recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

S. 1828

At the request of Mr. DONNELLY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1828, a bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage.

S. 1837

At the request of Ms. WARREN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1837, a bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

S. 1839

At the request of Mr. BEGICH, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1839, a bill to make certain luggage and travel articles eligible for duty-free treatment under the Generalized System of Preferences, and for other purposes.

S. 1844

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1844, a bill to restore full military retirement benefits by closing corporate tax loopholes.

S. 1845

At the request of Mr. REED, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. BOXER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1845, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

S. 1848

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1848, a bill to amend section 1303(b)(3) of Public Law 111–148 concerning the notice requirements regarding the extent of health plan coverage of abortion and abortion premium surcharges.

S. RES. 318

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 318, a resolution expressing the sense of the Senate regarding the critical need for political reform in Bangladesh, and for other purposes.

S. RES. 319

At the request of Mr. MURPHY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 319, a resolution expressing support for the Ukrainian people in light of President Yanukovych's decision not to sign an Association Agreement with the European Union.

S. RES. 324

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Delaware (Mr. CARPER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 324, a resolution expressing the sense of the Senate with respect to the tragic shooting at Los Angeles International Airport on November 1, 2013, of employees of the Transportation Security Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1859. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. 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. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Extenders Act of 2013".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX EXTENDERS

Subtitle A—Extensions Relating to Certain Health Coverage

Sec. 101. Health care tax credit.
Sec. 102. TAA pre-certification rule for purposes of determining whether there is a 63-day lapse in creditable coverage.
Sec. 103. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Subtitle B—General Extensions

Sec. 111. Extension of deduction for certain expenses of elementary and secondary school teachers.
Sec. 112. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.
Sec. 113. Extension of parity for exclusion from income for employer-provided mass transit and parking benefits.
Sec. 114. Extension of mortgage insurance premiums treated as qualified residence interest.
Sec. 115. Extension of deduction of State and local general sales taxes.
Sec. 116. Extension of special rule for contributions of capital gain real property made for conservation purposes.
Sec. 117. Extension of above-the-line deduction for qualified tuition and related expenses.
Sec. 118. Extension of tax-free distributions from individual retirement plans for charitable purposes.

TITLE II—BUSINESS TAX EXTENDERS

Sec. 201. Extension of research credit.
Sec. 202. Extension of temporary minimum low-income tax credit rate for non-federally subsidized new buildings.
Sec. 203. Extension of housing allowance exclusion for determining area median gross income for qualified residential rental project exempt facility bonds.
Sec. 204. Extension of Indian employment tax credit.
Sec. 205. Extension of new markets tax credit.
Sec. 206. Extension of railroad track maintenance credit.
Sec. 207. Extension of mine rescue team training credit.
Sec. 208. Extension of employer wage credit for employees who are active duty members of the uniformed services.
Sec. 209. Extension of work opportunity tax credit.
Sec. 210. Extension of qualified zone academy bonds.
Sec. 211. Extension of classification of certain race horses as 3-year property.
Sec. 212. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 213. Extension of 7-year recovery period for motorsports entertainment complexes.
Sec. 214. Extension of accelerated depreciation for business property on an Indian reservation.
Sec. 215. Extension of bonus depreciation.
Sec. 216. Extension of enhanced charitable deduction for contributions of food inventory.
Sec. 217. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
Sec. 218. Extension of election to expense mine safety equipment.
Sec. 219. Extension of special expensing rules for certain film and television productions.
Sec. 220. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 221. Extension of modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 222. Extension of treatment of certain dividends of regulated investment companies.
Sec. 223. Extension of RIC qualified investment entity treatment under FIRPTA.
Sec. 224. Extension of subpart F exception for active financing income.
Sec. 225. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 226. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 227. Extension of basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 228. Extension of reduction in S-corporation recognition period for built-in gains tax.
Sec. 229. Extension of empowerment zone tax incentives.

Sec. 230. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 231. Extension of American Samoa economic development credit.

TITLE III—ENERGY TAX EXTENDERS

Sec. 301. Extension of credit for energy-efficient existing homes.
Sec. 302. Extension of credit for alternative fuel vehicle refueling property.
Sec. 303. Extension of credit for 2- or 3-wheeled plug-in electric vehicles.
Sec. 304. Extension of second generation biofuel producer credit.
Sec. 305. Extension of incentives for biodiesel and renewable diesel.
Sec. 306. Extension of production credit for Indian coal facilities placed in service before 2009.
Sec. 307. Extension of credits with respect to facilities producing energy from certain renewable resources.
Sec. 308. Extension of credit for energy-efficient new homes.
Sec. 309. Extension of credits for energy-efficient appliances.
Sec. 310. Extension of special allowance for second generation biofuel plant property.
Sec. 311. Extension of placed in service date for election to expense certain refineries.
Sec. 312. Extension of energy efficient commercial buildings deduction.
Sec. 313. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 314. Extension of alternative fuels excise tax credits.
Sec. 315. Extension of alternative fuels excise tax credits relating to liquefied hydrogen.

TITLE I—INDIVIDUAL TAX EXTENDERS

Subtitle A—Extensions Relating to Certain Health Coverage

SEC. 101. HEALTH CARE TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 35(b)(1) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2013.

SEC. 102. TAA PRE-CERTIFICATION RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IN GENERAL.—The following provisions are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015'':

(1) Section 9801(c)(2)(D).

(2) Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974.

(3) Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014).

(4) Section 2704(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning on or after January 1, 2014).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2013.

SEC. 103. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) IN GENERAL.—The following provisions are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015'':

(1) Section 4980B(f)(2)(B)(i)(V).

(2) Section 4980B(f)(2)(B)(i)(VI).

(3) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974.

(4) Section 602(2)(A)(vi) of such Act.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after December 31, 2013.

Subtitle B—General Extensions

SEC. 111. EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2013'' and inserting ''2013, or 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 112. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (E) of section 108(a)(1) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to indebtedness discharged after December 31, 2013.

SEC. 113. EXTENSION OF PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2013.

SEC. 114. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2013.

SEC. 115. EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 116. EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

SEC. 117. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 118. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2013.

TITLE II—BUSINESS TAX EXTENDERS

SEC. 201. EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2013.

SEC. 202. EXTENSION OF TEMPORARY MINIMUM LOW-INCOME TAX CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.

(a) IN GENERAL.—Subparagraph (A) of section 42(b)(2) is amended by striking ''before January 1, 2014'' and inserting ''before January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2014.

SEC. 203. EXTENSION OF HOUSING ALLOWANCE EXCLUSION FOR DETERMINING AREA MEDIAN GROSS INCOME FOR QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) IN GENERAL.—Subsection (b) of section 3005 of the Housing Assistance Tax Act of 2008 is amended by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 3005 of the Housing Assistance Tax Act of 2008.

SEC. 204. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 205. EXTENSION OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) is amended by striking ''and 2013'' and inserting ''2013, and 2014''.

(b) CARRYOVER OF UNUSED LIMITATION.—Paragraph (3) of section 45D(f) is amended by striking ''2018'' and inserting ''2019''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2013.

SEC. 206. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2013.

SEC. 207. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 208. EXTENSION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2013.

SEC. 209. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2013.

SEC. 210. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by striking ''and 2013'' and inserting ''2013, and 2014''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to obligations issued after December 31, 2013.

