

“(3) SPECIAL RULES FOR APPLYING THE MINIMUM WAGE AND RETIREMENT PLAN REQUIREMENTS.—

“(A) MINIMUM WAGE.—In determining whether the minimum wage requirements of paragraph (1)(D)(i)(I) are met with respect to 90 percent of a taxpayer's employees for any taxable year—

“(i) a taxpayer may elect to exclude from such determination apprentices or learners that an employer may exclude under the regulations under section 14(a) of the Fair Labor Standards Act of 1938, and

“(ii) if a taxpayer meets the requirements of paragraph (2)(B)(i) with respect to providing differential wage payments to any employee for any period (without regard to whether such requirements apply to the taxpayer), the hourly rate (or equivalent thereof) for such payments shall be determined on the basis of the wages which would have been paid by the employer during such period if the employee had not been providing service in the uniformed services.

“(B) RETIREMENT PLAN.—In determining whether the retirement plan requirements of paragraph (1)(D)(i)(II) are met with respect to 90 percent of a taxpayer's employees for any taxable year, a taxpayer may elect to exclude from such determination—

“(i) employees not meeting the age or service requirements under section 410(a)(1) (or such lower age or service requirements as the employer provides), and

“(ii) employees described in section 410(b)(3).

“(C) RETIREMENT PLAN REQUIREMENTS.—

“(1) IN GENERAL.—The requirements of this subsection are met for any taxable year with respect to an employee of the taxpayer who is not a highly compensated employee if the employee is eligible to participate in 1 or more applicable eligible retirement plans maintained by the employer for a plan year ending with or within the taxable year.

“(2) APPLICABLE ELIGIBLE RETIREMENT PLAN.—For purposes of this subsection, the term ‘applicable eligible retirement plan’ means an eligible retirement plan which, with respect to the plan year described in paragraph (1), is either—

“(A) a defined contribution plan which—

“(i) requires the employer to make non-elective contributions of at least 5 percent of the compensation of the employee, or

“(ii) both—

“(I) includes an eligible automatic contribution arrangement (as defined in section 414(w)(3)) under which the uniform percentage described in section 414(w)(3)(B) is at least 5 percent, and

“(II) requires the employer to make matching contributions of 100 percent of the elective deferrals (as defined in section 414(u)(2)(C)) of the employee to the extent such deferrals do not exceed the percentage specified by the plan (not less than 5 percent) of the employee's compensation, or

“(B) a defined benefit plan—

“(i) with respect to which the accrued benefit of the employee derived from employer contributions, when expressed as an annual retirement benefit, is not less than the product of—

“(I) the lesser of 2 percent multiplied by the employee's years of service (determined under the rules of paragraphs (4), (5), and (6) of section 411(a)) with the employer or 20 percent, multiplied by

“(II) the employee's final average pay, or

“(ii) which is an applicable defined benefit plan (as defined in section 411(a)(13)(C))—

“(I) which meets the interest credit requirements of section 411(b)(5)(B)(i) with respect to the plan year, and

“(II) under which the employee receives a pay credit for the plan year which is not less than 5 percent of compensation.

“(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ELIGIBLE RETIREMENT PLAN.—The term ‘eligible retirement plan’ has the meaning given such term by section 402(c)(8)(B), except that in the case of an account or annuity described in clause (i) or (ii) thereof, such term shall only include an account or annuity which is a simplified employee pension (as defined in section 408(k)).

“(B) FINAL AVERAGE PAY.—For purposes of paragraph (2)(B)(i)(II), final average pay shall be determined using the period of consecutive years (not exceeding 5) during which the employee had the greatest compensation from the taxpayer.

“(C) ALTERNATIVE PLAN DESIGNS.—The Secretary may prescribe regulations for a taxpayer to meet the requirements of this subsection through a combination of defined contribution plans or defined benefit plans described in paragraph (1) or through a combination of both such types of plans.

“(D) PLANS MUST MEET REQUIREMENTS WITHOUT TAKING INTO ACCOUNT SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS AND BENEFITS.—A rule similar to the rule of section 416(e) shall apply.

