

section 13(3) of the Federal Reserve Act (12 U.S.C. 343) and with funding authorized under section 4003 of the CARES Act (Public Law 116-136), including the Primary Market Corporate Credit Facility and the Secondary Market Corporate Credit Facility.

(B) EXCEPTION.—Subparagraph (A) shall not apply if the inverted domestic corporation makes an election under section 7701(p)(1) of the Internal Revenue Code of 1986.

(C) APPLICABILITY.—This paragraph shall apply to participation in any program or facility described in subparagraph (A) established before, on, or after the date of enactment of this Act.

(b) ELECTION TO TREAT INVERTED DOMESTIC CORPORATIONS AS DOMESTIC CORPORATIONS.—

(1) INVERTED DOMESTIC CORPORATIONS.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

“(p) INVERTED DOMESTIC CORPORATIONS.—

“(1) ELECTION TO BE TREATED AS A DOMESTIC CORPORATION.—

“(A) IN GENERAL.—Notwithstanding paragraphs (4) and (5) of subsection (a), an inverted domestic corporation may elect to be treated as a domestic corporation for taxable years beginning with the last taxable year which begins before January 1, 2018.

“(B) ELECTION.—An election under this subsection—

“(i) shall be made not later than 30 days after the date of the enactment of this subsection, and

“(ii) once made, shall be irrevocable.

“(C) TIME FOR FILING RETURNS AND PAYMENT OF TAXES.—Notwithstanding sections 6072 and 6151, any return for any taxable year ending before the date described in subparagraph (B)(i), and any payment of taxes or penalties, shall not be considered due before January 1, 2021.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, the term ‘inverted domestic corporation’ means any foreign corporation which, pursuant to a plan (or a series of related transactions)—

“(A) completes after March 4, 2003, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, either—

“(i) more than 50 percent of the stock (by vote or value) of the corporation is held—

“(I) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(II) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, or

“(ii) the management and control of the expanded affiliated group which includes the corporation occurs, directly or indirectly, primarily within the United States, and such expanded affiliated group has significant domestic business activities.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—Such term shall not include a foreign corporation described in paragraph (2) if after the acquisition the expanded affiliated group which includes the corporation has substantial business activities in the foreign country in which or under the law of which the corporation is created or organized when compared to the total

business activities of such expanded affiliated group. For purposes of the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on January 18, 2017, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.

“(4) MANAGEMENT AND CONTROL.—For purposes of paragraph (2)(B)(ii)—

“(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of determining cases in which the management and control of an expanded affiliated group is to be treated as occurring, directly or indirectly, primarily within the United States. The regulations prescribed under the preceding sentence shall apply to periods after March 4, 2003.

“(B) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—Such regulations shall provide that the management and control of an expanded affiliated group shall be treated as occurring, directly or indirectly, primarily within the United States if substantially all of the executive officers and senior management of the expanded affiliated group who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the expanded affiliated group are based or primarily located within the United States. Individuals who in fact exercise such day-to-day responsibilities shall be treated as executive officers and senior management regardless of their title.

“(5) SIGNIFICANT DOMESTIC BUSINESS ACTIVITIES.—For purposes of paragraph (2)(B)(ii), an expanded affiliated group has significant domestic business activities if at least 25 percent of—

“(A) the employees of the group are based in the United States,

“(B) the employee compensation incurred by the group is incurred with respect to employees based in the United States,

“(C) the assets of the group are located in the United States, or

“(D) the income of the group is derived in the United States,

determined in the same manner as such determinations are made for purposes of determining substantial business activities under regulations referred to in paragraph (3) as in effect on January 18, 2017, but applied by treating all references in such regulations to ‘foreign country’ and ‘relevant foreign country’ as references to ‘the United States’. The Secretary may issue regulations decreasing the threshold percent in any of the tests under such regulations for determining if business activities constitute significant domestic business activities for purposes of this paragraph.

“(6) DEFINITIONS AND OTHER RULES.—

“(A) EXPANDED AFFILIATED GROUP.—The term ‘expanded affiliated group’ has the meaning give such term under section 7874(c)(1).

“(B) OTHER RULES.—Rules similar to the rules of paragraphs (2), (3), (5), and (6) of section 7874(c) shall apply for purposes of this subsection.”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1676. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table.