(b) TECHNICAL CORRECTION AND CONFORMING AMENDMENT.—

(1) IN GENERAL.—Clause (iii) of section 6431(f)(3)(A) is amended—

(A) by striking ''2011'' and inserting ''years after 2010'', and

(B) by striking ''of such allocation'' and inserting ''of any such allocation''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 310 of the American Taxpayer Relief Act of 2012.

SEC. 211. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) is amended—

(1) by striking ''January 1, 2014'' in subclause (I) and inserting ''January 1, 2015'', and

(2) by striking ''December 31, 2013'' in subclause (II) and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

SEC. 212. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

SEC. 213. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 214. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 215. EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2015'' in subparagraph (A)(iv) and inserting ''January 1, 2016'', and

(2) by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015''.

(b) SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.—Clause (ii) of section 460(c)(6)(B) is amended by striking ''January 1, 2014 (January 1, 2015'' and inserting ''January 1, 2015 (January 1, 2016''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking ''2014'' and inserting ''2015''.

(2) ROUND 4 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(K) SPECIAL RULES FOR ROUND 4 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 4 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010, or a taxpayer who made the election under subparagraph (J)(iii) for its first taxable year ending after December 31, 2012—

''(I) the taxpayer may elect not to have this paragraph apply to round 4 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 4 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 4 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010, nor made the election under subparagraph (J)(iii) for its first taxable year ending after December 31, 2012—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2013, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 4 extension property.

''(iv) ROUND 4 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 4 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 215(a) of the Tax Extenders Act of 2013 (and the application of such extension to this paragraph pursuant to the amendment made by section 215(c) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2014'' and inserting ''JANUARY 1, 2015''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2014'' and inserting ''PRE-JANUARY 1, 2015''.

(3) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(4) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(5) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013, in taxable years ending after such date.

SEC. 216. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2013.

SEC. 217. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking ''or 2013'' in subparagraph (B) and inserting ''2013, or 2014'', and

(B) by striking ''2013'' in subparagraph (C) and inserting ''2014''.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking ''or 2013'' in subparagraph (B) and inserting ''2013, or 2014'', and

(B) by striking ''2013'' in subparagraph (C) and inserting ''2014''.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2014'' and inserting ''2015''.

(c) ELECTION.—Section 179(c)(2) is amended by striking ''2014'' and inserting ''2015''.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) is amended by striking ''or 2013'' and inserting ''2013, or 2014''.

(2) CARRYOVER LIMITATION.—

(A) IN GENERAL.—Section 179(f)(4) is amended by striking ''2013'' each place it appears and inserting ''2014''.

(B) CONFORMING AMENDMENT.—The heading of subparagraph (C) of section 179(f)(4) is amended by striking ''2011 AND 2012'' and inserting ''2011, 2012, AND 2013''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 218. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 219. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2013.

SEC. 220. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 8 taxable years'' and inserting ''first 9 taxable years'', and

(2) by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 221. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2013.

SEC. 222. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C)(v) and (2)(C)(v) of section 871(k) are each amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 223. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2014.

SEC. 224. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) is amended—

(1) by striking ''January 1, 2014'' and inserting ''January 1, 2015'', and

(2) by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.—Paragraph (9) of section 954(h) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2013, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 225. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2013, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 226. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2014'' and inserting ''January 1, 2015'', and

(2) by striking ''AND 2013'' in the heading and inserting ''2013, AND 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2013.

SEC. 227. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

SEC. 228. EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (C) of section 1374(d)(7) is amended—

(1) by striking ''2012 or 2013'' and inserting ''2012, 2013, or 2014'', and

(2) by striking ''2012 AND 2013'' in the heading and inserting ''2012, 2013, AND 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 229. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Clause (i) of section 1391(d)(1)(A) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to periods after December 31, 2013.

SEC. 230. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2013.

SEC. 231. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015'',

(2) by striking ''first 8 taxable years'' in paragraph (1) and inserting ''first 9 taxable years'', and

(3) by striking ''first 2 taxable years'' in paragraph (2) and inserting ''first 3 taxable years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

TITLE III—ENERGY TAX EXTENDERS

SEC. 301. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 302. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Subsection (g) of section 30C is amended by striking ''placed in service'' and all that follows and inserting ''placed in service after December 31, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 303. EXTENSION OF CREDIT FOR 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Subparagraph (E) of section 30D(g)(3) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2013.

SEC. 304. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (i) of section 40(b)(6)(J) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2013.

SEC. 305. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2013.

SEC. 306. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.

(a) IN GENERAL.—Subparagraph (A) of section 45(e)(10) is amended by striking ''8-year period'' each place it appears and inserting ''9-year period''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coal produced after December 31, 2013.

SEC. 307. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015'':

(1) Paragraph (1).

(2) Paragraph (2)(A).

(3) Paragraph (3)(A).

(4) Paragraph (4)(B).

(5) Paragraph (6).

(6) Paragraph (7).

(7) Paragraph (9).

(8) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Clause (ii) of section 48(a)(5)(C) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on January 1, 2014.

SEC. 308. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2013.

SEC. 309. EXTENSION OF CREDITS FOR ENERGY-EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M is amended by striking ''or 2013'' each place it appears in paragraphs (1)(E), (2)(F), and (3)(F) and inserting ''2013, or 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2013.

SEC. 310. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(l)(2) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 311. EXTENSION OF PLACED IN SERVICE DATE FOR ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) IN GENERAL.—Subparagraph (B) of section 179C(c)(1) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 312. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Subsection (h) of section 179D is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2013.

SEC. 313. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2013.

SEC. 314. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(b) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Subparagraph (C) of section 6427(e)(6) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2013.

SEC. 315. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS RELATING TO LIQUEFIED HYDROGEN.

(a) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3), as amended by this Act, are each amended by striking ''2014 (September 30, 2014 in the case of any sale or use involving liquefied hydrogen)'' and inserting ''2014''.

(b) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Paragraph (6) of section 6427(e) is amended—

(1) by striking ''except as provided in subparagraph (D), any'' in subparagraph (C), as amended by this Act, and inserting ''any'', and

(2) by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels sold or used after September 30, 2014.

By Mr. CORNYN (for himself and Mr. TOOMEY):

S. 1861. A bill to save taxpayer money and end bailouts of financial institutions by providing for a process to allow financial institutions to go bankrupt; to the Committee on the Judiciary.

Mr. CORNYN. 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. 1861

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 ''Taxpayer Protection and Responsible Resolution Act''.

SEC. 2. REPEAL OF TITLE II OF DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

(a) IN GENERAL.—Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203) is repealed and any Federal law amended by such title shall, on and after the date of enactment of this Act, be effective as if title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act had not been enacted.

(b) CONFORMING AMENDMENTS.—

(1) DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(A) in the table of contents, by striking all items relating to title II;

(B) in section 165(d)(6), by striking '', a receiver appointed under title II,'';

(C) in section 716(g), by striking ''or a covered financial company under title II'';

(D) in section 1105(e)(5), by striking ''amount of any securities issued under that chapter 31 for such purpose shall be treated in the same manner as securities issued under section 208(n)(5)(E)'' and inserting ''issuances of such securities under that chapter 31 for such purpose shall by treated as public debt transactions of the United States, and the proceeds from the sale of any obligations acquired by the Secretary under this paragraph shall be deposited into the Treasury of the United States as miscellaneous receipts''; and

(E) in section 1106(c)(2)(A)—

(i) in clause (i), by inserting '', other than a covered financial corporation (as defined in section 101(9A) of title 11, United States Code),'' after ''company''; and

(ii) in clause (ii), by inserting '', other than a covered financial corporation (as defined in section 101(9A) of title 11, United States Code),'' after ''company''.

