tragic events across the country—in New York, Ferguson, North Charleston, Baltimore, and subsequent protests—remind us how critical trust is to the fabric of a democracy. These incidents raised the public's awareness and sparked a national debate about how police and citizens interact and how they should interact. But the issue is not unique now. The Kerner Commission's 1968 report on urban violence declared that minorities believed a ''double standard'' of justice and protection existed for whites and blacks. Sadly, that distrust continues today. It is contrary to who we are and what we stand for.

Our nation was founded on shared and timeless values. Liberty and justice for all. Equal justice under law. The former was enshrined in our founding charter. The latter was written on the marble of Supreme Court. But when any American feels that they have not been treated fairly, we undermine those values. That makes the issue of police and community relations a problem for all of us—not just a specific city or a specific race. It is a problem for the Nation as a whole. We must do all we can to restore justice to our criminal justice system. That includes tracking when officers use deadly or serious force against people in the community.

We must ensure that police officers feel respected and honored. Each day, law enforcement officers put their lives on the line to keep our communities safe. They deserve our respect. They should not feel attacked or undervalued. They routinely make split-second decisions every day that do not escalate into uses of force. As the senseless killings of NYPD Officers Rafael Ramos and Wanjian Liu remind us, officers often serve the public at considerable personal risk. We should provide them with the tools they need to do their jobs effectively and safely. That includes tracking the uses of force by civilians against our men and women in uniform.

To bridge the wide trust gap between law enforcement and citizens, we must shine a light on the problem. The first step to solve any problem is to be honest about the facts. We need objective data. We need to study trends. We need to examine the evidence. That is why I am encouraged by the words of FBI Director, James Comey, who said ''We simply must find ways to see each other more clearly. Part of that has to involve collecting and sharing better

information about encounters between police and citizens, especially violent encounters.''

For too long, the way we have collected information and data from States and local governments on violent encounters between law enforcement and civilians has been inconsistent. Under current law, demographic data regarding officer-involved shootings is inconsistently reported to the FBI under the Uniform Crime Reporting Program. According to a study by the Washington Post this month, since 2011, less than three percent of the Nation's 18,000 State and local police agencies reported fatal shootings by their officers to the FBI. That is unacceptable. Incomplete and unreliable reporting makes it tougher to get a true scope of the problem and more difficult to obtain a policy solution.

The PRIDE Act would fix that problem and increase accountability for law enforcement by creating a comprehensive national data collection program. It would require law enforcement at the State, local, and tribal levels to report to the Attorney General information regarding police-involved shootings and any incident in which use of force by or against a law enforcement officer or civilian results in serious injury or death. By making the voluntary reporting of uses of force by, and against, police officers mandatory, we ensure that more accountability and transparency will exist between the police and the citizens they protect.

I have worked closely with Senator BOXER on crafting this legislation, and appreciate my friend and colleague welcoming several recommendations to strengthen the bill, including clarifications that use-of-force policies for law enforcement officers be made publicly available. I believe this change would promote transparency. It shines a spotlight on the scope of shootings and uses of force involving police and civilians, which in turn enhances public confidence in our justice system.

I also appreciate that the bill includes grant funds for public awareness campaigns designed to gain information from the public on uses of force against police officers. This was a recommendation drawn from being a former mayor. I have seen first-hand how helpful tip lines, hotlines, and public service announcements can be in helping law enforcement capture dangerous people. When someone uses violence against our men and women in uniform, we must respond quickly. That means we should do all that we can to ensure that information on the suspect gets out to the public in a timely manner. That way, the offender can promptly be caught and brought to justice.

Lastly, I recommended the bill include grant funds for use of force training for law enforcement agencies and personnel, including de-escalation training. Officers deserve to receive the best and most up to date training we can offer. They must feel confident that they are trained to use force in a way that allows them to safely come home to their families. Equally, the public deserves to have confidence that when an officer uses force he or she does so appropriately. That means training officers to ensure that force is a last resort and officers know how to de-escalate a situation to avoid using force at all.

Many of the bill's provisions were recommendations from the President's Task Force on 21st Century Policing. It put forth a series of recommendations aimed at rebuilding trust between the law enforcement officers and the communities they protect. Its recommendations included use of force data collection, de-escalation training, transparency, and officer safety measures. I am glad that many of the task force recommendations were included in this bill.

