

and telling anybody who will listen that this way forward is the right way forward on Cuba; that we should change our policies; that we ought to have closer cooperation and diplomatic relations; and that the problems that Cuba has are the problems of the Cuban Government, not the Cuban people.

I want to pay tribute to Alan Gross for that. He continues to work till this day for better relations between Cuba and the United States. That is a significant thing. When Senator TOM UDALL and I visited Alan Gross in prison in November of last year, just 1 month prior to his release, he was in a bad way. He had lost a lot of weight. He had lost some of his teeth. It was a tough time to be in prison. Being there for 5 years, he missed many events at home with his family.

I cannot imagine coming out of that experience and still feeling the compassion that he has for the Cuban people. Just last night it was announced that the U.S. and Cuba have agreed to enter into a bilateral agreement on flights to allow airlines from America, U.S. carriers to fly to Cuba. Instead of just charter flights, we will now have directly scheduled flights. That will allow Americans to travel to Cuba easier and more inexpensively.

I would encourage all Americans who can find themselves in 1 of the 12 categories for travel to do so. There are a group of Cubans who came to the United States a while ago. They were asked: What can America do for you? These were Cuban entrepreneurs who are looking to change the system in Cuba.

They said: Visit Cuba. Come see us. Come to our private restaurants. Stay in our homes. Spend money in Cuba that we have access to. I should note that those who oppose a new policy—the new policy that we have with Cuba—often say that if you travel to Cuba, every dime that you spend goes right to the Cuban Government. That is not the case.

In Cuba right now, you can stay at a bed and breakfast. In fact, Airbnb has 2,500 listings in Cuba. You can stay at an Airbnb. The bulk of that money, most of that goes to those Cubans who are hosting you, not the Cuban Government. You can eat at a private restaurant where those who prepare the meal, serve the meal, and cook the meals will see the bulk of that money to them.

In fact, about 20 percent of the Cuban workforce is now outside of the Cuban Government. So, when Americans travel to Cuba, Cubans benefit. So I would encourage my colleagues and others to take the opportunity to go down to Cuba and travel. The policy that we had for 54 years in Cuba failed to produce the results that we want to see. We want to see a democratic Cuba that respects human rights.

The Cuban Government still has a long way to go, but I truly believe that the best way forward, the best way to make progress on those areas that we

still need to make progress on, is with full diplomatic relations. Hopefully, we soon will have an Ambassador in Cuba who is the Ambassador. Our diplomatic team, led by Jeff DeLaurentis, does a great job in Cuba, but we ought to have a U.S. Ambassador there.

Americans traveling to Cuba doing legal business in Cuba ought to have the same protections they have anywhere else in the world. We need good representation, full representation, in countries that are not friendly to us more than we need it in countries that are friendly to us. So I would encourage the Obama administration to move forward on those and other areas as well.

There are still some measures the Obama administration can take that will improve the lives of Cubans and make it more likely that we can make progress in these other areas. Having said that, let me just say—you often don't hear it from this side of the aisle—but I want to praise and applaud this President, President Obama, for taking the measures that he has taken on Cuba. It took guts to do so.

There is still opposition to the positions that he has taken, but he has taken a position that helps the Cuban people, and it helps Americans. It is good for our national interests. It is good for our security interests.

With that, I want to thank again the Senator from Vermont for the work that he has done on this issue. It has been a pleasure working with him. This past year has been a great year in terms of U.S.-Cuba relations. Here is to an even better year ahead.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2029

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate receives a message from the House to accompany H.R. 2029, the majority leader be recognized to make a motion to concur in the House amendments; further, that if a cloture motion is filed on that motion, that notwithstanding rule XXII, the Senate immediately vote on the motion to invoke cloture; that if cloture is invoked, all postcloture time be yielded back, the majority leader or his designee be recognized to make a motion to table the first House amendment; that following the disposition of that motion and if a budget point of order is raised, the majority leader or his designee be recognized to make a motion to waive the point of order and that following disposition of that motion, the Senate then vote on the motion to concur in the House amendments with no further motions or amendments in order unless the motion to table is successful or the budget point of order is sustained, and with 2 minutes of debate equally divided in the usual form prior to each vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

The PRESIDING OFFICER (Mr. SASSE). The Senator from Maine.

#### PROTECTING AMERICANS FROM TAX HIKE ACT

Ms. COLLINS. Mr. President, tomorrow the Senate will vote on the Protecting Americans from Tax Hikes Act of 2015, which will provide needed tax certainty and predictability for our Nation's small businesses, enabling them to create more jobs and boost our economy.