(2) FEDERAL DEPOSIT INSURANCE ACT.—Section 10(b)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)(A)) is amended by striking '', or of such nonbank financial company supervised by the Board of Governors or bank holding company described in section 165(a) of the Financial Stability Act of 2010, for the purpose of implementing its authority to provide for orderly liquidation of any such company under title II of that Act''.

(3) FEDERAL RESERVE ACT.—Section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)) is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by striking '', resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or'' and inserting ''or is subject to resolution under''; and

(ii) in clause (iii), by striking '', resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or'' and inserting ''or resolution under''; and

(B) by striking subparagraph (E).

SEC. 3. GENERAL PROVISIONS RELATING TO COVERED FINANCIAL CORPORATIONS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting the following after paragraph (9):

''(9A) The term 'covered financial corporation' means any corporation incorporated or organized under any Federal or State law, other than a stockbroker, a commodity broker, or an entity of the kind specified in paragraph (2) or (3) of section 109(b), that is—

''(A) a bank holding company, as that term is defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)); or

''(B) predominantly engaged in activities that the Board of Governors of the Federal Reserve System has determined are financial in nature or incidental to such financial activity for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).''.

(b) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''section 1161'' and inserting ''sections 1161 and 1401''; and

(B) by striking ''or 13'' and inserting ''13, or 14''; and

(2) by adding at the end the following:

''(l) Chapter 14 of this title applies only in a case under this title concerning a covered financial corporation.

''(m) Except as otherwise provided in chapter 14 of this title, chapter 11 of this title applies in a case under chapter 14 of this title.''.

(c) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''or'' at the end;

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

(C) by adding at the end the following:

''(4) a covered financial corporation.''; and

(2) by adding at the end the following:

''(i) An entity may be a debtor under chapter 14 of this title only if the entity is a covered financial corporation.''.

SEC. 4. LIQUIDATION, REORGANIZATION, OR RECAPITALIZATION OF A COVERED FINANCIAL CORPORATION.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting before chapter 15 the following:

''CHAPTER 14—LIQUIDATION, REORGANIZATION, OR RECAPITALIZATION OF A COVERED FINANCIAL CORPORATION

''Sec.

''1401. Inapplicability of other sections.
''1402. Definitions for this chapter.
''1403. Commencement of a case concerning a covered financial corporation.
''1404. Regulators.
''1405. Special trustee and bridge company.
''1406. Special transfer of property of the estate.
''1407. Automatic stay; assumed debt.
''1408. Treatment of qualified financial contracts and affiliate contracts.
''1409. Licenses, permits, and registrations.
''1410. Exemption from securities laws.
''1411. Inapplicability of certain avoiding powers.

''§ 1401. Inapplicability of other sections

''Sections 321(c) and 322(b) do not apply in a case under this chapter.

''§ 1402. Definitions for this chapter

''In this chapter, the following definitions shall apply:

''(1) The term 'Board' means the Board of Governors of the Federal Reserve System.

''(2) The term 'bridge company' means a newly-formed corporation the equity securities of which are transferred to a special trustee under section 1405(a).

''(3) The term 'capital structure debt' means debt, other than a qualified financial contract, of the debtor for borrowed money with an original maturity of at least 1 year.

''(4) The term 'contractual right' means a contractual right as defined in section 555, 556, 559, or 560.

''(5) The term 'qualified financial contract' means any contract of a kind specified in paragraph (25), (38A), (47), or (53B) of section

101, section 741(7), or paragraph (4), (5), (11), or (13) of section 761.

"§ 1403. Commencement of a case concerning a covered financial corporation

"(a) A case under this chapter may be commenced by the filing of a petition with the bankruptcy court—

"(1) under section 301; or

"(2) by the Board, only if—

"(A) the Board certifies in the petition that it has determined that—

"(i) the covered financial corporation—

"(I) has incurred losses that will deplete all or substantially all of the capital of the covered financial corporation, and there is no reasonable prospect for the covered financial corporation to avoid such depletion;

"(II) is insolvent;

"(III) is not paying or is unable to pay the debts of the covered financial corporation (other than debts subject to a bona fide dispute as to liability or amount) as they become due; or

"(IV) is likely to be in a financial condition specified in subclause (I), (II), or (III) sufficiently soon such that the immediate commencement of a case under this chapter concerning the covered financial corporation is necessary to prevent imminent substantial harm to financial stability in the United States; and

"(ii) the commencement of a case under this chapter concerning the covered financial corporation and the effect of a transfer under section 1406 is necessary to prevent imminent substantial harm to financial stability in the United States; and

"(B) the bankruptcy court determines, after a hearing described in subsection (b), that the Board has shown by a preponderance of the evidence that the requirements under subparagraph (A) have been satisfied.

"(b)(1) A hearing described in this subsection is a hearing held not later than 12 hours after the Board makes a certification under subsection (a)(2)(A), with notice only to—

"(A) the covered financial corporation;

"(B) the Federal Deposit Insurance Corporation; and

"(C) the Secretary of the Treasury.

"(2) Only the Board and the entities listed in paragraph (1) may attend or participate in a hearing described in this subsection. Transcripts of such hearing shall be sealed until the end of the case.

"(c)(1) The covered financial corporation may file an appeal in the district court of a determination made by the bankruptcy court under subsection (a)(2)(B) not later than 12 hours after the bankruptcy court makes such determination, with notice only to the entities listed in subsection (b)(1) and the Board.

"(2) The district judge specified under section 298(c)(1) of title 28 for the judicial circuit in which the case is pending shall hear the appeal under paragraph (1) and review within 12 hours the determination of the bankruptcy court under subsection (a)(2)(B) for abuse of discretion.

"(d)(1) The commencement of a case under subsection (a)(1) constitutes an order for relief under this chapter.

"(2) In a case commenced under subsection (a)(2), the bankruptcy court shall immediately order relief under this chapter if—

"(A) the bankruptcy court makes a determination under subsection (a)(2)(B) that the requirements of subsection (a)(2)(A) have been satisfied; and

"(B)(i) the period for appeal under subsection (c)(1) has passed without an appeal having been filed; or

"(ii) the district court affirms the determination of the bankruptcy court under subsection (c)(2).

"(3) Notwithstanding paragraph (2), the bankruptcy court shall order relief in a case commenced under subsection (a)(2) if the debtor consents to the order.

"§ 1404. Regulators

"(a) The Board may raise and may appear and be heard on any issue in any case or proceeding under this title relevant to the regulation of the debtor by the Board or to financial stability in the United States.

"(b) The Federal Deposit Insurance Corporation may raise and may appear and be heard on any issue in any case or proceeding under this title in connection with a transfer under section 1406.

"§ 1405. Special trustee and bridge company

"(a) On request of the trustee or the Board, the court may order the trustee to appoint 1 special trustee and transfer to the special trustee all of the equity securities in a corporation to hold in trust for the sole benefit of the estate, if—

"(1) the corporation does not have any property, executory contracts, unexpired leases, or debts, other than any property acquired or executory contracts, unexpired leases, or debts assumed when acting as a transferee of a transfer under section 1406;

"(2) the equity securities of the corporation are property of the estate; and

"(3) the court approves—

"(A) the trust agreement governing the special trustee;

"(B) the governing documents of the corporation; and

"(C) the identity of—

"(i) the special trustee; and

"(ii) the directors and senior officers of the corporation.