SA 1677. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, to improve and reform policing practices, accountability, and transparency; which was ordered to lie on the table.

SA 1678. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, supra; which was ordered to lie on the table.

SA 1679. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, supra; which was ordered to lie on the table.

SA 1680. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, supra; which was ordered to lie on the table.

SA 1681. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1682. Ms. WARREN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1683. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1684. Ms. DUCKWORTH (for herself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1685. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1686. Ms. DUCKWORTH (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1687. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1688. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1689. Mr. BLUMENTHAL (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1690. Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Ms. WARREN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1691. Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mrs. GILLIBRAND, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1692. Ms. HIRONO (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1693. Mr. MORAN (for himself, Mr. UDALL, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. CAPITO, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1694. Mr. MORAN (for himself and Mr. TESTER) submitted an amendment intended

WYDEN) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1759. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1760. Mr. MORAN (for himself, Mr. TESTER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1761. Mr. MORAN (for himself and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1762. Mr. MURPHY (for himself, Mr. BLUMENTHAL, Ms. WARREN, Mr. MARKEY, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1763. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1764. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1765. Mr. HOEVEN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1766. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1767. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1768. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1769. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1770. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1771. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1772. Mr. SCHATZ (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1773. Mr. SCHATZ (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1774. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1775. Mr. BLUMENTHAL (for himself, Mr. BROWN, Mr. DURBIN, Ms. HIRONO, Mr. CASEY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1776. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1777. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1778. Ms. DUCKWORTH (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1779. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1780. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1781. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1782. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1783. Mr. MENENDEZ (for himself, Mr. CRAMER, Mr. BOOKER, Mr. DAINES, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1784. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1785. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1786. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1787. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1788. Mr. SANDERS (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1789. Mr. SANDERS (for himself, Mr. GRASSLEY, Mr. WYDEN, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1790. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1791. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1792. Mr. DURBIN (for himself, Mr. PAUL, Ms. DUCKWORTH, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1793. Mr. DURBIN (for himself, Mr. LEAHY, Mr. UDALL, Mr. MURPHY, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1794. Mr. DURBIN (for himself, Mr. CARDIN, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 1795. Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. PERDUE, Mr. BLUMENTHAL, Mr. JONES, Mr. MURPHY, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1676. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 707(c), strike “section 1074g(a)(9)(C)(i)” and insert “section 1074g(a)(9)(C)(ii)”.

SA 1677. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3985, to improve and reform policing practices, accountability, and transparency; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XII—FAIR ACT

SEC. 1201. SHORT TITLE.

This title may be cited as the “Fifth Amendment Integrity Restoration Act of 2019” or the “FAIR Act”.

SEC. 1202. CIVIL FORFEITURE PROCEEDINGS.

Section 983 of title 18, United States Code, is amended—

(1) in subsection (b)(2)(A)—

(A) by striking “, and the property subject to forfeiture is real property that is being used by the person as a primary residence,”; and

(B) by striking “, at the request of the person, shall insure” and inserting “shall ensure”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”;

(B) in paragraph (2), by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”; and

(C) by striking paragraph (3) and inserting the following:

“(3) if the Government’s theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish, by clear and convincing evidence, that—

“(A) there was a substantial connection between the property and the offense; and

“(B) the owner of any interest in the seized property—

“(i) used the property with intent to facilitate the offense; or

“(ii) knowingly consented or was willfully blind to the use of the property by another in connection with the offense.”;

(3) in subsection (d)(2)(A), by striking “an owner who” and all that follows through “upon learning” and inserting “an owner who, upon learning”;

(4) in subsection (f)(6), in the matter preceding paragraph (7), by inserting “, and shall award to the claimant an amount equal to 3 times the value of the property seized and a reasonable attorney’s fee” before the period at the end; and

(5) in subsection (i)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (E) as subparagraphs (A) through (C), respectively.

SEC. 1203. DISPOSITION OF FORFEITED PROPERTY.

(a) REVISIONS TO CONTROLLED SUBSTANCES ACT.—Section 511(e) of the Controlled Substances Act (21 U.S.C. 881(e)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “civilly or”;

(B) by striking subparagraph (A); and

(C) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(2) in paragraph (2)—