“(d) QUALIFIED WAGES AND COMPENSATION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified wages’ means wages (as defined in section 51(c), determined without regard to paragraph (4) thereof) paid or incurred by the Patriot employer during the taxable year to employees—

“(A) who perform substantially all of their services for such Patriot employer inside the United States, and

“(B) with respect to whom—

“(i) in the case of a Patriot employer which employs an average of more than 50 employees on business days during the taxable year, the requirements of subclauses (I) and (II) of subsection (b)(1)(D)(i) are met, and

“(ii) in the case of any other Patriot employer, the requirements of either subclause (I) or (II) of subsection (b)(1)(D)(i) are met.

“(2) SPECIAL RULES FOR AGRICULTURAL LABOR AND RAILWAY LABOR.—Rules similar to the rules of section 51(h) shall apply.

“(3) COMPENSATION.—For purposes of subsections (b)(1)(D)(i)(I) and (c), the term ‘compensation’ has the same meaning as qualified wages, except that section 51(c)(2) shall be disregarded in determining the amount of such wages.

“(e) AGGREGATION RULES.—For purposes of this section—

“(1) IN GENERAL.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single taxpayer.

“(2) SPECIAL RULES FOR CERTAIN REQUIREMENTS.—For purposes of applying paragraphs (1)(A) and (2)(A) of subsection (b)—

“(A) the determination under subsections (a) and (b) of section 52 for purposes of paragraph (1) shall be made without regard to section 1563(b)(2)(C) (relating to exclusion of foreign corporations), and

“(B) if any person treated as a single taxpayer under this subsection (after application of subparagraph (A)), or any predecessor of such person, was an expatriated entity (as defined in section 7874(a)(2)) for any taxable year ending after March 4, 2003, then all persons treated as a single taxpayer with such person shall be treated as expatriated entities.

“(f) ELECTION TO HAVE CREDIT NOT APPLY.—

“(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

“(2) TIME FOR MAKING ELECTION.—An election under paragraph (1) for any taxable year may be made (or revoked) at any time before

the expiration of the 3-year period beginning on the last date prescribed by law for filing the return for such taxable year (determined without regard to extensions).

“(3) MANNER OF MAKING ELECTION.—An election under paragraph (1) (or revocation thereof) shall be made in such manner as the Secretary may by regulations prescribe.”

(b) ALLOWANCE AS GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting “, plus”, and by adding at the end the following:

“(33) in the case of a Patriot employer (as defined in section 45T(b)) for any taxable year, the Patriot employer credit determined under section 45T(a).”

(c) DENIAL OF DOUBLE BENEFIT.—Subsection (a) of section 280C of the Internal Revenue Code of 1986 is amended by inserting “45T(a),” after “45S(a)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 26—DESIGNATING JANUARY 25, 2019, AS “EARNED INCOME TAX CREDIT AWARENESS DAY”

Ms. BALDWIN (for herself, Mr. BOOKER, Mr. BROWN, Mr. COONS, Ms. CORTEZ MASTO, Mr. DURBIN, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. REED, Ms. SMITH, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Ms. HARRIS, Ms. DUCKWORTH, and Ms. HIRONO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 26

Whereas the earned income tax credit is a refundable Federal tax credit available to low- and moderate-income working families and individuals;

Whereas the earned income tax credit strengthens the rewards of work;

Whereas, in 2016, the earned income tax credit lifted approximately 5,800,000 people out of poverty, including approximately 3,000,000 children;

Whereas the earned income tax credit provides substantial economic benefit to local economies; and

Whereas an estimated 20 percent of eligible workers do not claim the earned income tax credit: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Friday, January 25, 2019, as “Earned Income Tax Credit Awareness Day”; and

(2) calls on Federal, State, and local agencies, community organizations, nonprofit organizations, employers, and other partners to help increase awareness about the earned income tax credit, other refundable tax credits, and free tax filing assistance to ensure that all eligible workers have access to the full benefits of the credits.