"(b) The trust agreement governing the special trustee shall provide—

"(1) for the payment of the costs and expenses of the special trustee from the assets of the trust and not from the property of the estate;

"(2) that the special trustee provide—

"(A) periodic reporting to the estate; and

"(B) information about the bridge company as reasonably requested by a party in interest to prepare a disclosure statement for a plan providing for distribution of any securities of the bridge company, if such information is necessary to prepare such disclosure statement;

"(3) that the special trustee provide notice to and consult with parties in interest in the case in connection with—

"(A) any change in a director or senior officer of the bridge company;

"(B) any modification to the governing documents of the bridge company; and

"(C) any major corporate action of the bridge company, including—

"(i) recapitalization;

"(ii) a liquidity borrowing;

"(iii) termination of an intercompany debt or guarantee;

"(iv) a transfer of a substantial portion of the assets of the bridge company; or

"(v) the issuance or sale of any securities of the bridge company;

"(4) that the proceeds of the sale of any equity securities of the bridge company by the special trustee be held in trust for the benefit of or transferred to the estate; and

"(5) that the property held in trust by the special trustee is subject to distribution in accordance with the plan and subsection (c).

"(c) The special trustee shall distribute the assets held in trust in accordance with the plan on the effective date of the plan, after which time the office of the special trustee shall terminate, except as may be necessary to wind up and conclude the business and financial affairs of the trust.

"(d) After a transfer under section 1406, the special trustee shall be subject only to applicable nonbankruptcy law, and the actions and conduct of the special trustee shall no longer be subject to approval by the court in the case under this chapter.

"§ 1406. Special transfer of property of the estate

"(a) On request of the trustee or the Board, and after notice and hearing and not less than 24 hours after the commencement of the case, the court may order a transfer under this section of property of the estate to a bridge company. Except as provided under this section, the provisions of section 363 shall apply to a transfer under this section.

"(b) Unless the court orders otherwise, notice of a request for an order under subsection (a) shall consist of electronic or telephonic notice of not less than 24 hours to—

"(1) the debtor;

"(2) the trustee;

"(3) the holders of the 20 largest secured claims against the debtor;

"(4) the holders of the 20 largest unsecured claims against the debtor;

"(5) the Board;

"(6) the Federal Deposit Insurance Corporation;

"(7) the Secretary of the Treasury;

"(8) the United States trustee; and

"(9) each primary financial regulatory agency, as defined in section 2(12) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301(12)), with respect to any affiliate that is proposed to be transferred under this section.

"(c) The court may not order a transfer under this section unless the court determines, based upon a preponderance of the evidence, that—

"(1) the transfer under this section is necessary to prevent imminent substantial harm to financial stability in the United States;

"(2) the proposed transfer does not provide for the assumption of any capital structure debt by the bridge company;

"(3) the proposed transfer provides for the transfer of any accounts of depositors of the debtor that are insured by the Federal Deposit Insurance Company to the bridge company; and

"(4) the Board certifies to the court that the Board has determined that the bridge company provides adequate assurance of future performance of any executory contract or unexpired leased assumed and assigned to the bridge company, and of payment of any debt assumed by the bridge company, in the transfer under this section.

"§ 1407. Automatic stay; assumed debt

"(a)(1) A petition filed under section 301 or 1403 operates as a stay, applicable to all entities, of the termination or modification of any debt, contract, lease, or agreement described in paragraph (2), or of any right or obligation under any such debt, contract, lease or agreement, solely because of—

"(A) a default by the debtor under any such debt, contract, lease, or agreement; or

"(B) a provision in such debt, contract, lease, or agreement or in applicable nonbankruptcy law that is conditioned on—

"(i) the insolvency or financial condition of the debtor at any time before the closing of the case;

"(ii) the commencement of a case under this title concerning the debtor;

"(iii) the appointment of or taking possession by a trustee in a case under this title concerning the debtor or by a custodian before the commencement of the case; or

"(iv) a credit rating agency rating, or absence or withdrawal of a credit rating agency rating—

"(I) of the debtor at any time after the commencement of the case;

''(II) of an affiliate during the 48 hours after the commencement of the case; or

''(III) while the special trustee is a direct or indirect beneficial holder of more than 50 percent of the equity securities of the bridge company—

''(aa) of the bridge company; or

''(bb) of an affiliate, if all of the direct or indirect interests in the affiliate that are property of the estate are transferred under section 1406.

''(2) A debt, contract, lease, or agreement described in this paragraph is—

''(A) any debt (other than capital structure debt), executory contract (other than a qualified financial contract), or unexpired lease of the debtor;

''(B) any agreement under which the debtor issued or is obligated for debt (other than capital structure debt);

''(C) any debt, executory contract (other than a qualified financial contract), or unexpired lease of an affiliate; or

''(D) any agreement under which an affiliate issued or is obligated for debt.

''(3) The stay under this subsection terminates—

''(A) as to the debtor, upon the earliest of—

''(i) 48 hours after the commencement of the case;

''(ii) assumption of the debt, contract, or lease under an order authorizing a transfer under section 1406; or

''(iii) a determination by the court not to order a transfer under section 1406; and

''(B) as to an affiliate, upon the earliest of—

''(i) entry of an order authorizing a transfer under section 1406 in which the direct or indirect interests in the affiliate that are property of the estate are not transferred under section 1406;

''(ii) a determination by the court not to order a transfer under section 1406; or

''(iii) 48 hours after the commencement of the case, if the court has not ordered a transfer under section 1406.

''(4) Sections 362(d), 362(e), 362(f), and 362(g) apply to a stay under this subsection.

''(b) A debt, executory contract (other than a qualified financial contract), or unexpired lease of the debtor, or an agreement under which the debtor has issued or is obligated for any debt, may be assumed by a bridge company in a transfer under section 1406 notwithstanding any provision in an agreement or in applicable nonbankruptcy law that—

''(1) prohibits, restricts, or conditions the assignment of the debt, contract, lease, or agreement; or

''(2) terminates or modifies, or permits a party other than the debtor to terminate or modify, the debt, contract, lease, or agreement on account of—

''(A) the assignment of the debt, contract, lease, or agreement; or

''(B) a change in control of any party to the debt, contract, lease, or agreement.

''(c)(1) A debt, contract, lease, or agreement of the kind described in subsection (a)(2)(A) or (a)(2)(B) may not be terminated or modified, and any right or obligation under such debt, contract, lease, or agreement may not be terminated or modified, as to the bridge company solely because of a provision in the debt, contract, lease, or agreement or in applicable nonbankruptcy law—

''(A) of the kind described in subsection (a)(1)(B) as applied to the debtor;

''(B) that prohibits, restricts, or conditions the assignment of the debt, contract, lease, or agreement; or

''(C) that terminates or modifies, or permits a party other than the debtor to terminate or modify, the debt, contract, lease or agreement, on account of—

''(i) the assignment of the debt, contract, lease, or agreement; or

''(ii) a change in control of any party to the debt, contract, lease, or agreement.

