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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, all Your works do praise Your Name on the Earth, in the sky, and on the sea. Great is Your faithfulness. Stir Your edifying spirit among our Senators, liberating them from shortsightedness, as they work diligently for the freedom and justice of all. Lord, make them citizens of Your kingdom, so that Your will may be done on Earth even as it is done in Heaven. Help them to draw near to You with true hearts and the full assurance that their times are in Your hands. Thank You for the liberties You have given America and help us to remember that eternal vigilance is the price for freedom.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MINIMUM WAGE FAIRNESS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 250.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 250, S. 1737, a bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans the final half.

Following morning business, the Senate will resume consideration of H.R. 3979, the legislative vehicle for the unemployment insurance extension legislation.

The Senate will recess, as we do every Tuesday, from 12:30 p.m. to 2:15 p.m., to allow for our weekly caucus meetings.

KOCH BROTHERS

Mr. REID. Mr. President, as I went about my business in the Senate yesterday, I was informed the Koch brothers are at it again. We know they are at it, but now they are at it in Nevada, among other places.

I am told one of their puppet organizations is going to run commercials against me in Nevada. That is quite interesting. As I understand it, they had focused on places where there is an election. They may not know it, but I am not running for anything for a few years, until my 6-year term is up.

What issues will they raise in those ads they say they are going to run in Nevada? That by my criticizing the Koch brothers, I have attacked their freedom of speech. The gall of these two brothers is staggering.

Keep in mind, they are the fifth richest people not in whatever State they live in—they have lots of different homes in America—but they are the fifth richest people in the world. These two mogul multibillionaires are so eager to force their will on the American people that they will do it even in the face of their own hypocrisy, which we have already established some time ago.

I am beginning to think April Fools' Day arrived 1 day early. See, it is a fool's errand for the Koch brothers to think they can use their money to frighten me or to brainwash Nevadans or the rest of the country. They are spending lots of money to try to do that. People of this Nation trace their freedom of speech back to the Constitution, not a bank account which has lots and lots of zeros at the end.

The Koch brothers are trying to use their immense wealth to buy their way around the laws and regulations of this Nation to make themselves even richer. Everything they do is so selfish, so self-centered in an effort to make them—I guess the sixth richest is not good enough, the fifth richest isn't good enough. They want to be the richest because they are into making money and as much as they can. There is nothing wrong with that, except what they are doing with their money.

I know they say: Well, we gave money in—I think—New York City to cancer research. But what they have done to damage the National Institutes of Health is not possible to measure.

Here are the rules the multibillionaire Koch brothers want to play by: They should be allowed to say false and misleading statements about the Affordable Care Act, but we are not allowed to criticize them for it.

Just listening to the news, and I haven't heard anything from the White House directly, but I am told that yesterday, in 1 day, more people signed up for ObamaCare than the previous 3 months. People are anxious to have health insurance. They are anxious to have health insurance. I have been very satisfied that I and Members of my caucus and people around the country have been standing up to these moguls and their false, misleading, fearmongering ways.

It should be no surprise that these multimillionaire, billionaires, very, very rich, fifth richest people in the world have decided: What we will do is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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try to frighten REID. There have been times in my life when I have been a little afraid, but I am not afraid of them. I understand they have spent $30,000. Let them spend $300,000 in Nevada. I don't care—and I truly don't.

These oil barons have commissioned a group—one of their many organizations. As I have said on the floor, most of the ads we see we think have come from Americans for Prosperity. That is their name. But they funnel money through many organizations—the chamber of commerce. What does the chamber do with those ads? Run ads against Democratic Senators because the chamber of commerce is a Republican-oriented organization, and it is good to get money from the Koch brothers because they can hide under the chamber of commerce.

This organization they are now floating around that is going to run these ads, against me I am told, is called American Encore. It was previously called the Center to Protect Patient Rights. I guess that didn't work so well, as well more than 10 million people have now signed up for ObamaCare, people who didn't have the opportunity before. I guess they decided running ads against me is more important than protecting patients' rights, so now they came up with another catchy name, American Encore.

No matter what they call their organization or the myriad of organizations, they all have one stated purpose, to make these oil barons even richer. If anyone needs further proof—and I am not sure anyone does—take a look at the legislation they have influenced with their money. In recent years, the tea party-driven House of Representatives has never missed a chance to funnel more tax cuts to the wealthy by raising taxes on the middle class.

The vast majority of wealthy people in America are willing to do more. They have spoken to my friend the Presiding Officer. There are a lot of rich people in the State of New Jersey. Even though the Presiding Officer has worked with people who are badly in need of help, people in New Jersey have walked up to the Presiding Officer and said: I am willing to pay more—and the same in Nevada. But every time we try to do something to get a few more resources to build roads, bridges, highways, dams, water systems, sewer systems, Republicans in the Congress say no.

The Republicans in Congress do not represent mainstream Republicans in America today. They don't even represent mainstream rich Republicans around the country. They are driven by and they are afraid of the tea party.

We have a budget proposal coming out today from the House of Representatives. The person who ran for Vice President the last go-around on the Republican ticket is the chairman of the Budget Committee and he is coming out with a budget. It is a blueprint for a modern ''Kochtopia.'' In fact, call it whatever one wants. We might as well call it the Koch budget because that is whom they are protecting, the Koch brothers.

I am fascinated by this. These proposals are called the Path to Prosperity. It is a path to prosperity for some people—the rich—because that budget would end Medicare as we know it. Similar to the last budget the chairman of the Budget Committee in the House came out with, it would slash education funding while expanding tax loopholes for the megarich.

Whose prosperity is being plotted in these schemes? Today, as we get closer to the new Ryan budget, we will have to see how much of the Koch brothers' agenda is reflected in this year's budget. We don't have to be a fortune teller to know the similarities are extensive.

To any and all groups that wish to attack me on behalf of multibillionaires, fire away. I am very happy—I am even proud—to be targeted by those attacks and will gladly endure them in order to call attention to the unscrupulous acts of these two barons. But don't expect Americans to go along with their attempt to rig our democracy and hand it over to a couple of power-hungry tycoons—I guess from Kansas. I know they have homes in New York, and one of them lives near here.

The country will be watching but not fooled by the Koch brothers' attempts to purchase influence for whom—for the Koch brothers.

The PRESIDING OFFICER (Mr. BOOKER). The Republican leader.