It is time we address the plague of shootings by and against police officers in our country. We must come together to ensure that we do see each other clearly and restore public confidence in our system of justice. The first step is to shine a light on the problem and collect accurate data. I thank Senator BOXER again for her leadership, and I urge my colleagues to support the PRIDE Act and work towards its speedy passage.

By Mr. DURBIN (for himself and Mr. WHITEHOUSE):

S. 1481. A bill to direct the Administrator of the Federal Emergency Management Agency to enter into an agreement with the National Academy of Sciences to conduct a study on urban flooding, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. 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. 1481

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 ''Urban Flooding Awareness Act of 2015''.

SEC. 2. URBAN FLOODING DEFINED.

(a) IN GENERAL.—In this Act, the term ''urban flooding'' means the inundation of property in a built environment, particularly in more densely populated areas, caused by rain falling on increased amounts of impervious surface and overwhelming the capacity of drainage systems, such as storm sewers.

(b) INCLUSIONS.—In this Act, the term ''urban flooding'' includes—

(1) situations in which stormwater enters buildings through windows, doors, or other openings;

(2) water backup through sewer pipes, showers, toilets, sinks, and floor drains;

(3) seepage through walls and floors;

(4) the accumulation of water on property or public rights-of-way; and

(5) the overflow from water bodies, such as rivers and lakes.

(c) EXCLUSION.—In this Act, the term ''urban flooding'' does not include flooding in undeveloped or agricultural areas.

SEC. 3. URBAN FLOODING STUDY.

(a) AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.—The Administrator of the Federal Emergency Management Agency shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences will conduct a study on urban flooding in accordance with the requirements of this section. The primary focus of the study shall be on urban areas outside of special flood hazard areas, as defined by the Federal Emergency Management Agency.

(b) CONTENTS.—

(1) GENERAL REVIEW AND EVALUATION.—In conducting the study, the National Academy of Sciences shall review and evaluate the latest available research, laws, regulations, policies, best practices, procedures, and institutional knowledge regarding urban flooding.

(2) SPECIFIC ISSUE AREAS.—The study shall include, at a minimum, an examination of the following:

(A) The prevalence and costs associated with urban flooding events across the United States, with a focus on the largest metropolitan areas and any clear trends in frequency and severity over the past 2 decades.

(B) The adequacy of existing federally provided flood risk information and the most cost effective methods and products to identify, map, or otherwise characterize the risk of property damage from urban flooding on a property-by-property basis, whether or not a property is in or adjacent to a 1-percent (100-year) flood plain, and the potential for training and certifying local experts in flood risk characterization as a service to property purchasers and owners and their communities.

(C) The causes of urban flooding and its apparent increase over the past 20 years, including the impacts of—

(i) global climate change;

(ii) increasing urbanization and the associated increase in impervious surfaces; and

(iii) undersized, deteriorating, and otherwise ineffective stormwater infrastructure.

(D) The most cost-effective strategies, practices, technologies, policies, standards, or rules used to reduce the impacts of urban flooding, with a focus on decentralized, easy-to-install, and low-cost approaches, such as nonstructural and natural infrastructure on public and private property. The examination under this subparagraph shall include an assessment of opportunities for implementing innovative strategies and practices on government-controlled land, such as Federal, State, and local roads, parking lots, alleys, sidewalks, buildings, recreational areas, and open space.

(E) The role of the Federal Government and State governments, as conveners, funders, and advocates, in spurring market innovations based on public-private-nonprofit partnerships. Such innovations may include smart home technologies for improved flood warning systems connected to high-resolution weather forecast data and Internet- and cellular-based communications systems.

(F) The most sustainable and effective methods for funding flood risk and flood damage reduction at all levels of government, including—

(i) the potential for establishing a State revolving fund program for flood prevention projects similar to the revolving fund programs under the Federal Water Pollution Control Act and the Safe Drinking Water Act;

(ii) stormwater fee programs using impervious surface as the basis for fee rates and

providing credits for the installation of flood prevention or other stormwater management features;

(iii) grant programs; and

(iv) public-private partnerships.