### SENATE RESOLUTION 27—CALLING FOR A PROMPT MULTINATIONAL FREEDOM OF NAVIGATION OPERATION IN THE BLACK SEA AND URGING THE CANCELLATION OF THE NORD STREAM 2 PIPELINE

Mr. JOHNSON (for himself, Mr. DURBIN, Mr. RISCH, Mr. MENENDEZ, Mr.

INHOFE, Mr. REED, Mrs. SHAHEEN, Mr. BARRASSO, Mr. MURPHY, Ms. BALDWIN, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mr. BRAUN, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. ENZI, Mrs. FISCHER, Mr. GARDNER, Mr. GRAHAM, Mr. GRASSLEY, Ms. HASSAN, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JONES, Mr. KAINE, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. MERKLEY, Mr. MORAN, Mr. PETERS, Mr. PORTMAN, Mr. ROBERTS, Mr. ROMNEY, Mr. ROUNDS, Mr. RUBIO, Mr. SASSE, Mr. SCHATZ, Ms. SMITH, Ms. STABENOW, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, Mr. YOUNG, Mr. MANCHIN, Mrs. CAPITO, Mr. PERDUE, Mr. ISAKSON, and Ms. MURKOWSKI submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas, in late February 2014, the Russian Federation invaded and illegally occupied Ukraine's Crimean peninsula, in full contravention of the United Nations Charter and the Helsinki Final Act, which condemn the threat or use of force as means of altering international borders;

Whereas the Russian Federation's attempted illegal annexation of Crimea is also a direct violation of its pledges as a signatory to the 1994 Budapest Memorandum on Security Assurances to respect Ukraine's sovereignty and existing borders and to refrain from the threat or use of force against Ukraine;

Whereas the inclusion of the United States and the United Kingdom as signatories to the Budapest Memorandum was essential in order to provide Ukraine the security assurances needed to give up its nuclear arsenal;

Whereas, on November 25, 2018, military forces of the Russian Federation attacked and seized three Ukrainian Navy vessels and their crews as they attempted to transit the Kerch Strait between the Black Sea and the Sea of Azov;

Whereas the Government of the Russian Federation still has not released the Ukrainian crew members or returned the Ukrainian ships that were seized illegally;

Whereas European Commissioner Julian King stated that the Government of the Russian Federation launched a disinformation campaign over a year ago designed to paint Ukraine and NATO as provocateurs in the Kerch Strait;

Whereas, as part of the Russian Federation disinformation campaign, Russian state media outlets spread demonstrable falsehoods, including claims that Ukraine was dredging the Kerch Strait seabed to facilitate the stationing of a NATO fleet, that Ukraine had intentionally infected the sea with cholera, and that Ukrainian and British clandestine services were conspiring to destroy the Kerch Strait bridge with a nuclear weapon;

Whereas the United States has important national interests in the Black Sea region, including the security of three NATO littoral states, the promotion of European energy market diversification by ensuring unfettered European access to energy exporters in the Caucasus and central Asia, and combating use of the region by smugglers as a conduit for trafficking in persons, narcotics, and arms;

Whereas the Nord Stream 2 pipeline is a proposed underwater natural gas pipeline project that would provide an additional

55,000,000,000 cubic meters of pipeline capacity from the Russian Federation to the Federal Republic of Germany through the Baltic Sea;

Whereas the Russian Federation's state-owned oil and gas company, Gazprom, is the sole shareholder of the Nord Stream 2 project;

Whereas, in 2017, there was spare capacity of approximately 55,000,000,000 cubic meters in the Ukrainian gas transit system;

Whereas Gazprom cut off natural gas exports to Europe via Ukraine in 2006, and again in 2009, over supply and pricing disputes with Ukraine's state-owned oil and gas company, Naftogaz;

Whereas transit of Russian natural gas to Europe via Ukraine declined precipitously after the completion of Nord Stream 1 in 2011, falling from 80 percent to between 40 and 50 percent of Russia's total exports to Europe;

Whereas, in 2017, Russian gas accounted for 37 percent of Europe's natural gas imports, an increase of 5 percent over 2016;

Whereas, on December 12, 2018, the European Parliament overwhelmingly passed a resolution condemning both the Russian Federation's aggression in the Kerch Strait and the construction of the Nord Stream 2 pipeline; and