IGNITING THE ECONOMY

Mr. MCCONNELL. Mr. President, Washington Democrats have controlled the White House and the Senate for years now. They have tried just about every tool in the liberal toolbox to turn the economy around. Yet according to the latest Gallup tracking poll, just 19 percent of Americans think the economy is doing well. Millions are out of work, and close to 60 percent of Americans say things are getting even worse.

By basically any objective standard, we would have to say the Washington Democratic approach hasn't worked. We would have to say it is time for a change, to do something that can work, and that is what Republicans are proposing again this week.

While Senate Democrats dust off the same poll-tested ideas for papering over the symptoms of malaise, Republicans are proposing concrete ideas aimed at igniting the economy and giving people real hope for something more, something better than what they have been getting for the last 5 years, something which speaks to their hopes and their potential. In other words, the other side is doubling down on the status quo while Republicans are offering change.

Specifically, we will be proposing numerous jobs-related amendments which have one unifying purpose; that is, to break through the stagnation of the Obama economy and kick domestic job creation into high gear.

Our approach is simple: Let's give free enterprise and private initiative a chance. Let's use the tools we know can lead to the creation of the stable, well-paying 21st century jobs our constituents want and deserve.

Too often it seems our friends on the other side are single-mindedly focused on treating the symptoms of a down economy rather than actually providing struggling Americans with positive, meaningful paths to a better life. They can't seem to get their minds around any legislative proposal that puts ordinary Americans and private initiative in the driver's seat instead of the government. To me that largely sums up the difference between the parties. But it goes even further than that, because Washington Democrats are not just reluctant to embrace any idea that doesn't emanate from Washington; they don't even want to hear about it.

If we are going to get this country back on track, that needs to change, and that is what Republicans are arguing for this week. What we are saying is, if all you want is subsistence-level relief, then that is what the party of government is going to give you. But if your goal is to help those who want to truly aspire to join the middle class, if you want to really help people maximize their potential and build a better life, it is time to start looking beyond Washington.

Deep down I think our Democratic friends understand this too. I think they understand that pushing big government legislation with words such as ''jobs'' or ''affordable'' in the title isn't the same as actually creating jobs or actually making things more affordable. It is like handing someone a menu instead of serving them a meal. The tragic effects to this approach are clear: from an Affordable Care Act that turned out to be anything but, to a stimulus bill that seemed better at stimulating late-night punch lines than good paying jobs. But despite all the evidence, Washington Democrats remain stubbornly attached to the same old playbook. If you need proof, just take a look at the poll-tested, campaign-crafted agenda they rolled out this week—an agenda packed to the brim with base-pleasing show votes and few if any real solutions for the middle class. In fact, the non-partisan Congressional Budget Office tells us that one of their proposals could cost up to a million jobs—cost jobs, not create jobs.

Look, this prioritization of party-pleasing show votes over actually helping grow the middle class is a tragedy for our country. The American people really deserve two national parties that are serious, and it is long past time for Democrats to start engaging with us in a serious effort to help Americans who struggle so much in the Obama economy.

The good news is they will have their chance this week. The Republicans are filing amendments on a whole range of

job-centered policies, amendments that deserve not just a vote but bipartisan support. For example, an amendment from the junior Senator from South Carolina would eliminate ObamaCare's 30-hour workweek rule, which is hurting Americans' take-home pay in our already depressed economy.

One of our Members from Utah is putting forward an amendment to repeal ObamaCare's job-destroying medical device tax. A good number of Democratic Senators have joined us in the past to get rid of this job killer, and they deserve the opportunity to help us eliminate it once and for all.

The senior Senator from North Dakota has an amendment that would speed approval of the Keystone Pipeline. This is a project that would create thousands of jobs right away, and it is just a no-brainer. Senate Democrats need to join Democrats across the country who have already endorsed this commonsense initiative and help us pass it.

I personally plan to file an amendment that would give Congress the ability to stop EPA's back-door national energy tax and would also keep unelected bureaucrats from blocking desperately needed jobs in Kentucky by sitting on surface mining permitting. Remember, this administration's anti-Kentucky policies have helped bring about a depression—that is a depression with a capital D—in many Kentucky coal counties. It is about time they started having a little compassion for the coal families who just want to put food on the table, and that is exactly what my amendment aims to do.

So these are just a few of the many proposals Republican Senators will be putting forward this week. They represent the kind of solutions our country needs right now to finally emerge from this awful economy—real solutions that focus on creating well-paying jobs, increasing take-home pay, training a world-class workforce, and breaking a seemingly endless cycle of chronic high unemployment.

As I have indicated, we have tried the Washington Democratic approach for years now. We know that it just hasn't worked. We know their new agenda isn't serious, that it is nothing more than an ObamaCare distraction strategy. We know this because Democrats actually told us it was created by their campaign committee, that it was designed to appeal to their base.

So if the Democratic majority is finally ready to get down to business and create jobs, this is a moment to prove it. This is the moment to drop the endless campaigning. This is the moment to work with us to actually create jobs and help the middle class, and this is the moment for legislation that would do just that.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business for one hour. Senators are permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, and the majority controlling the first half of the time.

The Senator from Illinois.

FILING DEADLINE

Mr. DURBIN. Mr. President, I ask unanimous consent the filing deadline for first degree amendments to H.R. 3979, which is the legislative vehicle for the unemployment insurance extension, be at 2:30 p.m. today, April 1.

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

HEALTH CARE

Mr. DURBIN. I listened carefully to the statement just made by the Republican leader, Senator MCCONNELL of Kentucky, in which he promised concrete ideas, real hope, change, job-related approaches, free enterprise—giving free enterprise a chance, trying to deal with putting America back to work. Then he gave us three examples.

I might say to the Senator that I am familiar with all three because none of these are new. We have heard them over and over from the Republican side of the aisle. I will not go through each one of them. A couple of them relate to the Affordable Care Act. It is interesting to me that the House of Representatives has voted—I believe 45 times—to repeal the Affordable Care Act. The Senator from Kentucky said we have to get back to free enterprise ideas.

Let me tell you about the free enterprise idea when it came to health care. Before the passage of the Affordable Care Act, the free enterprise idea was this: If you and your family were unfortunate enough to have a sick baby, if your wife was a cancer survivor, if your child had diabetes, the free enterprise answer was: We will raise the cost of health insurance to the point that you cannot afford it or we won't even offer it. That was the free enterprise idea on health insurance for millions of American families.