''(2) If there has been a default by the debtor of a provision other than the kind described in paragraph (1) in a debt, contract, lease or agreement of the kind described in subsection (a)(2)(A) or (a)(2)(B), the bridge company may assume such debt, contract, lease, or agreement only if the bridge company—

''(A) cures, or provides adequate assurance to the court in connection with a transfer under section 1406 that the bridge company will promptly cure, the default;

''(B) compensates, or provides adequate assurance to the court in connection with a transfer under section 1406 that the bridge company will promptly compensate, a party other than the debtor to the debt, contract, lease, or agreement, for any actual pecuniary loss to the party resulting from the default; and

''(C) provides adequate assurance to the court in connection with a transfer under section 1406 of future performance under the debt, contract, lease, or agreement.

''§ 1408. Treatment of qualified financial contracts and affiliate contracts

''(a) Notwithstanding sections 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, and 561, a petition filed under section 301 or 1403 operates as a stay, during the period specified in section 1407(a)(3)(A), applicable to all entities, of the exercise of a contractual right—

''(1) to cause the liquidation or termination of a qualified financial contract of the debtor or an affiliate; or

''(2) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with a qualified financial contract of the debtor or an affiliate; or

''(3) under any security agreement or arrangement or other credit enhancement forming a part of or related to a qualified financial contract of the debtor or an affiliate.

''(b)(1) During the period specified in section 1407(a)(3)(A), the trustee or the affiliate shall perform all payment and delivery obligations under a qualified financial contract of the debtor or the affiliate, respectively, that become due after the commencement of the case. The stay provided under subsection (a) terminates as to a qualified financial contract of the debtor or an affiliate immediately upon the failure of the trustee or the affiliate, respectively, to perform any such obligation during such period.

''(2) A counterparty to any qualified financial contract of the debtor that is assumed and assigned in a transfer under section 1406 may perform any unperformed payment or delivery obligation under the qualified financial contract promptly after the assumption and assignment with the same effect as if the counterparty had timely performed such obligations.

''(c) A qualified financial contract between an entity and the debtor may not be assigned to or assumed by the bridge company in a transfer under section 1406 unless—

''(1) all qualified financial contracts between the entity and the debtor are assigned to and assumed by the bridge company in the transfer under section 1406;

''(2) all claims of the entity against the debtor under any qualified financial contract between the entity and the debtor (other than any claim that, under the terms of the qualified financial contract, is subordinated to the claims of general unsecured creditors) are assigned to and assumed by the bridge company;

''(3) all claims of the debtor against the entity under any qualified financial contract between the entity and the debtor are assigned to and assumed by the bridge company; and

''(4) all property securing or any other credit enhancement furnished by the debtor for any qualified financial contract described in paragraph (1) or any claim described in paragraph (2) or (3) under any qualified financial contract between the entity and the debtor is assigned to and assumed by the bridge company.

''(d) Section 365(b)(1) does not apply to a default under a qualified financial contract of the debtor that is assumed and assigned in a transfer under section 1406 if the default—

''(1) is a breach of a provision of the kind specified in section 1407(a)(1)(B)(iv); and

''(2) in the case of a breach of a provision of the kind specified in section 1407(a)(1)(B)(iv)(III), occurs while the bridge company is a direct or indirect beneficial holder of more than 50 percent of the equity securities of the affiliate.

''(e) Notwithstanding any provision in a qualified financial contract or in applicable nonbankruptcy law, a qualified financial contract of the debtor that is assumed or assigned in a transfer under section 1406 may not be terminated or modified, and any right or obligation under the qualified financial contract may not be terminated or modified, for a breach of a provision of the kind specified in section 1407(b) at any time after the entry of an order under section 1406 until such time as the special trustee is no longer the direct or indirect beneficial holder of more than 50 percent of the equity securities of the bridge company.

''(f) Notwithstanding any provision in any agreement or in applicable nonbankruptcy law, an agreement of an affiliate (including an executory contract, unexpired lease, or agreement under which the affiliate issued or is obligated for debt), and any right or obligation under such agreement, may not be terminated or modified at any time after the commencement of the case solely because of a condition described in section 1407(b) if—

''(1) all direct or indirect interests in the affiliate that are property of the estate are transferred under section 1406 to the bridge company within the period specified in subsection (a);

''(2) the bridge company assumes—

''(A) any guarantee or other credit enhancement issued by the debtor relating to the agreement of the affiliate; and

''(B) any right of setoff, netting arrangement, or debt of the debtor that directly arises out of or directly relates to the guarantee or credit enhancement; and

''(3) any property of the estate that directly serves as collateral for the guarantee or credit enhancement is transferred to the bridge company.

''§ 1409. Licenses, permits, and registrations

''(a) Notwithstanding any otherwise applicable nonbankruptcy law, if a request is made under section 1406 for a transfer of property of the estate, any Federal, State, or local license, permit, or registration that the debtor or an affiliate had immediately before the commencement of the case and that is proposed to be transferred under section 1406 may not be terminated or modified at any time after the request solely on account of—

''(1) the insolvency or financial condition of the debtor at any time before the closing of the case;

''(2) the commencement of a case under this title concerning the debtor;

''(3) the appointment of or taking possession by a trustee in a case under this title concerning the debtor or by a custodian before the commencement of the case; or

''(4) a transfer under section 1406.

''(b) Notwithstanding any otherwise applicable nonbankruptcy law, any Federal,

State, or local license, permit, or registration that the debtor had immediately before the commencement of the case that is included in a transfer under section 1406 shall vest in the bridge company.

"§ 1410. Exemption from securities laws

"For purposes of section 1145, a security of the bridge company shall be deemed to be a security of a successor to the debtor under a plan if the court approves the disclosure statement for the plan as providing adequate information (as defined in section 1125(a)) about the bridge company and the security.

"§ 1411. Inapplicability of certain avoiding powers

"Except with respect to a capital structure debt, a transfer made or an obligation incurred by the debtor, including any obligation released by the debtor or the estate, to or for the benefit of an affiliate in a transfer under section 1406, is not avoidable under section 544, 547, 548(a)(1)(B), or 549, or under any similar nonbankruptcy law.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"14 Liquidation, reorganization, or recapitalization of a covered financial corporation .... 1401".

SEC. 5. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) AMENDMENT TO CHAPTER 13.—Chapter 13 of title 28, United States Code, is amended by adding at the end the following:

"§ 298. Judge for a case under chapter 14 of title 11

"(a) Notwithstanding section 295, the Chief Justice of the United States shall designate not less than 1 district judge from each circuit to be available to hear an appeal under section 158(a) in a case under title 11 concerning a covered financial corporation or under section 1403(c) of title 11.

"(b)(1) Notwithstanding section 295, the Chief Justice of the United States shall designate a panel of not less than 10 bankruptcy judges, who are experts in cases under title 11 in which a financial institution is a debtor, to be available to hear a case under chapter 14 of title 11.

"(2) Notwithstanding section 295, a case under chapter 14 of title 11 shall be heard under section 157 by a bankruptcy judge designated under paragraph (1), who shall be assigned to hear such case by the chief judge of the court of appeals for the circuit embracing the district in which the case is pending.

"(3) If the bankruptcy judge designated and assigned to hear a case under paragraphs (1) and (2) is not assigned to the district in which the case is pending, the bankruptcy judge shall be temporarily assigned to the district.

"(c)(1) Notwithstanding section 295, an appeal under section 158(a) in a case under title 11 concerning a covered financial corporation or under section 1403(c) of title 11 shall be heard by a district judge who—

"(A) is the district judge designated under subsection (a) from the circuit in which the case is pending;

"(B) if more than 1 district judge has been designated under subsection (a) from the circuit in which the case is pending, is 1 such district judge who is designated by the chief judge of that circuit to hear the case; or

"(C) if none of the district judges designated under subsection (a) for the circuit in which the case is pending are immediately available, is designated under subsection (a) from another circuit and has been designated by the Chief Justice of the United States to hear the case.

