

SUPPORTING AMERICA'S CHARITIES ACT

I would like to shift gears and speak, if I might for just a moment, about another issue which I think is very important to our overall economy and very important to a lot of people across this country, both those who give to—empower charitable giving in this country and those who benefit from it.

Last week the House of Representatives voted on a piece of legislation that would empower Americans to give more to charity. The legislation would accomplish this by making permanent three tax incentives for charitable giving that have been in law on a temporary basis. All three of these tax provisions have historically enjoyed strong bipartisan support.

First, the bill would make permanent the law allowing individuals 70½ years of age and older to donate up to \$100,000 of their individual retirement account to charity without incurring a tax penalty for doing so.

Second, the bill would make permanent the enhanced deduction for food inventories, thus encouraging businesses to donate food that might otherwise go to waste to food pantries and other organizations that help to feed the hungry.

Finally, the bill would make permanent certain tax rules that make it easier for farmers and other land owners to donate land for conservation purposes, thus helping to preserve America's natural habitat. This last provision, I might add, is included in President Obama's 2015 budget.

These are commonsense measures that will help to promote what I believe is a core element of the American experience; that is, private citizens helping friends and neighbors in their time of need. What could be more appropriate during this season of giving than the government making it a little bit easier for Americans to lend a helping hand?

Unfortunately, this Christmas season the Obama administration has a different message for America's charities and the millions of individuals they serve. That message is "bah humbug." That is right. Instead of working with us to help America's charities, the Obama administration promised to veto this bill should it pass the House and the Senate. Apparently the President is so opposed to any new tax relief, he has decided to oppose a bill with significant bipartisan support.

Let's be clear that this measure is not some budget-busting bill. In fact, this bill would provide about \$1 billion per year in tax relief to Americans who donate to charity, which would have almost no impact on a Federal budget of nearly \$4 trillion.

One measure of the bipartisan nature of this legislation is the fact that the Democratic chairman of the tax-writing Finance Committee, Senator WYDEN, who was here briefly a moment ago, supports this measure. In fact, Chairman WYDEN recently indicated

that he hoped we could get this measure to the President's desk quickly. He stated:

My view is we'll pass it as a clean bill and send it on to the President. I really don't see a lot of controversy.

That was from the chairman of the Senate Finance Committee.

Unfortunately for Senator WYDEN and me, along with many of our colleagues in both parties who see an opportunity to get something meaningful enacted before the end of this year, this White House sees yet another opportunity for gridlock. So I would say I strongly believe promoting charitable giving should be a high priority.

Earlier this year Senator WYDEN and I circulated a letter signed by 33 of our Senate colleagues to then-Finance Committee Chairman Baucus and Ranking Member HATCH urging them not to weaken the charitable tax deduction in any tax reform effort.

As a member of the Finance Committee, I have not signed many letters on tax reform, as I generally believe that everything needs to be on the table. However, I made an exception when it came to charitable giving because I believe so strongly that promoting charity is an integral part of who we are as a nation.

Much like the deduction for charitable contributions, the provisions of the Supporting America's Charities Act represent important means by which to encourage Americans to give more to charitable organizations. Unfortunately, due to opposition from the President, this legislation fell a few votes short of passage last week in the House when it was considered under suspension of the rules, which is a process that requires a two-thirds majority vote.

That being said, I intend to introduce similar legislation early next year, and I strongly urge the President of the United States to reconsider what I believe is his misguided opposition to these very worthy provisions. I hope the administration will join us in a spirit of good will toward all men and women, especially those of our fellow citizens most in need of assistance.

ABLE ACT

I wish to finally speak today regarding a bill that I am very pleased has moved through this Congress—I should say will be moving shortly—and that is the Achieving a Better Life Experience, or ABLE, Act. This bill will assist individuals with disabilities by creating a mechanism to achieve long-term personal savings—something individuals with disabilities are effectively prohibited from doing today under current law.

The ABLE Act would create tax-favored savings accounts for people with disabilities that would count toward the \$2,000 individual asset limits that apply to the Supplemental Security Income and Medicaid Programs. The ABLE Act will allow individuals with disabilities and their families to save money to pay for qualified disability

expenses, such as education, a primary residence, transportation, and other personal support expenses.