Several months ago, on April 30, I was joined by my friend and colleague from Pennsylvania, Senator CASEY, in introducing the Small Business Tax Certainty and Growth Act of 2015. Our bill aimed to help small businesses invest, grow, and create jobs by providing needed tax relief and certainty. Senator CASEY has been a true partner in advancing this bill, and we are so pleased that the Protecting Americans from Tax Hikes Act takes three key provisions from our bipartisan bill. These provisions include, first, the permanent extension of section 179 expensing, indexed for inflation, which will allow small businesses to write off up to \$500,000 of the cost of certain equipment. I would note that this provision is so important to our smaller businesses that it is the No. 1 tax priority of our Nation's largest small business advocacy group, the National Federation of Independent Business. Second, the bill includes the permanent extension of the 15-year deduction period for restaurants and retailers to improve their space and to buy new equipment. This is so important because otherwise the Tax Code reverts to a 39-year depreciation schedule. That is totally unrealistic. No restaurant could wait 39 years before investing in new flooring, new equipment, and other kinds of renovations and expect that customers will still come flocking to their doors. The third provision of our bill would be an extension of so-called bonus depreciation to allow companies to deduct the cost of certain equipment and software.

These three provisions will give our small businesses the predictability they require to plan for capital investments that are vital to expansion and job creation.

I know I don't have to tell the Presiding Officer that small businesses create the majority of new jobs in this country. According to the Bureau of Labor Statistics, small businesses generated 63 percent of net new jobs that were created between 1993 and 2013. Even the smallest firms had a notable effect on our economy. The Small Business Administration data indicate that businesses with fewer than 20 employees accounted for 18 percent of all private sector jobs in 2013.

Recent studies by the National Federation of Independent Business indicate that taxes are the No. 1 concern of small business owners and that the constant change in our Tax Code is among their chief concerns. I know this to be true from the many conversations I have had with small business men and women throughout the State of Maine. It is so frustrating to them because they don't know what the Tax Code is going to provide from year to year, making it nearly impossible to plan. This has the effect of freezing their investment decisions, and that in turn affects their ability to hire more workers.

The long-term solutions provided in this bill will provide the certainty small businesses need to create and implement long-term capital investment plans that are vital to growth and job creation. For example, section 179 of the Tax Code allows small businesses to deduct the cost of acquired assets more rapidly. The amount of the maximum allowable deduction, however, has changed three times in the past 8 years and has often been addressed as a year-end "extender," making this tax benefit unpredictable from year to year and therefore difficult for small businesses to take full advantage of in their long-range planning.

Let me give a concrete example. Earlier this year I spoke to Patrick Schrader from Arundel Machine, a precision machining business in Southern Maine. He told me that the uncertainty surrounding section 179 has hindered his ability to make business decisions. The high-tech equipment he needs requires months of lead time. For a small business like Patrick's, it is very risky to increase spending to expand and create new jobs when the deductibility of those investments remains unknown until the very end of the year. For business planning, this is information that is vital to have at the beginning of the year, not at the end. This uncertainty has a direct impact on hiring decisions.

I wish to give another example of what the small business expensing provisions can mean. Maine has become well known for its high-quality craft beers. Dan Kleban founded the Maine Beer Company with his brother in 2009. In 6 short years his business has added more than 20 good-paying jobs with generous health and retirement benefits, and they want to add even more. Dan noted that his company's business decisions have been directly affected by the availability of section 179 expensing. This provision fueled their expansion by allowing them to reinvest their capital into new equipment to produce more great beer and hire more great Maine workers. In the last 3 years, they have taken the maximum deduction allowed under section 179 to acquire the equipment needed to expand their business. This year they hope to use the provision to finance the cost of a solar project that will offset nearly 50 percent of their energy con-

sumption. If the business had been forced to spread these deductions over many years, its owners simply would not have been able to create the new jobs as they have.

This economic benefit is multiplied when you consider the effect of the investment by Maine Beer Company and Maine's many other small brewers and other kinds of small businesses on equipment manufacturers, on the transportation companies needed to haul that new equipment, and, in the case of craft beers, on the suppliers, the supply chain, including farmers who are providing the materials needed to brew these outstanding beers.

In February, NFIB released new research that backs up this claim with hard numbers. NFIB found that simply extending section 179 permanently at the 2014 level could increase employment by as many as 197,000 jobs during the 10-year window following implementation. U.S. real output could also increase by as much as \$18.6 billion over the same period. I mention those numbers because it shows how beneficial this provision of our Tax Code can be when it is made permanent, when the uncertainty about whether it is going to be available and at what level goes away.

In light of the positive effects these provisions would have on small businesses, on jobs, and on our economy, I urge my colleagues to support the tax relief package.

I am pleased to yield to my cosponsor and colleague Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I commend and salute the work done by Senator COLLINS. I am grateful to have this opportunity to reiterate some of the great features of this legislation as it relates to these tax provisions. If I had to summarize it in a couple of words, it would probably be the following: certainty for small businesses—maybe just those four words.