"(2) If the district judge specified in paragraph (1) is not assigned to the district in which the case is pending, the district judge shall be temporarily assigned to the district.

"(d) A case under chapter 14 of title 11, and all proceedings in the case, shall take place in the district in which the case is pending.

"(e) In this section, the terms 'covered financial corporation' and 'financial institution' have the meaning given such terms in section 101 of title 11.".

(b) AMENDMENT TO SECTION 1334.—Section 1334 of title 28, United States Code, is amended by adding at the end the following:

"(f) This section does not grant jurisdiction to the district courts after a transfer pursuant to an order under section 1406 of title 11—

"(1) of any proceeding related to a special trustee appointed, or to a bridge company formed, under section 1405 of title 11; or

"(2) over the property held in trust by the special trustee, the bridge company, or the property of the bridge company.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 28, United States Code, is amended by adding at the end the following:

"298. Judge for a case under chapter 14 of title 11.".

SEC. 6. LIMITATION ON ADVANCES FROM A FEDERAL RESERVE BANK.

Section 10B(b) of the Federal Reserve Act (12 U.S.C. 347b(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6);

(2) by inserting after paragraph (4) the following:

"(5) LIMITATION ON ADVANCES TO COVERED FINANCIAL CORPORATIONS AND BRIDGE COMPANIES.—Notwithstanding paragraph (2), a Federal Reserve bank may not make advances to any covered financial corporation that is a debtor in a pending case under chapter 14 of title 11, United States Code, or to a bridge company, for the purpose of providing debtor-in-possession financing pursuant to section 364 of such title."; and

(3) in paragraph (6), as redesignated—

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

(B) by inserting after subparagraph (A) the following:

"(B) BRIDGE COMPANY.—The term 'bridge company' has the same meaning as in section 1402(2) of title 11, United States Code.

"(C) COVERED FINANCIAL CORPORATION.—The term 'covered financial corporation' has the same meaning as in section 101(9A) of title 11, United States Code.".

By Mr. HARKIN:

S. 1864. A bill to require a demonstration program on the accession as Air Force officers of candidates with auditory impairments; to the Committee on Armed Services.

Mr. HARKIN. Mr. President, ensuring equal opportunities and equal rights for individuals with disabilities has been one of my highest priorities during my time in Congress. As the lead Senate sponsor of the Americans with Disabilities Act, I still remember the day that legislation was signed into law, July 26, 1990, as one of the proudest days of my legislative career.

The Americans with Disabilities Act is one of the landmark civil rights laws of the 20th century—a long overdue emancipation proclamation for Americans with disabilities. The ADA has played a huge role in making our country more accessible and more inclusive, in raising the expectations of people with disabilities about what they can hope to achieve at work and in life, and in inspiring Americans to view disability issues through the lens of equality and opportunity.

Before the ADA, life was very different for people with disabilities in Iowa and across the country. Being an American with a disability meant not being able to ride on a bus because there was no lift, not being able to attend a concert or ballgame because there was no accessible seating, and not being able to cross the street in a wheelchair because there were no curb cuts. In short, it meant not being able to work or participate in community life. Discrimination was both commonplace and accepted.

Since then, we have made amazing progress. The ADA literally transformed the American landscape by requiring that architectural and communications barriers be removed and replaced with accessible features such as ramps, lifts, curb cuts, widening doorways, and closed captioning. More importantly, the ADA gave millions of Americans the opportunity to participate in their communities.

The ADA stands for a simple, universal proposition—that disability is a natural part of the human experience and that all people with disabilities have a right to make choices, pursue meaningful careers, and participate fully in all aspects of society.

One of the four great goals of the ADA is to assure equality of opportunity. The opportunity for an individual to be judged based on his or her talents, skills, and abilities rather than stigmatizing labels; to be included with non-disabled peers; and ultimately, the opportunity to be successful. That is the minimum that any individual with a disability should expect, and it is our responsibility to make that happen.

More than two years ago I met Keith Nolan, a young man who is deaf and whose life goal is to be a military officer. Keith enrolled in and completed the first two levels of Army ROTC in California.

As a ROTC cadet Keith participated in all classes, labs, and physical training. He had interpreters provided by his school program for classes and training, but not for physical training which he did without an interpreter. Still, he participated fully in a Fall Field Training Exercise where the cadets spent a weekend working on tactics. He also earned a German Army Forces Badge for Military Proficiency becoming the only cadet in his squad to get the highest decoration. Overall, he excelled in the ROTC program.

However, Keith was not allowed to continue in ROTC due to Department of Defense rules that exclude individuals who are deaf or hard of hearing. Keith has a master's degree, and if not for Department of Defense rules excluding individuals who are deaf, would have qualified for Officer Candidate School.

My experience with Keith, as well as my long-standing advocacy to provide to persons with disabilities the same rights as every other American, have convinced me that individuals with disabilities can meaningfully contribute to our Armed Forces and should have the opportunity to do so.

I know that there is some hesitation among the service branches in having individuals who are deaf or hard of hearing serve in the active military. But I know, just as we have found under the ADA for the last 23 years, people with disabilities can accomplish great things if they are provided with the same opportunities the rest of us take for granted. Keith Nolan is one exceptional young man, the kind the military would be proud to have among its ranks and I bet there are probably a few other Keith Nolans out there eager to serve.

That is why today, on the day the Senate considers the National Defense Authorization Act, I am introducing legislation which would create a small demonstration program for 15–20 highly intelligent, deaf and hard of hearing men and women, in top physical condition, to enter the Air Force's Basic Officer Training course or the Commissioned Officer Training course at Maxwell AFB. The individuals who participate in this demonstration program will meet all the essential qualifications for accession as an officer in the Air Force—except for the one related to having a hearing impairment.

I had filed this legislation as an amendment to the Defense Authorization bill; unfortunately, because that amendment process was cut short, I was not able to have it considered. But I am filing this legislation today to make clear that I intend to press forward in this effort to create a demonstration program.

If this program is successful, as I believe it will be, then we will have created an opportunity for talented individuals like Keith Nolan in the military. We will have reiterated our commitment to equal opportunity for all Americans, including people with disabilities.

I hope my fellow Members will join me as cosponsors of this small, but important, demonstration program.

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. 1864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEMONSTRATION PROGRAM ON ACCESSION OF CANDIDATES WITH AUDITORY IMPAIRMENTS AS AIR FORCE OFFICERS.

(a) DEMONSTRATION PROGRAM REQUIRED.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall carry out a demonstration program to assess the feasibility and advisability of permitting individuals with auditory impairments (including deafness) to access as officers of the Air Force.

(b) CANDIDATES.—

(1) NUMBER OF CANDIDATES.—The total number of individuals with auditory impairments who may participate in the demonstration program shall be not fewer than 15 individuals or more than 20 individuals.

(2) MIX AND RANGE OF AUDITORY IMPAIRMENTS.—The individuals who participate in the demonstration program shall include individuals who are deaf and individuals who have a range of other auditory impairments.

(3) QUALIFICATION FOR ACCESSION.—Any individual who is chosen to participate in the demonstration program shall meet all essential qualifications for accession as an officer in the Air Force, other than those related to having an auditory impairment.