This legislation helps achieve a world where disabilities are no longer viewed as a limiting factor as individuals plan for jobs, for school, and for family life. It helps achieve a world where Federal policies no longer impede individuals with disabilities from achieving their dreams. It helps give parents peace of mind as they think about what the future holds for their children.

I have met with many families on this issue, and one story in particular stands out, the story of Tim and Jamie Geels from Dakota Dunes. They have three sons, and their middle son, Tyler, is a concrete example of a young South Dakotan who will see tangible changes to his future as a result of the ABLE Act.

The ABLE Act is one of the most far-reaching pieces of legislation to help individuals with disabilities in nearly 25 years. I am proud to be a cosponsor. Long hours and intense effort shaped this legislation into a package that helps Americans with disabilities and is fiscally responsible as well. I am proud to support the ABLE Act, as modified. I look forward to Senate passage of this very worthy legislation later this week as part of the tax extenders legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

WORK OF THE COMMERCE COMMITTEE

Mr. NELSON. Madam President, before the Senator from South Dakota leaves the floor, let this Senator say that I am looking forward to working with him since he will be our chairman of the Commerce Committee next year. I will have the privilege of being the ranking member. We have a fairly full plate of things that must be done: FAA reauthorization, telecommunications rewrite. Fortunately, it looks as though we have just done a Coast Guard bill, but there can always be tweaks to that. There are a host of things. We are way beyond on NASA reauthorization. Fortunately, we have been able to build on the NASA reauthorization that was done in 2010, but that needs to be updated. There are all kinds of consumer legislation as we get into things such as this thorny issue of Internet access. It is going to take some real bipartisan cooperation.

In my discussions with the future chairman, Senator THUNE, I am looking forward to working with him on this very important committee.

Mr. THUNE. Madam President, I know the Senator from Florida has things he wants to talk about, but I do want to take this opportunity to mention that I very much look forward to working with him. I think we have the potential for a real foundation, hopefully, for accomplishment on our committee.

The Senator from Florida is someone who has an interest in working in a bipartisan way to get things done for our country. I know of his great interest, being from Florida, in the space program and NASA, in oceans. Oceans are not an issue we have to deal with a lot in South Dakota; it is an issue our committee deals with. It is an issue that is very important to a lot of our colleagues on the committee as well as the Senator from Florida. So I welcome the opportunity to work with him.

As he mentioned, these are tough, thorny issues—telecommunications issues, transportation issues, the highway bill, FAA authorization, perhaps something on rail. There is a whole range of issues falling under the jurisdiction of the commerce committee that are going to require an extraordinary level not only of support from the members of our committee but a willingness on the part of those of us—the Senator from Florida and I—to hopefully craft an agenda to get things done for this country.

I appreciate his kind words and would reciprocate by saying how much I look forward to working with him and hopefully to have a real record of accomplishment as we head into this next year.

I thank the Senator from Florida for his kind words and wish to let him know we will be doubling down next year, working as hard as we can to put some points on the scoreboard that are good not only for the State of Florida and for the State of South Dakota but for America and for our economy, because we have so many things under the jurisdiction of the commerce committee that contribute to a stronger and more robust economy in this country.

TAX EXTENDERS

Mr. NELSON. Madam President, I wish to speak about a tax bill that is coming up that is fairly necessary for the country. The Senator from South Dakota and I have the privilege also of serving on the Finance Committee, and there is an example where we just haven't been able to get a lot done. Now, here we are at the eleventh hour and fifty-ninth minute with a whole bunch of provisions about to expire that are extremely important to American taxpayers, such as the research and development tax credit.

American businesses and American taxpayers would like to have some certainty of knowing, as they are doing their planning for the year, that they can plan on this or that deduction or tax credit. In Congress, for the entire past year, we have not had etched into law, because it has expired, a number of these tax deductions and credits that I am going to go through. But the R&D tax credit is only one example.

So how in the world can American business and the American taxpayers plan? Take, for example, the Senator has a State where agriculture is predominant. So does this Senator.

There are a number of ranchers in the State of Florida who want to do-

nate a conservation easement on their property to keep that property, in this case of ranching families, that they have been ranching for centuries. They want that way of life to continue.