There was another free enterprise idea out there in health care as well. It said: We are going to sell you health insurance policies that just protect you up to a certain amount of money. If tomorrow you are in a terrible auto accident, if the day after tomorrow you are diagnosed with cancer and face millions of dollars of radiation, surgery, and care before you can get your life back together again, be my guest to pay for it yourselves. That is why medical bills are the number one driver of bankruptcy in America today. That is free enterprise at work. But we said, let's put some sensible rules for the road in here, so that families who buy health insurance have the promise that they will have peace of mind when they face these life threatening struggles which families face every day.

So we passed the Affordable Care Act and not a single Republican—not one—not a single Republican would join us in that effort. We rejected the free enterprise approach to health care and said let's have something that basically respects families, basically respects the needs we all have to have protection when somebody in the house is sick. Not a single Republican would support us, and they never have since.

The bill we passed isn't perfect. Changes will have to be made. I have said that from the start, although I supported it. But not a single Republican has been willing to sit down and work on bipartisan compromises and changes—not one. It is take it or leave it, and they want to walk away from it.

We are not going back to those old days. I can guarantee them that the American people will never return to their idea of health insurance because it was fundamentally unfair, it was too expensive, and a lot of Americans didn't have a fighting chance to ever have health insurance once in their lives. Things have changed. The reports are in, and the reports are telling us that dramatic things are occurring. As the Affordable Care Act's initial enrollment period closes, at least 9.5 million previously uninsured people have gained coverage. Some have done so through the marketplaces created by law, some through private insurance, others through an expanded Medicaid. Incidentally, Medicaid has been expanded in about half of the States.

Listen to this: The increased coverage from the Affordable Care Act so far amounts to substantial progress toward one of the law's principal goals. It is the most significant expansion of health care coverage since the creation of Medicare and Medicaid 49 years ago.

The Republicans want to return to the ''good old days,'' and they want to tell these people being uninsured is really better for you. It is the free enterprise system.

That is not good enough, I say to my friends on the other side of the aisle. What we have here is an opportunity for families for the first time in their lives to have health insurance coverage.

Has there ever been a moment in your life where you had a sick baby and you were in the hospital waiting room and you had no health insurance? I have. It happened when I was in law school. I remember it to this day, sitting there with my wife and baby with a number in my hand waiting to see who would walk through that door and be the doctor for my baby. You will never forget that as long as you live. That shouldn't happen to anybody. Everyone should have the peace of mind of health insurance coverage, and that is what this bill does. If the Senators on the other side want to return to the

''good old days'' of no coverage, I can just tell you, America is not going back.

We are not going back to the days when families with kids graduating from college had no health insurance while they looked for a job. We protect those families until the kids reach the age of 26. We are not going back to the days when struggling senior citizens can't afford to pay for their prescription drugs because of the so-called doughnut hole. We are not going back to that day. We are going to move forward as a Nation.

Is this bill perfect? Of course not. Should it be changed for the better? Yes. But let's not lose sight of what we have achieved and what we can achieve if we work together.

THE MINIMUM WAGE

When it comes to the creation of jobs, there is something else I want to say. I believe that people who get up and go to work every single day, who work hard for a living and are not lazy at all, should not be living in poverty. That is it—a basic statement. If you want to go to work, work hard 40 hours a week, you should not be living in poverty in America, and that is happening because the minimum wage is $7.25 an hour. Do the math. It is less than $16,000 a year to live on. Who could do it? Well, some people try and struggle paycheck to paycheck.

Yesterday in Chicago, IL, Gloria came to the microphone in the Federal Plaza and told the story of working a minimum-wage job. She has two kids and lives in a homeless shelter—40 hours a week on minimum wage and living in a homeless shelter. Come on. This is a better Nation.

Would I pay 10 cents more for a hamburger so Gloria would have enough money to have the dignity to live in her own place with her children? You bet I would, and I wouldn't think twice about it. We ought to have respect for people who work in this country. Raising the minimum wage to $10.10 an hour is our show of respect for the people who get up and go to work every darn day. They are on the buses of New Jersey in the morning. They are on the trains of Chicago in the morning. They just dropped the kids off, and they are hoping that they are going to be safe because it is a neighbor and it is the best they can do for daycare. There wasn't a lot in the refrigerator when they left their house. They are hoping to pick up something before they get home. They go to work every day, and they know that struggle is going to be repeated over and over.

The free enterprise system is the best system in the world, but there are moments when we need to step in as the American family and set some standards, set some goals.

UNEMPLOYMENT COMPENSATION BENEFITS

The same thing is true for unemployment compensation. We finally have a bipartisan approach to this in the Senate—five Democrats and five Republicans. We have worked out a plan we are going to pass, I think—let's keep our fingers crossed. We are going to pass an extension of unemployment benefits.

What do these benefits mean? It means if you are out of work—some people who work for 20 years in the same place, lost their jobs, now they are trying to find another job—we are going to help you keep your family together while you are looking for that job. How much money are we talking about here? The average is $300 a week.

How long could you get by on $300 a week? It would be tough, wouldn't it, to pay the rent, mortgage, utility bills, food, clothes, shoes for the kids, cell phone—you need that to find a job, don't you—300 bucks a week. Well, we have a chance to pass a bipartisan bill on unemployment compensation for a 5-month period to cover these folks, and the Speaker of the House of Representatives, Republican JOHN BOEHNER, says: Forget it—dead on arrival. Won't even take it up; won't consider it. I think he's wrong, and I think it is unfair, and I think these people deserve a fighting chance. They want to become part of the free enterprise system again, and our giving them a helping hand in time of need is what every family expects and what they usually offer when asked to help. But instead, what Speaker BOEHNER has said is: No way, you are out of it. You are out of work. You are out of luck. I don't buy it.

There have been times in my life and in the lives of most people when neighbors, friends and relatives, and even the government came in to give a helping hand. For me it was government loans when I went to school. I couldn't have done it without it. I think it has paid off. It sure has in my life. Ultimately the voters have the last word about whether Speaker BOEHNER's approach against unemployment compensation is the right way to do it.

There is another bill we are going to take up next week—pay equity. My wife and I have been blessed with a daughter and a son. They are both in the marketplace and both are talented. We are so proud of them. There is no reason why a daughter should be paid less than a son for the same work, but it happens every single day.

We have to establish a standard in America of equal opportunity and mean it, equal opportunity when it comes to daughters and sons and women and men in the workplace. It is not too much to ask.