(c) SELECTION OF PARTICIPANTS.—

(1) IN GENERAL.—The Secretary of the Air Force shall—

(A) publicize the demonstration program nationally, including to individuals who have auditory impairments and would be otherwise qualified for officer training;

(B) create a process whereby interested individuals can apply for the demonstration program; and

(C) select the participants for the demonstration program, from among the pool of applicants, based on the criteria in subsection (b).

(2) NO PRIOR SERVICE AS AIR FORCE OFFICERS.—Participants selected for the demonstration program shall be individuals who have not previously served as officers in the Air Force.

(d) BASIC OFFICER TRAINING.—

(1) IN GENERAL.—The participants in the demonstration program shall undergo, at the election of the Secretary of the Air Force, the Basic Officer Training course or the Commissioned Officer Training course at Maxwell Air Force Base, Alabama.

(2) NUMBER OF PARTICIPANTS.—Once individuals begin participating in the demonstration program, each Basic Officer Training course or Commissioned Officer Training course at Maxwell Air Force Base, Alabama, shall include not fewer than 4, or more than 6, participants in the demonstration program until all participants have completed such training.

(3) AUXILIARY AIDS AND SERVICES.—The Secretary of Defense shall ensure that participants in the demonstration program have the necessary auxiliary aids and services (as that term is defined in section 4 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12103)) in order to fully participate in the demonstration program.

(e) COORDINATION.—

(1) SPECIAL ADVISOR.—The Secretary of the Air Force shall designate a special advisor to the demonstration program to act as a resource for participants in the demonstration program, as well as a liaison between participants in the demonstration program and those providing the officer training.

(2) QUALIFICATIONS.—The special advisor shall be a member of the Armed Forces on active duty—

(A) who—

(i) if a commissioned officer, shall be in grade O–3 or higher; or

(ii) if an enlisted member, shall be in grade E–5 or higher; and

(B) who is knowledgeable about issues involving, and accommodations for, individuals with auditory impairments (including deafness).

(3) RESPONSIBILITIES.—The special advisor shall be responsible for facilitating the officer training for participants in the demonstration program, intervening and resolving issues and accommodations during the training, and such other duties as the Secretary of the Air Force may assign to facilitate the success of the demonstration program and participants.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the appropriate committees of Congress a report on the demonstration program. The report shall include the following:

(1) A description of the demonstration program and the participants in the demonstration program.

(2) The outcome of the demonstration program, including—

(A) the number of participants in the demonstration program that successfully completed the Basic Officer Training course or the Commissioned Officer Training course;

(B) the number of participants in the demonstration program that were recommended for continued military service;

(C) the issues that were encountered during the program; and

(D) such recommendation for modifications to the demonstration program as the Secretary considers appropriate to increase further inclusion of individuals with auditory disabilities serving as officers in the Air Force or other Armed Forces.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the demonstration program.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

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

S. 1873. A bill to provide for institutional risk-sharing in the Federal student loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, student loan debt continues to climb. According to an analysis by the Institute for College Access, average student loan debt has increased by 6 percent each year since 2008. In 2012, over 70 percent of college graduates had debt, owing an average of $29,400.

This is a growing drag on our economy.

In this summer's National Association of Realtors survey, 49 percent of the respondents identified student loan debt as a huge obstacle to home ownership—more than those who identified having enough money for a down payment or having enough confidence in their job security.

It is clear that the more than $1.2 trillion in outstanding student loan debt has serious implications for the broader economy.

We know that student loan borrowers are struggling. Default rates are on the rise. 13.4 percent of borrowers entering repayment in 2009 defaulted within three years. The rate jumped to 14.7 percent for borrowers entering repayment in 2010.

We cannot tackle the student loan debt crisis without States and institutions stepping up and taking greater

responsibility for college costs and student borrowing.

States are critical partners in making college accessible and affordable. However, state support for higher education has declined in recent years, contributing to rising tuition costs at public colleges and universities. According to the latest State Higher Education Finance report published by the State Higher Education Executive Officers, state spending per full-time equivalent student reached its lowest point in 25 years in 2011.

In the Partnerships for Affordability and Student Success, PASS, Act that I am introducing today, we will re-establish a robust, Federal-State partnership for college affordability and student success. I long worked to fund the Leveraging Educational Assistance Partnership, LEAP, program, an initiative that engaged the states in matching federal funds to provide need-based grants to students. LEAP was modest in scale. The legislation I am introducing today calls for a more ambitious and comprehensive Federal-State partnership for higher education.

The PASS Act will authorize $1 billion for a State formula grant program. In order to participate, states must make a commitment to maintain their investment in higher education and must have a comprehensive plan for higher education with measurable goals for access, affordability, and student outcomes. At least 70 percent of the funding must be dedicated to need-based student financial aid. States also have the option of awarding grants to colleges and universities or partnerships between institutions of higher education and non-profit organizations to improve student outcomes, including enrollment, completion, and employment, and to develop innovative methods for reducing college costs. I am pleased to have the support of the National Association of State Student Grant and Aid Programs, the National Association of Independent Colleges and Universities, and U.S PIRG in advancing this legislation.

Institutions also have a critical role to play in curbing student loan debt. To ensure that institutions have more skin in the game, so they provide a better and more affordable education to students, which will in turn help put the brakes on rising student loan defaults, I am proud to be introducing the Protect Student Borrowers Act with Senators DURBIN and WARREN.

The Protect Student Borrowers Act will hold colleges and universities accountable for student loan default by requiring them to repay a percentage of defaulted loans. Only institutions that have 25 percent or more of their students borrow would be included in risk sharing based on their cohort default rate. Risk-sharing requirements would kick in when default rate exceeds 15 percent. As the institutional default rate rises, so too will the institution's risk-share payment.

The Protect Student Borrowers Act also provides incentives for institutions to take proactive steps to ease student loan debt burdens and reduce default rates. Colleges and universities can reduce or eliminate their payments if they implement a comprehensive student loan management plan. The Secretary may waive or reduce the payments for institutions whose mission is to serve low-income and minority students such as community colleges, Historically Black Institutions, or Hispanic-Serving Institutions, provided that they are making progress in their student loan management plans.

The risk-sharing payments will be invested in helping struggling borrowers, preventing future default and delinquency, and reducing shortfalls in the Pell Grant program.

With the stakes so high for students and taxpayers, it is only fair that institutions bear some of the risk in the student loan program.

We need to tackle student loan debt and college affordability from multiple angles. We need all stakeholders in the system to do their part. With the PASS Act and the Protect Student Borrowers Act, we are providing the resources and incentives for states and institutions to take more responsibility to address college affordability and student loan debt and improve student outcomes. I urge my colleagues to cosponsor these bills and look forward to working with them to include these and other key reforms in the upcoming reauthorization of the Higher Education Act.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1875. A bill to provide for wildfire suppression operations, and for other purposes; to the Committee on the Budget.

Mr. WYDEN. Mr. President, today I am introducing the Wildfire Disaster Funding Act of 2013 to end the destructive cycle of underfunding wildfire prevention and then having to spend even greater amounts fighting wildfires than if our forests were properly managed.

For some time now, our country has witnessed tragic wildfire seasons that have put American lives and our treasured public lands in harm's way. Sadly, this year 19 firefighters lost their lives fighting the Yarnell Hill Fire in Arizona. Due to climate change, drought, and other factors, the risks from these infernos are likely to increase in the future.