Whereas, on December 11, 2018, the United States House of Representatives passed a resolution calling upon the European Union to reject the Nord Stream 2 pipeline and urging the President to use all available means to promote energy policies in Europe that reduce European reliance on Russian energy exports: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls upon the President to work with United States allies to promptly lead a robust multinational freedom of navigation operation in the Black Sea to help demonstrate support for internationally recognized borders, bilateral agreements, and safe passage through the Kerch Strait and Sea of Azov and to push back against excessive Russian Federation claims of sovereignty;

(2) calls upon the North Atlantic Treaty Organization to enhance allied maritime presence and capabilities, including maritime domain awareness and coastal defense in the Black Sea in order to support Freedom of Navigation Operations and allied interests;

(3) urges the President to use the authority provided under section 1234 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1659) to enhance the capability of the Ukrainian military;

(4) urges the President, through the Departments of State and Defense, to provide additional security assistance to Ukraine, especially to strengthen Ukraine's maritime capabilities, in order to improve deterrence and defense against further Russian aggression;

(5) reiterates that the President is required by statute to impose mandatory sanctions on the Russian Federation under the Countering America's Adversaries Through Sanctions Act (Public Law 115-44);

(6) stresses that sanctions against the Russian Federation are a direct result of the actions of the Government of the Russian Federation and will continue and increase until there is an appropriate change in Russian behavior;

(7) calls upon United States allies and partners in Europe to deny Russian Navy vessels access to their ports to resupply and refuel;

(8) notes the resolution passed by the House of Representatives on December 11, 2018, calling on European governments to cancel the Nord Stream 2 pipeline and urging the President to support European energy se-

curity through a policy of reducing reliance on the Russian Federation;

(9) applauds and concurs with the European Parliament's December 12, 2018, resolution condemning Russian aggression in the Kerch Strait and the Nord Stream 2 pipeline, calling for the pipeline's cancellation due to its threat to European energy security, and calling on the Russian Federation to guarantee freedom of navigation in the Kerch Strait; and

(10) urges the President to continue working with Congress and our allies to ensure the appropriate policies to deter the Russian Federation from further aggression.

## SENATE RESOLUTION 28—RECOGNIZING JANUARY 2019 AS “NATIONAL MENTORING MONTH”

Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mrs. FEINSTEIN, Mr. INHOFE, Mr. JONES, Mr. LANKFORD, Mr. LEAHY, Mr. MURPHY, Mr. PETERS, Mr. REED, Mr. SANDERS, Mr. SULLIVAN, Mr. TILLIS, Mr. VAN HOLLEN, Ms. WARREN, Ms. COLLINS, and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 28

Whereas the goals of National Mentoring Month are to raise awareness of mentoring, recruit individuals to mentor, celebrate the powerful impact of caring adults who volunteer time for the benefit of young people, and encourage organizations to engage and integrate quality in mentoring into the efforts of the organizations;

Whereas there are young people across the United States who make everyday choices that lead to the big decisions in life without the guidance and support on which many other young people rely;

Whereas a mentor is a caring, consistent presence who devotes time to a young person to help that young person discover personal strength and achieve the potential of that young person;

Whereas quality mentoring encourages positive life and social skills, promotes self-esteem, bolsters academic achievement and college access, and nurtures young leadership development;

Whereas mentoring programs have been shown to be effective in helping young people make positive choices;

Whereas young people who meet regularly with mentors are 46 percent less likely than peers to start using illegal drugs;

Whereas research shows that young people who were at risk for not completing high school but who had a mentor were, as compared with similarly situated young people without a mentor—

(1) 55 percent more likely to be enrolled in college;

(2) 81 percent more likely to report participating regularly in sports or extracurricular activities;

(3) more than twice as likely to say they held a leadership position in a club or sports team; and

(4) 78 percent more likely to pay it forward by volunteering regularly in the communities of young people;

Whereas 90 percent of young people who were at risk for not completing high school but who had a mentor said they are now interested in becoming mentors themselves;

Whereas mentoring can play a role in helping young people attend school regularly, as