(G) Information and education strategies and practices, including nontraditional approaches such as the use of community colleges and social media, for community leaders, government staff, and property owners on—

(i) flood risks;

(ii) flood risk reduction strategies and practices; and

(iii) the availability and effectiveness of different types of flood insurance policies.

(H) The relevance of the National Flood Insurance Program and Community Rating System to urban flooding areas outside traditional flood plains, and strategies for improving compliance, broadening coverage, and increasing participation under the programs.

(I) Strategies for protecting communities in the lower elevations of a watershed or drainage area from the flooding impacts of development in upstream communities, including a review of—

(i) potential standards for watershed-wide flood protection planning; and

(ii) cost-effective and equitable legal options for a downstream community when upstream communities act in a way that increases flooding downstream.

(J) Cost-effective strategies for reducing infiltration/inflow into combined and separate sewer systems.

(K) Opportunities to increase coordination between stormwater management programming under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and flood risk management and mitigation programming under various laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

(c) CONSULTATION.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall carry out this section in consultation with the Secretary of the Army (acting through the Chief of Engineers), the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Director of the United States Geological Survey, the Chief of the Natural Resources Conservation Service, the Small Business Administration, State, regional, and local stormwater management agencies, State insurance commissioners, and such other interested parties as the Administrator of the Federal Emergency Management Agency considers appropriate.

(2) COOPERATION.—The head of each Federal agency referred to in paragraph (1) shall cooperate with the Administrator of the Federal Emergency Management Agency in carrying out this section as requested by the Administrator.

(d) REPORT TO CONGRESS.—Not later than December 31, 2016, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Financial Services and the Committee on Appropriations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate a report containing the findings of the National Academy of Sciences based on the results of the study, including recommendations for implementation of strategies, practices, and technologies relating to urban flooding by Congress and the executive branch.

By Mr. GRASSLEY (for himself, Mr. LEAHY, and Mr. LEE):

S. 1482. A bill to improve and reauthorize provisions relating to the application of the antitrust laws to the award of need-based educational aid; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to introduce the Need-Based Educational Aid Act of 2015, a bill that extends the Section 568 antitrust exemption for higher education institutions. I am pleased that Senator LEAHY and Senator LEE are cosponsoring this bill.

The Section 568 exemption enables colleges and universities to collaborate on need-blind financial aid policies. It allows these institutions to collaborate on a common formula for calculating a family's ability to pay for college, by permitting certain specific activities. The exemption was enacted in 1994, and since then has been reauthorized by Congress on three occasions. In addition, a 2006 GAO report found that the activities permitted by Section 568 did not result in harm to competition.

Our bill would provide a 7-year extension for this exemption, and also remove one of the four previously permitted activities under the exemption that no school has ever used. By allowing financial aid professionals to work together in these ways, Section 568 provides increased access to higher education to low-income students, while preventing needless litigation over the development of principles for determining financial need.

I am proud to introduce this important, bipartisan bill, which will ensure these benefits remain available for students and will encourage access to higher education for years to come.

I thank my colleagues, Senators LEAHY and LEE, for their support of this effort.

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. 1482

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 ''Need-Based Educational Aid Act of 2015''.

SEC. 2. EXTENSION RELATING TO THE APPLICATION OF THE ANTRITRUST LAWS TO THE AWARD OF NEED-BASED EDUCATIONAL AID.

Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or'' after the semicolon;

(B) in paragraph (3), by striking ''; or'' and inserting a period at the end; and

(C) by striking paragraph (4); and

(2) in subsection (d), by striking ''2015'' and inserting ''2022''.

Mr. LEAHY. Mr. President, today I am joining with Senators GRASSLEY and LEE in introducing legislation to extend for an additional 7 years the antitrust exemption permitting colleges and universities to collaborate on issues of need-based financial aid. This exemption, which was first enacted by Congress in 1994, allows colleges and universities that admit students on a need-blind basis to collaborate on the formula used to determine how much families can pay for college. The Need-Based Educational Aid Act of 2015 is the fourth reauthorization of this exemption, which is set to expire this year.

