

(Mr. SESSIONS) was added as a cosponsor of S. 1324, a bill to require the Administrator of the Environmental Protection Agency to fulfill certain requirements before regulating standards of performance for new, modified, and reconstructed fossil fuel-fired electric utility generating units, and for other purposes.

S. RES. 87

At the request of Mr. MENENDEZ, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 87, a resolution to express the sense of the Senate regarding the rise of anti-Semitism in Europe and to encourage greater cooperation with the European governments, the European Union, and the Organization for Security and Co-operation in Europe in preventing and responding to anti-Semitism.

S. RES. 168

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Res. 168, a resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system.

AMENDMENT NO. 1237

At the request of Mr. LANKFORD, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Louisiana (Mr. CASSIDY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1237 proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

AMENDMENT NO. 1242

At the request of Mr. BROWN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Connecticut (Mr. MURPHY), the Senator from Delaware (Mr. COONS), the Senator from Hawaii (Ms. HIRONO), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. UDALL), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), the Senator from West Virginia (Mr. MANCHIN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Minnesota (Mr. FRANKEN), the Senator from Rhode Island (Mr. REED), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1242 proposed to H.R.

1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

AMENDMENT NO. 1244

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1244 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. BARRASSO, Mr. TESTER, Mr. MORAN, and Ms. HEITKAMP):

S. 1361. A bill to amend the Internal Revenue Code of 1986 to extend and improve the Indian coal production tax credit; to the Committee on Finance.

Mr. DAINES. Mr. President, this year marks the 10-year anniversary of the Indian coal production tax credit. This is a crucial tax incentive that levels the playing field for the future development of tribal coal resources that are currently subject to more regulatory requirements than comparable development on private, State or Federal land. The credit protects the economic viability of existing tribal coal mining projects which support much needed tribal jobs and provide a major source of non-Federal revenue for coal-producing tribes.

Over the past 10 years, the Indian production coal tax credit has proven to be an essential tool in the work of Montana tribes to achieve self-sufficiency, increase economic opportunity, and create good-paying jobs for tribal members. It also has had a significant impact on Montana's economy as a whole.

In fact, in the State of Montana, the Crow tribe relies on coal production for good-paying jobs and as much as two-thirds of the Crow Nation's annual non-Federal budget, partially funding Crow elder programs, higher education for tribal youth, and other essential services for the Crow's 13,000 enrolled members.

Current unemployment on the Crow reservation is 47 percent. It would be over 80 percent if it weren't for the coal jobs. In fact, just last month, I chaired the first ever energy and jobs Senate field hearing on the Crow reservation back in Montana. I heard firsthand how the tax credit is creating economic opportunities for members of the Crow tribe. Yet the current nature of annual reauthorization has resulted in unnecessary uncertainty.

The Crow tribe, as well as all who rely on the Indian coal production tax credit, deserve a long-term solution that provides them with the support and certainty they desperately need. In fact, at last month's hearing, Crow

chairman Darrin Old Coyote testified, "There are a few federal tax incentives that encourage investment and development in Indian country, but their utility is diminished by their short-term nature."

For those who have spent time on the Crow reservation and throughout Southeastern Montana, the economic benefits are most evident. The Indian coal production tax credit has served as a catalyst for creating jobs and fostering tribal self-determination.

In fact, the Harvard Project on American Indian Economic Development recently published a study of preliminary findings which analyzed the economic effects of this tax provision. The study found that the Indian coal production tax credit contributed 1,600 jobs across Montana and generated \$107 million in royalties and tax revenue for the Crow tribe in 2013 alone. In addition, the tax credit stimulates \$95 million in wages for the State of Montana. The Indian coal production tax credit, which expired at the end of 2014 after a 1-year extension, continues to serve the Crow tribe as an effective mechanism for economic development. However, it is a constant source of angst due to Congress's unwillingness to adopt an extension of this provision.

The benefits of this tax credit are evident on tribal lands, especially in Montana. In fact, displayed prominently in my Washington, DC, office is a note from Crow chairman Old Coyote's daughter Evelyn. I have it framed in my office. She wrote: "Please keep the coal tax credit going to help me and other Crow kids have a brighter future."

A permanent extension provides much needed certainty to invest in large-scale energy production projects and provides a path forward for the long-term prosperity of our tribal nations.

Today, I am introducing much needed legislation that addresses the problem and gives our tribes certainty. I appreciate my colleague Montana Senator JON TESTER for joining me in this important effort. I wish to thank Montana Representative RYAN Zinke for introducing a companion bill in the House of Representatives. I also wish to thank the bipartisan Senate team that includes Senators BARRASSO, MORAN, and HEITKAMP for sponsoring this bill. Together, we will continue to advance this legislation for the betterment of Native American tribes.