The first bill President Obama signed into law as President was the Lilly Ledbetter Act. I remember this woman. She worked in Alabama in a tire factory. After she had been there more than 10 years, she finally realized she was doing the same job as the man standing next to her but paid less every single day. She had enough of it so she brought a lawsuit against the company. The Supreme Court turned her away so we had to change the law, and the President signed the Lilly Ledbetter Act into law to make sure women had a fighting chance.

We now want to move it to a new level and make sure that pay equity for those in the workplace is an American dream come true. We can do that. The free enterprise system is good, but, listen—let's be honest about it—in some aspects it doesn't reach the goals we want in terms of equal opportunity in this country.

I also want to make a point about the whole question of affordable care. I happened to have met a man by the name of Ray Romanowski. He was in a health care clinic in Chicago. He is 62 years old and has been a part-time worker and musician most of his life. For the first time in his life Ray Romanowski has health insurance. He has a Medicaid card. He was patting his wallet, and he said: I can't tell you how good I feel now that I finally got this health insurance.

There are some people who don't understand Medicaid. Medicaid is health insurance for low-income people in America, and millions depend on it every single day. Recently some Republicans made statements discrediting the Medicaid Program. Let me set the record straight: Medicaid is successful. It has been a lifeline for millions of people, and especially for children. My friends on the other side of the aisle find it easy to discredit a government program. As Senator MCCONNELL said earlier, we tend to look to the government. Well, we do when there is no place else to look. In this case, these individuals had no chance for health insurance without government's help. Over 54 million people benefit from Medicaid, and it is not surprising that interest in this program grows when our economy is struggling.

Before the Affordable Care Act, two out of three people on Medicaid were pregnant women and children—36 million of our most vulnerable citizens. Medicaid also serves the disabled. It has been a lifeline for those who have a low income and are disabled. Before the Affordable Care Act, almost 3 million people were covered by Medicaid in Illinois and over 50 percent of all births were covered by Medicaid. Since the Affordable Care Act was signed into law, over 210,000 people in Illinois have signed up for Medicaid, and thousands more who are eligible are in the process of finishing up their paperwork, and that is a success.

According to 2011 data, 65 percent of all office space physicians in Illinois would take Medicaid patients. Nationwide the number is 70 percent. This argument that new Medicaid patients won't have a place to go for care is wrong.

I see that Senator HARKIN from Iowa, chairman of our HELP Committee, is on the floor. He was one of the real leaders when it came to the determination of the Affordable Care Act and how many people would be covered. I will yield the floor to him in 1 minute, but before I yield, let me say this: The Affordable Care Act is making a difference. For people in the low-income

category, Medicaid means when they walk into a hospital facing a medical emergency or need for care, they will not walk away leaving bills behind them. Their bills will be paid by the Medicaid system, and that is part of what we are trying to achieve—the personal responsibility that every person, every family, and every business will have a responsibility to have health insurance and an opportunity for an affordable alternative.

The free enterprise system is a strong system. The free enterprise system created unfairness and injustice when it came to health care, which we are addressing with this Affordable Care Act.

I yield the floor for Senator HARKIN and thank him for his leadership on this issue.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to thank our majority whip again for telling it like it is and what is happening with health care in America today. We have come too far to turn back. We have made tremendous changes in the way people are going to access the health care system in America because of the Affordable Care Act.

Look, we all admit there were mistakes made. Were there glitches? Yes. But we went from a system where people were excluded from getting health care, and Senator DURBIN talked about them. There are various people with preexisting conditions, kids and people who had no access to health care whatsoever, and now they are covered. That is a huge leap in this country. We made some mistakes, had a few glitches, and we worked those out.

Our friends on the other side say: No, ditch the whole thing. Get rid of everything. Turn the clock back. I agree with the Senator from Illinois, people don't want to turn the clock back. They want to move ahead. They are getting covered more than ever before with affordable coverage they have never had before and we are not going to turn the clock back. I thank the Senator.

MINIMUM WAGE

Mr. HARKIN. Mr. President, I want to take the time this morning to talk about an issue that has been brewing for a long time and is going to come to a head in the Senate sometime in the next several days, I hope, and it is one which compels us to do something, and that is to raise the minimum wage in the United States of America. We have waited too long to do this, and so we have to act on it as soon as possible.

I wish to point out some of the data and some of the statistics confronting us right now. First of all, why should anyone be afraid of voting to raise the minimum wage? The American people are way ahead of us on this. Let's look at the polling data.

This chart shows the results of a poll to increase the minimum wage to $10.10 an hour. It shows that 73 percent of all voters want to raise the minimum wage, and that 90 percent of Democrats, 71 percent of Independents, and even 53 percent of Republicans say we ought to be raise the minimum wage. The vast majority of American people want to do this.

This is again a chart from across the country. We have Arkansas, Florida, Georgia, my State of Iowa, Kentucky, Mississippi, Wisconsin—52 percent, 73 percent, 61 percent, and 54 percent. The vast majority of Americans in these States say: Yes, we need to raise the minimum wage, so it is not just one part of the country.

Small business owners support raising the minimum wage. A poll done of small business owners shows that 57 percent say we should raise the minimum wage as opposed to 43 percent. Small businesses get it.

The voters say that raising the minimum wage will help the economy. This comports with over 600 economists—including what several Nobel prize economists have said—who say that raising the minimum wage will boost aggregate demand and raise the GDP in America. The economy will benefit.

Well, you know what. The American people get it. They may not understand all of the intricacies of economics and economic analysis, but they get it. Of those who were polled, 56 percent believe it will help the economy, 22 percent said they don't know, and only 21 percent say it will hurt the economy. The vast majority of Americans understand in their bones that raising the minimum wage is going to help the economy. Why? Because they know it will put more spending power in their pockets.

When people in lower wage jobs get more money, what do they do? They don't go to Europe, they don't buy private islands and private jets, they spend it in the local economy, such as Main Street, where the small businesses are. Again, the American people get it.

Why should we be concerned about this right now? The minimum wage has not kept up with average wages. In 1968, the minimum wage was 53 percent of the average wage in America. Today it is 36 percent of the average wage in America, which is a tremendous decline between those who get the minimum wage and what the average wages are in America.