Congress must always carefully consider the benefits and drawbacks of creating exemptions to the antitrust laws. These laws serve as an important bulwark to protect consumers from anticompetitive conduct. The Government Accountability Office has studied the effect of this particular exemption in the past and concluded that allowing universities to talk among themselves about financial aid policies and procedures has not caused any harm.

Antitrust exemptions should not be a blank check, however, which is why this exemption is not permanent. Our legislation will sunset the exemption once again in 2022 and we have removed one of the permitted activities that no school has ever used. A time-limited exemption ensures that Congress will continue to conduct oversight in order to assess the impact on consumers. I have long been skeptical of permanent antitrust exemptions and the effect they have on the marketplace. For example, I have worked for years with a number of Senators from both parties to repeal the McCarran-Ferguson Act, a permanent exemption for the insurance industry in place since 1945.

Allowing covered universities to focus their resources on ensuring the most qualified students can attend some of the best schools in the nation, regardless of family income, is a bipartisan and bicameral goal. I thank Congressmen SMITH and JOHNSON for introducing this bill in the House and urge the Senate to pass this narrow legislation.

By Mr. DURBIN (for himself, Mr. BROWN, Mr. REED, Ms. WARREN, Mr. SANDERS, and Ms. BALDWIN):

S. 1486. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to Patriot employers, and for other purposes; to the Committee on Finance.

Mr. DURBIN. 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. 1486

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 ''Patriot Employer Tax Credit Act''.

SEC. 2. PATRIOT EMPLOYER TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45S. PATRIOT EMPLOYER TAX CREDIT.

''(a) DETERMINATION OF AMOUNT.—

''(1) IN GENERAL.—For purposes of section 38, the Patriot employer credit determined under this section with respect to any taxpayer who is a Patriot employer for any taxable year shall be equal to 10 percent of the qualified wages paid or incurred by the Patriot employer.

''(2) LIMITATION.—The amount of qualified wages which may be taken into account under paragraph (1) with respect to any employee for any taxable year shall not exceed $15,000.

''(b) PATRIOT EMPLOYER.—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer—

''(A) which—

''(i) maintains its headquarters in the United States if the taxpayer (or any predecessor) has ever been headquartered in the United States, and

''(ii) is not (and no predecessor of which is) an expatriated entity (as defined in section 7874(a)(2)) for the taxable year or any preceding taxable year ending after March 4, 2003,

''(B) with respect to which no assessable payment has been imposed under section 4980H with respect to any month occurring during the taxable year, and

''(C) in the case of—

''(i) a taxpayer which employs an average of more than 50 employees on business days during the taxable year, which—

''(I) provides compensation for at least 90 percent of its employees for services provided by such employees during the taxable year at an hourly rate (or equivalent thereof) not less than an amount equal to 156 percent of the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2,080,

''(II) meets the retirement plan requirements of subsection (c) with respect to at least 90 percent of its employees providing services during the taxable year who are not highly compensated employees, and

''(III) meets the additional requirements of subparagraphs (A) and (B) of paragraph (2), or

''(ii) any other taxpayer, which meets the requirements of either subclause (I) or (II) of clause (i) for the taxable year.

''(2) ADDITIONAL REQUIREMENTS FOR LARGE EMPLOYERS.—

''(A) UNITED STATES EMPLOYMENT.—The requirements of this subparagraph are met for any taxable year if—

''(i) in any case in which the taxpayer increases the number of employees performing substantially all of their services for the taxable year outside the United States, the taxpayer either—

''(I) increases the number of employees performing substantially all of their services inside the United States by an amount not less than the increase in such number for employees outside the United States, or

''(II) has a percentage increase in such employees inside the United States which is not less than the percentage increase in such employees outside the United States,

''(ii) in any case in which the taxpayer decreases the number of employees performing substantially all of their services for the taxable year inside the United States, the taxpayer either—

''(I) decreases the number of employees performing substantially all of their services outside the United States by an amount not less than the decrease in such number for employees inside the United States, or

''(II) has a percentage decrease in employees outside the United States which is not less than the percentage decrease in such employees inside the United States, and

''(iii) there is not a decrease in the number of employees performing substantially all of their services for the taxable year inside the United States by reason of the taxpayer contracting out such services to persons who are not employees of the taxpayer.