Senator COLLINS, when we talk about reaching across the aisle, I am one desk in from the aisle and you are almost on the aisle. It is almost literally reaching, you are so close. But I am so grateful for your work on this issue for several years now. And with all the difficulties in Washington where often folks don't come together on these and other issues, we can show that we can work together and we can make progress on something, giving certainty to small businesses. That is a pretty big deal. In our State we have something on the order of 2.5 million people working in small businesses, so this is the core of our country in the Commonwealth of Pennsylvania and across the country.

I would reiterate and maybe even incorporate by reference Senator COLLINS' review of the provisions. I would highlight two of them. The 15-year depreciation schedule for restaurants and other leaseholds and other businesses—if you have a restaurant and you can

get the benefit of depreciation—figuratively speaking, a slice or a piece of depreciation year after year—it is a lot better if you can get the benefit of those slices or pieces over 15 years—one per year, or one benefit of depreciation—rather than having to wait 39 years for little tiny pieces over those 39 years. That is a simplistic way of explaining it, but it is a vital injection of support for small businesses.

On section 179, I think what Senator COLLINS said makes a lot of sense because a lot of these businesses would see, well, in this particular year, the value of that maximum allowable deduction is at a certain number, a couple hundred thousand dollars. In the next couple of years it could change. Having that certainty of knowing what that benefit will be over time is of enormous significance. The same is true of the benefits that come from bonus depreciation.

Mr. President, as I said, I rise today to discuss some critical tax provisions which Senator COLLINS and I worked to include in the end of year tax package soon to be considered by the House and the Senate.

This is a day we fought long and hard for—a day to bring our small businesses and entrepreneurs the certainty they need to invest in their companies, grow and create the jobs our economy needs.

As a member of the Senate Finance Committee, I understand that one of the best policy tools we have at our disposal to support small businesses is the tax code, which directly affects businesses' bottom lines.

Business owners need certainty about tax policy. That is why I am proud to have worked with Senator SUSAN COLLINS to introduce bipartisan legislation that would allow small businesses to plan for capital investments that are vital for job creation, and am thrilled to see provisions from this common-sense proposal included in the end of year tax package. Their inclusion will increase certainty for businesses, increase economic activity and increase the pace of job creation.

Small businesses are vital to our economy. In Pennsylvania small firms comprise more than 98 percent of all employers, nearly 2.5 million Pennsylvanians work for small businesses. Across the country, small firms employ just over half of the private-sector workforce, according to the Small Business Administration.

In the past, many of the tax provisions affecting small businesses have been enacted on an unpredictable and temporary basis; that changes with this bill. That uncertainty directly hindered economic growth and job creation. When businesses don't know how their investments will be taxed, they cannot make long-term planning decisions with confidence. This bill, with the policies I championed with Senator COLLINS, will change that.

This end-of-year package includes several provisions which, through their

being made permanent, will immediately reduce uncertainty about the Tax Code and encourage businesses to grow, invest and hire.

A key provision of our bill would make permanent the maximum allowable deduction under section 179 expensing rules. Section 179 allows taxpayers to fully deduct certain capital asset purchases in the year they make the purchase. This type of expensing provides an important incentive for businesses to make capital investments. Without it, taxpayers would have to depreciate those asset purchases over multiple years. By making the maximum allowable deduction permanent and indexing it to inflation, our bill would provide the kind of certainty that businesses need to take full advantage of section 179.

A second provision—bonus depreciation—will help businesses in much the same way that the expensing rules do. Bonus depreciation allows companies to expense half the cost of qualifying assets that they buy and put into service in the same year.

The bonus depreciation provisions will provide 5 years of certainty to our businesses, creating an added incentive that makes a real difference in small business investment. A 2013 U.S. Treasury report concluded that 50-percent bonus depreciation lowers the cost of capital by 44.1 percent. These figures illustrate the tremendous benefit these policies can bring to our job creators.

One additional measure, which I would like to touch on for a moment, is the provision to make 15-year straight-line depreciation schedule for restaurants, leaseholds, and retail improvements permanent.

This February, Senator CORNYN and I introduced legislation to make the 15-year cost recovery provision permanent. I am glad to see its inclusion in the end of year tax package.

These provisions together will encourage business owners to make key capital investments, and allow for faster cost recovery that goes directly to a company's bottom line, thus freeing up cash that can be used to expand operations and hire more workers.

Making these measures either permanent or long-term creates the kind of tax certainty that is critical for all our businesses, but is especially important for small businesses.

These are commonsense provisions that both parties can support. They will improve our business environment and ease the tax burden on small businesses. Most importantly, they will directly encourage the investment and job creation that our economy needs.