Since 2009, the last time we had an increase in the minimum wage, let's look at what happened to the things that low-income people have to spend their money on. As I said, they are not renting private jets and they are not going to fancy restaurants to eat, but they do have to spend money on electricity, rent, auto repair, food at home, childcare, and mass transit. So the minimum wage has gone up 0 percent since 2009. Electricity has gone up 4.2 percent, rent has gone up 7.3 percent, auto repair has gone up 7.6 percent, food at home has gone up 8.8 percent, childcare has gone up 11.7 percent, and mass transit has had a 18-percent increase. If you are a minimum wage worker, all of your costs have gone up, but your income has basically stayed the same.

Here is another thing the American people get; they understand this. CEOs get big raises. Since 2009, the last time we had an increase in the minimum wage, CEO raises have gone up 23 percent, 14 percent, and 5 percent, which is about 40-some percent. Minimum wage has stayed the same. Those at the top keep getting more and more and more, but low-income workers get nothing. They keep falling further and further behind.

How are we doing compared to other countries? We always say, we are doing all right. What are we doing compared to other countries? Here is an example of the national minimum wage rate in nominal U.S. dollars. Right now the United States is third from the bottom. There is Portugal, Spain, and there is the United States. Look at who is ahead of us: Austria, Japan, Canada, the Netherlands, New Zealand, Ireland, Belgium, France, Luxembourg, and Australia. Australia's minimum wage is $16.34 an hour in U.S. dollars. France's minimum wage is $11.98, Ireland is $11.16; New Zealand is at $10.96 an hour. We are way behind other countries in what the minimum wage is.

Here is who benefits: Twenty-eight million workers will get a raise if we raise the minimum wage. Fifteen million women, thirteen million men, four million African-American workers—I will have more to say about that—7 million Hispanic workers, and 7 million parents will get a raise. Again, that is not just minimum wage workers. Almost everyone who makes less than $10.10 an hour—and many who earn just above $10.10—will get a raise. It will not just be those who are making $7.25, there will be a lot of other people who will also get a raise.

That is another thing I have heard from my Republican friends. They say: Well, there are a lot of people who are making up to $40,000 a year and families will make more money. That is true. Raising the minimum wage will not just help people who are in poverty. It is true that it helps to get them out of poverty, but it also helps low-income families. Let's say there are two workers in the family and they are both low-income workers. They are making above the minimum wage, but they are low income. Perhaps you have a family with three kids and the breadwinner makes a decent income of $30,000 and the other makes minimum wage; that family too will get an increase.

Here is what happens: About 21 percent of workers in America will get a raise, and almost everyone has family income of less than $60,000 a year. Eighty-three percent of workers who will get a raise under my bill are in

American families making less than $60,000 a year; that is middle America. There are a few workers—17 percent—that economists tell us have family income over $60,000, that will also get a boost. But the majority are families making less than $60,000 a year. It is a middle-class bill.

Raising the minimum wage helps middle-class families, and it also does one other important thing—it helps kids. We don't think about this a lot. There are 14 million kids who will benefit from raising the minimum wage—14 million kids who are now in low-income families and struggling to get by.

I thought it was interesting that the American Pediatric Association—the folks you take your babies to to see the doctor and stuff—says raising the minimum wage will help our kids. It will help them to develop better, have better oral health, better immunization rates, and decrease the rate of obesity and its complications. The American Pediatric Association Task Force on Child Poverty supports raising the minimum wage. They get it. They see these kids in poverty and low income. They know what is happening to them. By raising the minimum wage, you will help kids have a better life and a better start in life.

I will talk a little bit about the basics of this bill. First of all, our bill, the Minimum Wage Fairness Act, would raise the minimum wage from $7.25 an hour—where it has been since 2009—to $10.10 an hour in three steps: 95 cents, 95 cents, and 95 cents over 3 years. We then index it to inflation in the future, so no longer will people who make the minimum wage fall below the poverty line. We keep it above the poverty line.

The third thing our bill does is raise the minimum wage for tipped workers. Can my colleagues believe this? When I tell people this, they say: No, you must be wrong, HARKIN.

Tipped workers in America today have a minimum wage of $2.13 an hour. People say that can't be right. It is. It has been at $2.13 an hour since 1991. Imagine that—$2.13. Our bill would raise that from $2.13 an hour, over about a 6-year period of time, to 70 percent of the minimum wage, which is much closer to what it was historically, before 1991. So it raises it to 70 percent of the minimum wage over 6 years and then indexes that also in the future.

So, again, why did we settle on $10.10 an hour? Why not $9? I have heard that bandied about a lot. Well, here is why we raised it: because we know where the poverty line is. Back in 1968 the minimum wage was 120 percent of poverty. So we said: If we raise the minimum wage and we want to get it just above the poverty line and index it for the future so we wouldn't fall below, where would that be? Well, to get to 107 percent of the poverty line—just above the poverty line—it would be $10.10. So, again, in 1968 the minimum wage was 120 percent of the poverty line. Now it is at 81 percent of the poverty line, and our bill would raise it to 107 percent of the above line for a family of three. That is why we raise it to $10.10—because it hits above the poverty line—and then we index it in the future.

Let's look at the historic average on this. People say: Isn't that a big increase?

Well, historically, whenever we have raised the minimum wage, the percent increase has been about 41 percent. Our bill raises it 39 percent. So we wanted to keep it also within the boundaries of what we have done in the past. Going clear back to 1939, the average has been about 41 percent.

My colleagues might notice that in the 1990s there was a 27 percent and a 21 percent increase. That is because for some odd reason we raised it twice in the 1990s.

So we looked at the decades. Historically, we have raised the minimum wage about once every decade. If we look at it in the decades, we are again right about average: 150 percent, 33, 60, 81; in the 1980s it was only 16; then in the 1990s we had two steps, 54 percent. In 2007 when we passed it we raised it 41 percent. By the way, that was signed into law by a Republican President, not a Democratic President.

So we wanted to get it above the poverty line, index it there but keep it within the boundaries of sort of what we have done in the past, and that is what this bill does. So it is critical to get it above the poverty line.

The minimum wage has lost 32 percent of its purchasing power. So 1968—if we had kept the minimum wage at the same relative status from 1968 to now, the minimum wage would be $10.71 an hour. It is now $7.25. So in those years 32 percent of its purchasing power has been lost by minimum wage workers.

Again, I want to cover tipped wages a little bit because that is another important part of our bill.

People say: Well, tipped wages—people make tips and all that.

We keep hearing from some entities that if we raise the tipped wage, it is going to hurt the economy and it is going to hurt the restaurant business. That is just not so. Look at the poverty rates.