''(B) TREATMENT OF INDIVIDUALS IN THE UNIFORMED SERVICES AND THE DISABLED.—The requirements of this subparagraph are met for any taxable year if—

''(i) the taxpayer provides differential wage payments (as defined in section 3401(h)(2)) to each employee described in section 3401(h)(2)(A) for any period during the taxable year in an amount not less than the difference between the wages which would have been received from the employer during such period and the amount of pay and allowances which the employee receives for service in the uniformed services during such period, and

''(ii) the taxpayer has in place at all times during the taxable year a written policy for the recruitment of employees who have served in the uniformed services or who are disabled.

''(3) SPECIAL RULES FOR APPLYING THE MINIMUM WAGE AND RETIREMENT PLAN REQUIREMENTS.—

''(A) MINIMUM WAGE.—In determining whether the minimum wage requirements of paragraph (1)(C)(i)(I) are met with respect to 90 percent of a taxpayer's employees for any taxable year—

''(i) a taxpayer may elect to exclude from such determination apprentices or learners that an employer may exclude under the regulations under section 14(a) of the Fair Labor Standards Act of 1938, and

''(ii) if a taxpayer meets the requirements of paragraph (2)(B)(i) with respect to providing differential wage payments to any employee for any period (without regard to whether such requirements apply to the taxpayer), the hourly rate (or equivalent thereof) for such payments shall be determined on the basis of the wages which would have been paid by the employer during such period if the employee had not been providing service in the uniformed services.

''(B) RETIREMENT PLAN.—In determining whether the retirement plan requirements of paragraph (1)(C)(i)(II) are met with respect to 90 percent of a taxpayer's employees for any taxable year, a taxpayer may elect to exclude from such determination—

''(i) employees not meeting the age or service requirements under section 410(a)(1) (or such lower age or service requirements as the employer provides), and

''(ii) employees described in section 410(b)(3).

''(c) RETIREMENT PLAN REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of this subsection are met for any taxable year with respect to an employee of the taxpayer who is not a highly compensated employee if the employee is eligible to participate in 1 or more applicable eligible retirement plans maintained by the employer for a plan year ending with or within the taxable year.

''(2) APPLICABLE ELIGIBLE RETIREMENT PLAN.—For purposes of this subsection, the term 'applicable eligible retirement plan' means an eligible retirement plan which, with respect to the plan year described in paragraph (1), is either—

''(A) a defined contribution plan which—

''(i) requires the employer to make nonelective contributions of at least 5 percent of the compensation of the employee, or

''(ii) both—

''(I) includes an eligible automatic contribution arrangement (as defined in section 414(w)(3)) under which the uniform percentage described in section 414(w)(3)(B) is at least 5 percent, and

''(II) requires the employer to make matching contributions of 100 percent of the elective deferrals (as defined in section 414(u)(2)(C)) of the employee to the extent such deferrals do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

''(B) a defined benefit plan—

''(i) with respect to which the accrued benefit of the employee derived from employer contributions, when expressed as an annual retirement benefit, is not less than the product of—

''(I) the lesser of 2 percent multiplied by the employee's years of service (determined under the rules of paragraphs (4), (5), and (6) of section 411(a)) with the employer or 20 percent, multiplied by

''(II) the employee's final average pay, or

''(ii) which is an applicable defined benefit plan (as defined in section 411(a)(13)(B))—

''(I) which meets the interest credit requirements of section 411(b)(5)(B)(i) with respect to the plan year, and

''(II) under which the employee receives a pay credit for the plan year which is not less than 5 percent of compensation.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' has the meaning given such term by section 402(c)(8)(B), except that in the case of an account or annuity described in clause (i) or (ii) thereof, such term shall only include an account or annuity which is a simplified employee pension (as defined in section 408(k)).

''(B) FINAL AVERAGE PAY.—For purposes of paragraph (2)(B)(i)(II), final average pay shall be determined using the period of consecutive years (not exceeding 5) during which the employee had the greatest compensation from the taxpayer.

''(C) ALTERNATIVE PLAN DESIGNS.—The Secretary may prescribe regulations for a taxpayer to meet the requirements of this subsection through a combination of defined contribution plans or defined benefit plans described in paragraph (1) or through a combination of both such types of plans.