While there is still more to be done to better serve our tribes, the permanent extension of the Indian coal production tax credit is a good start. I believe this vital piece of legislation will continue to bring more good-paying jobs to Montana and to our Nation, and I strongly urge my colleagues in the Senate to support it.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1249. Mr. MARKEY submitted an amendment intended to be proposed to





H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1351. Mr. MENENDEZ (for himself, Mr. UDALL, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1352. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1353. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1354. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1355. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1356. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1357. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1358. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1359. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1360. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1361. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1362. Mrs. BOXER (for herself, Mr. MARKEY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1363. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1364. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

SA 1365. Ms. BALDWIN (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1249.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; which was ordered to lie on the table; as follows:

At the end of section 102(b), add the following:

(21) **ACCESS TO THE INTERNET.**—The principal negotiating objectives of the United States with respect to the Internet shall be to preserve equal access to the Internet and to not undermine any law or regulation of the United States with respect to net neutrality.

**SA 1250.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; which was ordered to lie on the table; as follows:

At the end of section 102(b), add the following:

(21) **PRIVACY.**—The principal negotiating objectives of the United States with respect to privacy shall be to protect the privacy of data of consumers and individuals and to not reduce protections for privacy under the law and regulations of the United States.

**SA 1251.** Mr. BROWN (for himself, Mr. PETERS, Mr. SCHUMER, Ms. STABENOW, Mr. MENENDEZ, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; as follows:

At the end of section 107, add the following:

(C) **LIMITATIONS ON ADDITIONAL COUNTRIES JOINING THE TRANS-PACIFIC PARTNERSHIP AGREEMENT.**—

(1) **IN GENERAL.**—The trade authorities procedures shall apply to an implementing bill submitted with respect to an agreement described in subsection (a)(2) with the Trans-Pacific Partnership countries only if that implementing bill covers only the countries that are parties to the negotiations for that agreement as of the date of the enactment of this Act.

(2) **APPLICABILITY OF TRADE AUTHORITIES PROCEDURES TO ADDITIONAL COUNTRIES.**—If a country or countries not a party to the negotiations for the agreement described in subsection (a)(2) as of the date of the enactment of this Act enter into negotiations to join the agreement after that date, the trade authorities procedures shall apply to an implementing bill submitted with respect to an agreement with such country or countries to join the agreement described in subsection (a)(2) only if—

(A) The President notifies Congress of the intention of the President to enter into negotiations with such country or countries in accordance with section 105(a)(1)(A);

(B) during the 90-day period provided for under section 105(a)(1)(A) before the President initiates such negotiations—

(i) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate each certify that such country or countries are capable of meeting the standards of the Trans-Pacific Partnership; and

(ii) the House of Representatives and the Senate each approve a resolution approving such country or countries entering into negotiations to join the agreement described in subsection (a)(2);

(C) the agreement with such country or countries to join the agreement described in subsection (a)(2) is entered into before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under section 103(c); and

(D) that implementing bill covers only such country or countries.

**SA 1252.** Mr. BROWN (for himself, Mr. PORTMAN, Mrs. McCASKILL, Mr. GRAHAM, Mr. BENNET, Mr. BURR, Mr. CASEY, Mr. DONNELLY, Mr. FRANKEN, Ms. KLOBUCHAR, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE III—AMENDMENTS TO ANTI-DUMPING AND COUNTERVAILING DUTY LAWS

##### SEC. 301. CONSEQUENCES OF FAILURE TO CO-OPERATE WITH A REQUEST FOR INFORMATION IN A PROCEEDING.

Section 776 of the Tariff Act of 1930 (19 U.S.C. 1677e) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking “ADVERSE INFERENCE.—If” and inserting the following: “ADVERSE INFERENCE.—

“(1) IN GENERAL.—If”;

(C) by striking “under this title, may use” and inserting the following: “under this title—

“(A) may use”; and

(D) by striking “facts otherwise available. Such adverse inference may include” and inserting the following: “facts otherwise available; and

“(B) is not required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party would have provided if the interested party had complied with the request for information.

“(2) POTENTIAL SOURCES OF INFORMATION FOR ADVERSE INFERENCE.—An adverse inference under paragraph (1)(A) may include”;

(2) in subsection (c)—

(A) by striking “CORROBORATION OF SECONDARY INFORMATION.—When the” and inserting the following: “CORROBORATION OF SECONDARY INFORMATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), when the”; and

(B) by adding at the end the following:

“(2) EXCEPTION.—The administrative authority and the Commission shall not be required to corroborate any dumping margin