This chart shows restaurant servers, right here. If we take a State that has a $2.13 minimum wage, which is the Federal minimum wage for tipped workers—the poverty rate among tipped restaurant workers is 19.4 percent. Some States have already said they are going to have their tipped wages the same as the minimum wage. They have done that. Where we have a full State minimum wage for tipped workers the same as everybody else, the poverty rate just among restaurant workers falls to 13.6 percent.

If we look at all tipped workers—and a lot of people think that with tipped workers, we are only talking about people who wait on tables. That is not so. Forty percent of all tipped workers are not restaurant workers. Right now, we are talking about pizza delivery people, parking lot attendants, people who work in hair salons, including manicurists—that is about 40 percent of tipped workers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent for another 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator for allowing me a few more minutes.

The point being, if we look at all tipped workers in States with a $2.13 minimum wage, the poverty rate is 16.1 percent. Where a State has a minimum wage the same for tipped and not tipped, the poverty rate is 12.1 percent.

We also hear that job growth will be lost if we increase the minimum wage. Well, again, we have done some data-taking. If we look at tipped restaurant worker job growth, just from 2009 to 2012, in States that have a $2.13 minimum wage—tipped wage, the same as Federal—the job growth among restaurant workers has been 2 percent. In a State that has a minimum wage for tipped workers the same as everybody else, the job growth has been twice as much—4 percent. This is just among tipped restaurant workers.

Look over here at sales per capita in restaurants. This is sales per capita in the State. In those States with a $2.13 minimum wage, $1.42 per capita; in States with a full minimum wage, $1.68 per capita. That is why economists are saying raising the minimum wage and raising the tipped minimum wage is good for the economy. It increases aggregate demand.

People say: Why would this job growth be more? Why would the sales be more in a State with a higher minimum wage for restaurant workers?

Easy. If the restaurant workers themselves are making enough money to go out and eat or to do other things, they increase the wages for all of the other restaurant workers in the State. That is true. How many times have I heard from people who wait on tables, restaurant workers, say: I wish I could make some more money. I would like to go out to eat sometimes too.

But they don't make enough money to do that. But in the States where they have a full State minimum wage, both job growth and sales per capita are much greater.

Lastly, this is what is unconscionable. This is a restaurant worker in the District of Columbia. She got a paycheck, and her paycheck is for zero dollars and zero cents. Have my colleagues ever seen a paycheck for zero dollars? Why is that? Because she is a tipped worker making $2.77, and after they took out her FICA taxes and other taxes and things such as that, she got zero dollars. So therefore she had to rely upon only her tips.

But what are tips? Here is what a lot of people don't understand. How do we

classify a tipped worker? How do we do that? If a person makes more than $30 a month in tips, a person can be classified as a tipped worker. Think about that—if a person makes more than $30 a month. So if a person works 5 days a week for a month, that is $1.50 a day. If a person makes more than $1.50 a day in tips, a person can be classified as a tipped worker and be paid $2.13 an hour. We look at that and say that can't be right. But it is right. That is exactly what is happening.

Tipped workers are getting to be at the bottom of the barrel. Yet we rely upon them for so many things—people pushing wheelchairs in the airport, valet attendants, parking attendants. There are a lot of people who are classified as tipped workers if they make more than $30 a month in tips—$1.50 a day. Think about that—$1.50 a day. They get that, they get classified as a tipped worker, and they can be paid $2.13 an hour.

So, again, the time has come. The people of America understand this. Working families understand it. This is a civil rights bill. It is a women's issue bill. I say it is a civil rights bill because if we look at the people who are going to get benefits—13 million people—28 percent of African-American workers, 32 percent of Hispanic workers, 19 percent of Asian and other workers will get a raise. This is a civil rights bill. It is a women's issue bill because 55 percent of the people in America making low wages who will get a raise are women. It is a children's issue. Kids who aren't getting adequate health care and nutrition and childcare are the kids of people making the minimum wage or tipped wages, even less. So it is a civil rights issue, it is a women's issue, it is a kids issue, and it is an economic issue for America.

It is time to give America a raise and raise the minimum wage.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

JOBS

Mr. THUNE. Mr. President, I come to the floor today to talk about jobs. Once again, this week the Senate is taking up an extension of unemployment benefits, which will be the 13th such extension since 2008.

Arguably, of course, we came out of an economic downturn and a lot of people were hurt by that; a lot of people were in need of help and assistance. Yet here we are, 6 years later, and we are still talking about extending unemployment benefits. Why? Because we haven't created enough jobs necessary to get the people who have been unemployed for a period of time back to work. Once again we have Senate Democrats ignoring the real issue, which is the lack of jobs that has left so many Americans struggling to find work.

The solution to years of high unemployment is not perpetual extensions of unemployment benefits but the creation of new jobs—steady, good-paying jobs with the opportunity for advancement. Workers don't want to spend years on meager government benefits; they want to return to work. But in order for that to happen, there have to be jobs available, and there haven't been too many jobs over the past 5 years.

That is why Republicans have proposed a number of amendments to the unemployment insurance legislation that would remove obstacles to job creation and encourage businesses to expand and hire new workers. Unfortunately, Democrats have shown little interest in job creation over the past 5 years, so they are happy to extend unemployment benefits 13 times in 6 years, but they are unwilling to actually do anything to treat the causes of unemployment and to help hurting workers get the jobs they are looking for.

In fact, Democrats' record on job creation has been pretty dismal.

There was the stimulus bill, which completely failed to bring about the economic growth the President promised.

There are thousands of new regulations the administration has placed on businesses which stifle job creation.

The backdoor national energy tax which the EPA is trying to put on power companies in this country is going to be passed on. People across this country who can least afford it are going to be looking at much higher utility bills.

We have the Keystone Pipeline, which has generated open hostility from Members on the other side, and of course we know that has immediate job creation potential. The Keystone Pipeline, according to the President's own State Department, would create 22,000 shovel-ready jobs, which could become available as soon as we get the pipeline approved.

Of course, there is the ObamaCare legislation, passed several years ago, which continues to wreak havoc on job creation in this country. Chief among the burdens ObamaCare places on business is the employer mandate, which requires all businesses with 50 or more full-time workers, which the administration defines as 30 hours or more a week, to provide government-approved health insurance or to pay a fine.

That is financially impossible for thousands of nonprofits and businesses with small profit margins such as restaurants. As a result, many of these businesses are being forced to cut workers' hours below 30 hours a week to reduce the number of full-time employees on their books. And when they hire new workers, they are hiring part-time—not full-time—employees.