Federal fire suppression spending has increased substantially over the past 20 years. In the case of the Forest Service, the proportion of their budget devoted to wildland fire management has increased steadily from 13 percent of the total budget in 1991 to 41 percent of the budget in 2013. Most recent fire seasons have cost upwards of $1 billion, compared to $200 million in the 1990's. This leads to an unfortunate new reality: our Forest Service is turning into the Fire Service.

In 8 of the past 10 years, the Forest Service has exceeded its budget for wildfire suppression, requiring the agency to conduct what is known as "fire borrowing" to cover wildfire suppression costs. "Fire robbery" would be a more accurate term because in many cases, the borrowed funds are never repaid. These transfers are incredibly disruptive and are undermining the core mission of the Forest Service.

What is worse, in order to fund the costs of fighting these infernos, the agencies responsible for fighting fires are underfunding the very programs designed to prevent fires. The 2013 President's Budget Request included significant cuts to hazardous fuels treatments for both the Department of the Interior, 50 percent cut, and the Forest Service, 30 percent cut.

Studies confirm that hazardous fuels treatments are effective at reducing fire risk and lowering costs. For example, a recent study published by Northern Arizona University's Ecological Restoration Institute concluded that treatments ". . . can reduce fire severity . . .", and ". . . successfully reduce fire risk to communities."

It is clear that our Nation needs a new path forward on fire budgeting to make sure that there is adequate funding for fire prevention work. For much of 2013, I have been urging the Office of Management and Budget, OMB, to help the Congress develop a new path forward through oversight hearings, letters, and numerous discussions.

Therefore, today I am introducing the Wildfire Disaster Funding Act to provide a better path forward on wildfire funding and fire prevention.

This bill will establish parity for wildfire funding to how the Federal Government funds other major natural disasters such as floods and hurricanes. Specifically, the bill would move any spending above 70 percent of the 10-year rolling average for fire suppression outside of the agencies' baseline budget by making these additional costs eligible to be funded under a separate disaster account.

Based on Department of the Interior and Department of Agriculture analysis, 1 percent of wildland fires represent 30 percent of costs, so in essence my legislation would be moving the true emergency fire events to be funded under disaster programs, and the routine wildland firefighting costs—would be funded through the normal budgeting and appropriations process.

Most importantly, this legislation would free up as much as $412 million in discretionary funding to fund hazardous fuels projects and make sure urgently needed work is done in the forests to prevent wildland fires.

I am pleased to be joined by Senator CRAPO in introducing the bill today. This legislation also has the support of Secretary of Agriculture Tom Vilsack and Secretary of the Interior Sally Jewell. I look forward to working towards enactment of the Wildfire Disaster Funding Act in the 113th Congress through any possible avenue. Together, the Congress and the Administration must work to guarantee that

our country has the necessary tools to both combat and prevent wildland fires.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 19, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Krishna Patel, a detailee on Senator JOHNSON's banking committee staff, be granted floor privileges for the duration of today's session.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that Elise Mellinger, a State Department Foreign Service officer currently serving as a Pearson fellow in my office, be granted the privilege of the floor for the duration of Senate consideration of H.R. 3304, the Fiscal Year 2014 National Defense Authorization Act.

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

Mrs. HAGAN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Margaret Lawrynowicz on December 19.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Joe Carrigan, the defense legislative fellow assigned to my office, be granted floor privileges for the remainder of the 113th Congress.

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

Mr. WHITEHOUSE. Mr. President, may I ask unanimous consent that a military fellow with Senator MURRAY's office, Major James O'Brien, be granted floor privileges for today's session of the Senate.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, we all have various people from other departments and agencies in our government on occasion who help us in our offices. Being a member of the Armed Services Committee, I have had the pleasure to have a number of fine defense fellows serve in my office and help us prepare the Defense bill and deal with other issues of importance.

Commander Joe Carrigan is another one of these very fine fellows. He is one of the best we have ever had. He has a good strategic mind, he works extremely hard, he is always thoughtful, and he is a delight to have in the office.

We have been talking about our military personnel and their retirement benefits. Remember, unlike other government employees, they are on call anytime, any day, to be sent anyplace in the world at the very risk to their lives and physical well-being. In addition, they work long hours. They have no thought to object to being asked to work a weekend or a night or 24 hours without sleep to do some task they are called upon to do, and they get no overtime for it. It is just the way it is done in the military because when a challenge is out there, they act.

I know some point out the weaknesses in this large entity, the Defense Department, and some of the management problems that arise. But I have to say without any doubt whatsoever that the institution has quality people—people of integrity, men and women who love their country and serve their country and do whatever you ask them to do. I see that every day when we work with people such as Commander Carrigan. And he will be successful in whatever he does and in whatever his next assignment will be.

So as we wrap up this Defense bill, I would like to thank him for his service and to thank all of our men and women in uniform who do their work, and I hope that we in the Congress can be worthy of their trust.

I yield the floor.

Mr. COATS. Mr. President, saner heads have prevailed. I think the news that we just received brought a much more reasonable way of moving forward rather than two more all-nighters with votes every 4 hours or so. It was not pleasing for anyone, particularly during the Christmas season. It was totally unnecessary to do this, had there not been some precipitating factors. I did not come down here to point fingers. There is frustration on both sides, frustrations on the Democratic side with Republicans—but I do not think it has been explained, what caused Republicans to become so concerned and so frustrated and frankly so angry over the way that the rules were broken to change the rules, something that has been precious to this body for its more than 200 years, and that is the uniqueness of the ability of a minority to have a say in legislation, to amend or at least to offer amendments. They may succeed, they may not succeed, but to have a voice.

I think those who have not served here in the past and have never been in the minority cannot begin to appreciate that right. I started in the House of Representatives where the majority rules. That is the way the Founding Fathers established that body. But they said they wanted the Senate to be different, a place where the passions could be cooled, where debate could be held, where amendments could be offered, where laws could be changed or modified. Members were given a 6-year term so they would not have the pressure of running for election in just months out or a year out; so they could step back and simply say let's look at the longer view, the larger view.

In my first time here in the Senate, that practice was led by the Democratic leaders and Republican leaders. The majority changed. I came here with a Democratic leader who was eminently fair to the minority and insisted, as did many Members, none more vividly and with emotion and commitment than did Robert Byrd, the Democrat from West Virginia, who probably knew more about procedures and the history of the Senate than all the other Senators combined. Read his volumes.

We would listen to Robert Byrd, respecting how he respected this institution. I experienced under Robert Byrd, then Republican Bob Dole, and then Tom Daschle, Democrat, Trent Lott, Republican—I experienced respect for the rights of the minority even though I was in the majority. They were sacrosanct. No one stood up and said let's take those rights away. Those who did were shot down by their own party. Our party made an attempt at that. Sense and reason prevailed. It was imposed by those who had been here, saying you need to understand the unique role of the Senate that has been created by our Founding Fathers, enshrined in the Constitution, 225 years of tradition and history.

To have the majority leader, the Senator from Nevada, come here and say we are taking that away, what we had promised to do; that is, keep the rules—we are going to break them and we are going to impose on you because you are dragging out the time it takes to secure nominations. We are going to impose on you. We are going to take away your minority rights and we are going to rule by majority.

As I said, I understand the frustration that must have been felt on the other side of the aisle when Members would delay the confirmation of nominees. Why were Republicans doing that? They were doing that because the majority leader was using a technique to deny us amendments on any number of bills.