''(D) PLANS MUST MEET REQUIREMENTS WITHOUT TAKING INTO ACCOUNT SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS AND BENEFITS.—A rule similar to the rule of section 416(e) shall apply.

''(d) QUALIFIED WAGES AND COMPENSATION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified wages' means wages (as defined in section 51(c), determined without regard to paragraph (4) thereof) paid or incurred by the Patriot employer during the taxable year to employees—

''(A) who perform substantially all of their services for such Patriot employer inside the United States, and

''(B) with respect to whom—

''(i) in the case of a Patriot employer which employs an average of more than 50 employees on business days during the taxable year, the requirements of subclauses (I) and (II) of subsection (b)(1)(C)(i) are met, and

''(ii) in the case of any other Patriot employer, the requirements of either subclause (I) or (II) of subsection (b)(1)(C)(i) are met.

''(2) SPECIAL RULES FOR AGRICULTURAL LABOR AND RAILWAY LABOR.—Rules similar to the rules of section 51(h) shall apply.

''(3) COMPENSATION.—For purposes of subsections (b)(1)(C)(i)(I) and (c), the term 'compensation' has the same meaning as qualified wages, except that section 51(c)(2) shall be disregarded in determining the amount of such wages.

''(e) AGGREGATION RULES.—For purposes of this section—

''(1) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of

section 52 shall be treated as a single taxpayer.

''(2) SPECIAL RULES FOR CERTAIN REQUIREMENTS.—For purposes of applying paragraphs (1)(A) and (2)(A) of subsection (b)—

''(A) the determination under subsections (a) and (b) of section 52 for purposes of paragraph (1) shall be made without regard to section 1563(b)(2)(C) (relating to exclusion of foreign corporations), and

''(B) if any person treated as a single taxpayer under this subsection (after application of subparagraph (A)), or any predecessor of such person, was an expatriated entity (as defined in section 7874(a)(2)) for any taxable year ending after March 4, 2003, then all persons treated as a single taxpayer with such person shall be treated as expatriated entities.

''(f) ELECTION TO HAVE CREDIT NOT APPLY.—

''(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

''(2) TIME FOR MAKING ELECTION.—An election under paragraph (1) for any taxable year may be made (or revoked) at any time before the expiration of the 3-year period beginning on the last date prescribed by law for filing the return for such taxable year (determined without regard to extensions).

''(3) MANNER OF MAKING ELECTION.—An election under paragraph (1) (or revocation thereof) shall be made in such manner as the Secretary may by regulations prescribe.''.

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following:

''(37) in the case of a Patriot employer (as defined in section 45S(b)) for any taxable year, the Patriot employer credit determined under section 45S(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Subsection (a) of section 280C of the Internal Revenue Code of 1986 is amended by inserting ''45S(a),'' after ''45P(a)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 3. DEFER DEDUCTION OF INTEREST EXPENSE RELATED TO DEFERRED INCOME.

(a) IN GENERAL.—Section 163 of the Internal Revenue Code of 1986 (relating to deductions for interest expense) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) DEFERRAL OF DEDUCTION FOR INTEREST EXPENSE RELATED TO DEFERRED INCOME.—

''(1) GENERAL RULE.—The amount of foreign-related interest expense of any taxpayer allowed as a deduction under this chapter for any taxable year shall not exceed an amount equal to the applicable percentage of the sum of—

''(A) the taxpayer's foreign-related interest expense for the taxable year, plus

''(B) the taxpayer's deferred foreign-related interest expense.

For purposes of the paragraph, the applicable percentage is the percentage equal to the current inclusion ratio.

''(2) TREATMENT OF DEFERRED DEDUCTIONS.—If, for any taxable year, the amount of the limitation determined under paragraph (1) exceeds the taxpayer's foreign-related interest expense for the taxable year, there shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

''(A) such excess, or

''(B) the taxpayer's deferred foreign-related interest expense.