The employer mandate is also discouraging a lot of small businesses from hiring at all. Businesses that planned to expand are now deciding they will be safer financially if they keep their businesses below 50 employees. As a result, many new jobs are simply not being created.

Then there is the costly tax on life-saving medical devices such as pacemakers and insulin pumps. This ObamaCare tax, which is so economically damaging that it is opposed by many Democrats as well as Republicans, has already affected more than 300,000 jobs in the medical device industry. If the tax is not repealed soon, many more jobs in the industry will be lost entirely or sent overseas.

Ultimately, the Congressional Budget Office estimates that ObamaCare will result in up to 2.5 million fewer full-time workers. On top of that, the Budget Committee estimates the law will reduce wages by more than $1 trillion.

Right now more than 10 million Americans are unemployed. Nearly 4 million of them have been unemployed for more than 6 months. Perpetually extending unemployment benefits does not fix that problem. We need to start creating jobs.

I have an amendment to the legislation before us. It is called the Solutions to Long-Term Unemployment Act. It includes four commonsense measures that would support the unemployed and make it easier and cheaper for employers to hire new workers.

For starters, my amendment would provide direct support to unemployed workers by offering a one-time, low-interest loan of up to $10,000 to allow an individual who has been out of work for 6 months or longer to relocate to a city or State that has a lower unemployment rate.

Unemployment rates vary substantially across the United States. My home State of South Dakota, for example, has an unemployment rate of 3.6 percent, which is far below the national average. We have a hard time in my State of South Dakota, believe it or not, in actually finding workers to fill the jobs. I talk to employers all the time in my State who are trying to find people to fill the jobs that are available in South Dakota.

So moving to a State with a low unemployment rate can substantially increase workers' chances of getting a job. Unfortunately, most long-term unemployed Americans lack the means to pack up and move to a new city or State.

My amendment would help ensure that lack of resources does not prevent Americans from heading out to where the jobs are.

My amendment also would support workers by cleaning up the mess that is Federal worker training programs. Currently, there are more than 50—50—worker training programs spread across nine different Federal bureaucracies. Needless to say, that leads to a lot of duplication. And worse, a majority of these programs have never been evaluated to see if they actually work.

My amendment would consolidate 35 of these programs into one streamlined

program and move control to the States. With every State facing different unemployment challenges, trying to administer a one-size-fits-all program from Washington makes absolutely no sense. Putting States in control would allow each State to tailor its workforce training programs to the needs of its own citizens.

My amendment would also provide two incentives to encourage businesses to hire the long-term unemployed.

First, my amendment would permanently exempt long-term unemployed workers from ObamaCare's requirement that businesses with 50 or more workers provide government-approved health care to their employees or pay a fine.

Many employers want to hire more workers but they are afraid. They are afraid of the financial hit their businesses will take if they end up subject to ObamaCare's costly mandate. My amendment would allow businesses to hire those new workers without that fear.

This idea recently gained broad bipartisan support in the House of Representatives. The House has acted on a similar measure to exempt veterans from the ObamaCare employer mandate headcount. That measure passed the House of Representatives by a vote of 406 to 1. That is a strong indication that we need to provide relief from ObamaCare's costly mandates to ensure those who need and want to work are able to find good jobs.

I am confident that if the majority leader would allow this provision to get a vote on the Senate floor, we would see a similar outcome that would benefit long-term unemployed individuals.

Finally, my amendment would provide another hiring incentive by granting a 6-month payroll tax holiday for each long-term unemployed worker that a business hires. For an employer hiring a worker that is making $40,000, that 6-month payroll holiday means a savings of $1,240.

If it is the Senate's will to extend these benefits, Republicans want to ensure this extension is paired with the kind of help that will actually ensure we do not have to extend unemployment benefits a 14th or a 15th time. That is why we are here offering measures to address the root cause of unemployment—the lack of jobs.

It is vital that we stop putting bandaids over the problem and start focusing on solutions. Democrats may not have made job creation a priority for the last 5 years, but they can start making it a priority today. And they can do that by the majority leader allowing votes on Republican proposals to make it easier and less expensive to create jobs.

We just heard—we keep hearing—proposals that are being brought to the floor by Democrats that will drive up the cost of doing business, make it harder, create more obstacles to hiring people and to creating jobs. The proposed 40-percent increase in the minimum wage, for example—I have visited with employers in my State of South Dakota, small employers. I had a meeting with employers, where the size of their businesses range from 30 employees up to about 200 employees, all of whom concluded that an increase of that magnitude in the minimum wage would make it much harder for them to grow their businesses and to create jobs.

The Congressional Budget Office estimated that raising the minimum wage would cost our economy up to 1 million jobs. Why? Because it makes it more expensive, more difficult for employers to create those jobs and to hire new workers. As a consequence, there are fewer jobs that get created in our economy.

Well, if the goal is to lift people into the middle class, to get more people to work, I do not know why we would look at policies that have proven in the past to make it more difficult to create jobs and cost us jobs in our economy. And we have the Congressional Budget Office saying it would cost us up to 1 million jobs and also raise costs for people in this country; in other words, the things people have to buy. It would raise prices for the things people have to rely on in their daily lives.

Those are the types of things we continue to hear from the other side—proposals that, frankly, sound good and maybe poll well but when you really get down to brass tacks do not get the job done. And clearly, the object is creating jobs—something we have not done here now for 5 years because we consistently get policies from our Democratic colleagues and from the President that drive up the cost of doing business, drive up the cost of hiring new employees, put more obstacles in the way of job creation, instead of putting policies in place that we know—that we know—will create jobs, good-paying jobs, and give people an opportunity for advancement that will help lift them into the middle class.

We can do it. It is high time we did it. I hope, again, that the majority leader will allow votes this week on Republican proposals—and there are many of them here—that actually will make it easier and less expensive to create jobs in this country. It is long past time that we start providing real help for the unemployed.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Indiana.

UNEMPLOYMENT EXTENSION

Mr. COATS. Mr. President, I would like to discuss the legislation currently under consideration. But I want to begin by briefly discussing how we arrived at this point.

In January, I was one of a few on our side of the aisle who voted to begin debate on the bill to extend unemployment insurance benefits. I said at the time—and I still believe today—that the Senate should have a full and open debate on this important issue, a debate that includes consideration of modifications and changes to the program.