There is an interest in environmental restoration; for example, the Everglades restoration, that the headwaters that ultimately flow to the Everglades be preserved from being developed. So there is an interest in the environment to obtain the development rights or a conservation easement.

It is clearly in the interests of the taxpayer, likewise, to have observed that conservation easement because that is the easiest way of cleaning up the water that ultimately flows into the Everglades. So the conservation easement is a win-win-win. It is a win for the rancher, it is a win for the taxpayer, and it is a win for the environment.

But the poor ranchers, because we have not passed the tax extenders bill, here they are at the end of the year and they would like to make the donation of the conservation easement. How are they going to get it done in the next couple of weeks if we don't pass it until almost the midnight hour?

It is just another example, and I look forward to working with the Senator from South Dakota. I hope we can pass it this week so at least some of it can be salvaged before the end of this tax year.

I have given two examples and I will give another: the wind energy production tax credit. It provides a credit for electricity produced by the wind.

There is a lot of wind out in the middle of this country. It is a good way to produce electricity. It is called renewable electricity. It has brought our electricity sector into the 21st century. It has reduced our dependence on carbon-based electricity.

It makes sense. If someone visits a country such as Denmark, look how many windmills there are. I still call them windmills, but they are wind turbines. They are highly sophisticated, finely tuned machines, blades that will take the least bit of wind and turn that big blade that is hundreds of feet long. As it turns, it is generating electricity.

Yet for the entire past year people who want to establish these wind farms don't have any certainty that they will be able to get this wind energy production tax credit.

The purpose for the tax credit is to give the businesses an incentive to establish wind farms which, No. 1, becomes a win for the environment; No. 2, becomes a win for the business that is in the business of wind energy production; and, No. 3, becomes a win for the consumers because it is weaning us from producing electricity only from a carbon-based fuel that ultimately sends CO₂ into the atmosphere. We know what is happening with a lot of CO₂ up there, it creates the greenhouse effect.

As the Sun's rays come in and bounce off the surface of the Earth and reflect

or radiate back out into space, suddenly the glass ceiling—the greenhouse effect of carbon dioxide and other greenhouse gases—traps that heat. What happens? The increasing temperature of the planet, 90 percent of that heat is absorbed into the oceans and, as a result, we are seeing the sea level rise.

For a State such as mine, the State of Florida, NASA has measured over the past 50 years—not drafts, not projections, measurements—5 to 8 inches in South Florida of sea level rise in Florida.

By the way, check the papers. Yesterday the pumps didn't work. Alton Road in Miami Beach was flooded. The mayor of Miami Beach, when he was campaigning 1 year ago, went in a kayak down Alton Road as a demonstration of how the sea level rise at high tide is flooding streets of Miami Beach. It brings me back to this extenders tax bill we need to pass this week: the wind energy production tax credit.

Another example is the work opportunity tax credit, which encourages people who work to hire disadvantaged people. It provides a tax credit for businesses that hire people who have a difficult time getting a job. It encourages the private sector to help these folks get out of a difficult spot in their lives, because they have disadvantages, to become independent, to stand on their own two feet because they can go to work. That is the purpose of a tax credit for work opportunity, but that hasn't been in effect all this year, 2014.

We pass this tax extenders bill and it will retroactively take it back to the 1st of the year and make this tax credit—and these others I have mentioned—available as people are calculating their Federal income tax for the calendar year 2014.

Another is rollover IRAs to charities. It is when you get to a certain age—and I believe the age is 70—and you have an IRA. By law, setting up the IRAs which are nontaxable—recall all the years you put money in those IRAs, you put that money into the IRA before you paid tax on it.

When you bring money out of the IRAs that you have had all of your life, you are going to pay the tax, and that more than likely is going to be during your retirement years. That is what an IRA is for. It is called an Individual Retirement Account.

By law, under the IRA law, when someone gets to be 70, they have to start taking out a certain amount of that IRA.

We have had a provision in the Tax Code that is an incentive to give that money that people have to take out to charity. Therefore, it provides an easier way for people who have to take the money out of their retirement accounts to give that money to charity because, when they take it out, it doesn't become taxable before they give it to the charity.

In other words, it is a transfer of the tax-free dollars in the IRA directly