''(3) DEFINITIONS AND SPECIAL RULE.—For purposes of this subsection—

''(A) FOREIGN-RELATED INTEREST EXPENSE.—The term 'foreign-related interest expense' means, with respect to any taxpayer for any taxable year, the amount which bears the same ratio to the amount of interest expense for such taxable year allocated and apportioned under sections 861, 864(e), and 864(f) to income from sources outside the United States as—

''(i) the value of all stock held by the taxpayer in all section 902 corporations with respect to which the taxpayer meets the ownership requirements of subsection (a) or (b) of section 902, bears to

''(ii) the value of all assets of the taxpayer which generate gross income from sources outside the United States.

''(B) DEFERRED FOREIGN-RELATED INTEREST EXPENSE.—The term 'deferred foreign-related interest expense' means the excess, if any, of the aggregate foreign-related interest expense for all prior taxable years beginning after December 31, 2015, over the aggregate amount allowed as a deduction under paragraphs (1) and (2) for all such prior taxable years.

''(C) VALUE OF ASSETS.—Except as otherwise provided by the Secretary, for purposes of subparagraph (A)(ii), the value of any asset shall be the amount with respect to such asset determined for purposes of allocating and apportioning interest expense under sections 861, 864(e), and 864(f).

''(D) CURRENT INCLUSION RATIO.—The term 'current inclusion ratio' means, with respect to any domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to one or more section 902 corporations for any taxable year, the ratio (expressed as a percentage) of—

''(i) the sum of all dividends received by the domestic corporation from all such section 902 corporations during the taxable year plus amounts includible in gross income under section 951(a) from all such section 902 corporations, in each case computed without regard to section 78, divided by

''(ii) the aggregate amount of post-1986 undistributed earnings.

''(E) AGGREGATE AMOUNT OF POST-1986 UNDISTRIBUTED EARNINGS.—The term 'aggregate amount of post-1986 undistributed earnings' means, with respect to any domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to one or more section 902 corporations, the domestic corporation's pro rata share of the post-1986 undistributed earnings (as defined in section 902(c)(1)) of all such section 902 corporations.

''(F) FOREIGN CURRENCY CONVERSION.—For purposes of determining the current inclusion ratio, and except as otherwise provided by the Secretary, the aggregate amount of post-1986 undistributed earnings for the taxable year shall be determined by translating each section 902 corporation's post-1986 undistributed earnings into dollars using the average exchange rate for such year.

''(G) SECTION 902 CORPORATION.—The term 'section 902 corporation' has the meaning given to such term by section 909(d)(5).

''(4) TREATMENT OF AFFILIATED GROUPS.—The current inclusion ratio of each member of an affiliated group (as defined in section 864(e)(5)(A)) shall be determined as if all members of such group were a single corporation.

''(5) APPLICATION TO SEPARATE CATEGORIES OF INCOME.—This subsection shall be applied separately with respect to the categories of income specified in section 904(d)(1).

''(6) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance providing—

''(A) for the proper application of this subsection with respect to changes in ownership of a section 902 corporation,

''(B) that certain corporations that otherwise would not be members of the affiliated group will be treated as members of the affiliated group for purposes of this subsection,

''(C) for the proper application of this subsection with respect to the taxpayer's share of a deficit in earnings and profits of a section 902 corporation,

''(D) for appropriate adjustments to the determination of the value of stock in any section 902 corporation for purposes of this subsection or to the foreign-related interest expense to account for income that is subject to tax under section 882(a)(1), and

''(E) for the proper application of this subsection with respect to interest expense that is directly allocable to income with respect to certain assets.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1463. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1464. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1463 submitted by Mr. MCCAIN and intended to be proposed to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1465. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 submitted by Mr. MCCAIN and intended to be proposed to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1466. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1463 submitted by Mr. MCCAIN and intended to be proposed to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1467. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1468. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1463 submitted by Mr. MCCAIN and intended to be proposed to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1469. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1463 submitted by Mr. MCCAIN and intended to be proposed to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1470. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1463 submitted by Mr. MCCAIN and intended to be proposed to the bill H.R. 1735, supra; which was ordered to lie on the table.

SA 1471. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 286, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; which was ordered to lie on the table.

SA 1472. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1463 submitted by Mr. MCCAIN and intended to be proposed to the bill H.R. 1735, to authorize appropriations for fiscal year 2016 for military activities of the Department of