I wish to commend and salute the work Senator COLLINS did. We are glad there is some certainty as a result of these business tax provisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### EB-5 PROGRAM

Mr. GRASSLEY. Mr. President, at 1:30 a.m. Wednesday morning, an omni-

bus appropriations bill was filed to keep government operating for the remainder of this fiscal year. This bill, which will be voted on by the House on Friday, includes a straight and clean extension of a program called the EB-5 Immigrant Investor Program. This program has been plagued with fraud and abuse, but more importantly it poses significant national security risks. Allegations suggesting the EB-5 program may be facilitating terrorist travel, economic espionage, money laundering, and investment fraud are warnings against this bill too serious to ignore. Yet they are being ignored. The omnibus bill fails to include much needed reforms.

The spending bill being considered by the House and Senate is a major disappointment. I am frustrated that despite the alarm bells and whistleblowers, warning us in Congress about the EB-5 program, Republican and Democratic leadership in the House and Senate decided to simply extend the program without any changes. This was a missed opportunity to protect America.

What makes this especially frustrating is that the chairs and ranking members of the House and Senate Judiciary Committees—both Republican and Democratic—agreed on a bill. We had consensus. I appreciate the support of Senator LEAHY, the ranking member of the committee. I also commend Chairman GOODLATTE, Ranking Member CONYERS, Congressman ISSA and LOFGREN. In a bipartisan way, we worked this bill out. We agreed on every aspect—maybe naively but believing in our hearts that we were doing the right thing. We found common ground on national security reforms. We made sure rural and distressed urban areas benefited from the program, as was intended when it was first written. We instituted compliance measures, background checks, and transparency provisions. All of those things were meant to protect our national security and weed out waste, fraud, and abuse. Through months of hard work, we put together a great deal, but despite this broad, bipartisan support, and the work of the committees of jurisdiction, not a single one of our recommendations will be implemented. Instead of reforming the program, some Members of leadership have chosen the status quo. This failure to heed calls for reform proves that some would rather side with special interest groups, land developers, and those with deep pockets.

It is widely acknowledged that the EB-5 program is riddled with flaws and corruption. Maybe it is only on Capitol Hill—an island surrounded by reality—that we can choose to plug our ears and then refuse to listen to commonly accepted facts. The Government Accountability Office, our free media, industry experts, Members of Congress, and even Federal agency officials have concurred that the program is a serious problem with serious vulnerabilities.

Why did congressional leaders ignore the chairmen and ranking members of both the House and Senate committees who were spearheading EB-5 reform? Why, at the same time—and maybe more importantly because they aren't colleagues—did they ignore the Government Accountability Office or ignore the FBI or ignore the Secretary of Homeland Security?

Allow me to remind my colleagues why the EB-5 Regional Center is in need of reform. For several years I have kept close tabs on this program, thanks in part to the reports of wrongdoing brought forth by whistleblowers. The fact is that other Federal agencies, including the FBI, have raised national security concerns. Whistleblowers say that requests from politically influential people were being expedited. Last June, Congress heard from a whistleblower who was harassed for speaking out against the problem—in reference to the countries of China, Russia, Pakistan, and Malaysia, countries not known to be friends of the United States.

This whistleblower said:

EB-5 applicants from China, Russia, Pakistan and Malaysia had been approved in as little as 16 days and in less than a month in most. The files lacked the basic and necessary law enforcement queries . . . I could not identify how USCIS [Customs Immigration Service] was holding each regional center accountable. I was also unable to verify how an applicant was tracked once he or she entered the country. In addition, a complete and detailed account of the funds that went into the EB-5 project was never completed or produced after several requests. During the course of my investigation it became very clear that the EB-5 program has serious security challenges.

There are also classified reports that detail these problems, much as the whistleblower said. Our committee has received numerous briefings and classified documents to show this side of the story. Our own executive branch agencies have communicated to us their concerns about the program. Just listen to these people concerned about it. Officials within the Securities and Exchange Commission, the FBI, and Immigration and Customs Enforcement expressed concerns about the program and how prone it is to fraud. We ought to be concerned about waste, fraud, and mismanagement. We ought to be concerned about national security. The way this bill is ending up, with just a 10-month extension, nobody is taking that into consideration.

An internal national security report stated the following:

As in any instance where significant investment funds are raised . . . the regional center model is vulnerable to abuse. The capital raising activities inherent in the regional center model raise concerns about investor fraud and other conduct that may violate US security laws. Third Party promoters engaged by regional centers to recruit potential investors overseas fall outside of the U.S. Citizenship and Immigration Services' regulatory authority and may make false claims or promises about investment opportunities. Unregistered broker-dealers may operate outside of U.S. Citizenship and Immigration Services' statutory