The President, after all, said the program needs reforms. This is an opportunity to implement those reforms.

Members on both sides of the aisle—Republicans and Democrats—have acknowledged the need for reforms. So my vote to consider this legislation early on, when it came up, was not about supporting or opposing an extension of the emergency unemployment insurance program, but it was about initiating a debate on this important topic and setting the stage for both sides to work together to find a credible way of paying for this extension, if it was granted, and having responsible reforms in terms of amending or changing the current law so we could avoid some of the duplication and some of the misuse of funds that go into this particular program.

So those two things—a responsible pay-for and measures to reform the program—were critical. I felt that was the debate we needed and, in fact, we did have a bipartisan discussion back and forth with the caucus on our side of the aisle and the caucus on the other side.

It is clear that we have gotten to the point where not all of us are happy with the result that came forward. I see my colleague from Nevada Senator HELLER on the floor. No one could have been a better leader in terms of pulling the group together, working to find a sensible solution to this issue. I commend him for the efforts he has made.

However, I am disappointed in not having the ability to offer amendments when a bill comes to the floor, and being shut down by the majority leader who simply says: I am going to use Senate procedures—some of them arcane procedures—to deny the opposing party any opportunity to include their ideas, their thoughts, their amendments in the process.

Throughout the discussion we have had with our colleagues across the aisle in trying to form a consensus and bring the bill forward, some of us were disappointed that those items that we offered, that we thought were reasonable, were not included in the final version.

You do not always get everything you want. But nevertheless, at least around here you used to be able to go down to the floor and say: I want to give my colleagues a shot at hearing what my amendment tries to accomplish, and allow it a vote. And if you win, you win; if you lose, you lose. In the end, you look at the total package, as amended—or at least as attempted to be amended—and make a decision: Do I want to support this or not support this?

That is the position we were in, and I had what I thought were two reasonable requests. One was prohibiting the simultaneous collection of Social Security disability insurance and receiving unemployment insurance.

Look, the law is basic and it is common sense. If you are eligible to receive unemployment benefits, you have to be determined as someone capable of performing suitable work. I had an amendment to incorporate this proposal into the language of the final bill that is going to come before us. The amendment language is identical to the language previously proposed by Senate Democrats that would offset Social Security disability benefits by the amount of unemployment insurance received.

So, as I said, by law, a person has to be able to work to qualify for unemployment benefits. Yet, as we have found, some people claiming those benefits also are claiming Social Security disability benefits. The law provides that in order to claim disability payments, you have to prove that you are not capable of working, that there are basic medical reasons why you cannot work.

But here we have, documented by agencies of the government, people who are getting checks for both programs. All we were trying to do—all I am trying to do is put forth a provision that says you cannot do both; you either are able to work or you are not able to work. If you are not able to work, you can qualify for disability payments. But if you are able to work, you may qualify for unemployment benefits if there is no work available, but you should not be able to qualify for both.

While some adjustments have been made, there still are several billions of dollars of costs to the taxpayers because of this duplication.

Secondly, I offered a provision that gave the States the flexibility to make decisions as to how people would qualify for these benefits. I hear frustration from employers all across Indiana that are basically being told by people who are looking for work: I would rather keep collecting unemployment than accept the job you are offering to me.

In this time of slow economic growth, as we come out of the recession very slowly, some people, as has been documented to me by many employers across the State of Indiana, are basically saying people would rather collect the benefits.

So we put in what was called a suitability provision that would prohibit individuals from receiving emergency unemployment compensation if they fail to accept any offer of suitable work. That is defined as work within their capabilities or suitable work referred to them by the State employment agency. Unfortunately I thought we had bipartisan support. Instead they said let's study this. It has been studied. It has been documented. We do not need to study. ''Study'' is a way for—let's take this decision out of the process and it will put it down some dark, deep hole and maybe some study will come out later on.

So the bottom line is that the two amendments I had hoped would be part of this final package have not been incorporated. What I am asking for, what I have been asking for now, is the opportunity to bring those two proposals forward, debate it on this floor, call for a vote. I am not going to filibuster it. I am not going to delay it. I am not going to throw a monkey wrench into the process. Let's have a time-limited, straightforward debate and give Members the opportunity to vote their yes or vote their no.

Then, at the end, when this process has been worked through, as the Senate was designed to do but under the leadership of the current majority leader has not been able to do, once again—once again—the very function, the design of the Senate has been thwarted by the leadership or lack of leadership of the majority leader who simply said: I will use procedural measures to keep you from offering any amendment to this bill.

I do appreciate the work that went on behind the scenes to try to come up with a consensus bill. I think that fell short of where I would like to go. I would at least like to have the opportunity as a Senator to offer on the floor an amendment to the bill and then accept the results, yea or nay.

Since both of these things that I have mentioned have had bipartisan support, why are we not allowed to vote for it or against it. Why are we not allowed to have the opportunity to do what the Senate is supposed to do on behalf of the constituents whom we all represent? That was the basis for my decision to go forward with this. A lot of people misunderstood that, but it was simply a decision I made that we ought to return to some form of regular order.

The reason we come to the Senate is to be able to be a participant in fashioning legislation. Our majority leader Senator REID has disallowed that opportunity, meaning essentially robbing the soul of the Senate, the purpose of the Senate, the purpose of Senators, turning us into robots, rubberstamping whatever the majority leader wants us to pass or not pass, telling us that the 200-and-some years of tradition, of debate and vote in the Senate, the ability to offer an amendment has been denied us.

Once again here we are back in the same situation because we have one individual who has made a decision that the minority does not count, that Senators—even some in the majority—do not count. They do not get to offer amendments either. We are going to do it his way and not the way it has been done for more than 200 years.

With that in mind, having the ability to bring forward something that I think has bipartisan support, is responsible, will address the reforms the President called for has been once again denied. With that, I simply cannot support going forward with this, even though there are people out there who are legitimately looking for work, making every possible effort, should be able to qualify for an unemployment program. But the most basic of reforms that ought to be debated and voted on—we ought to have the courage to put our yes or our no to it so people back home know where we stand—that has been denied us yet once again.

This is a dysfunctional body, led by a dysfunctional leader. It is not operating as the Constitution has put forth, as the tradition of the Senate has required. It is a shame. It is a shame on us that we are not even allowing debate and the opportunity to offer reforms, even when they have bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I wish to begin by thanking the two previous speakers for their comments and their dedication to their particular cause. My friend from Indiana knows both of his amendments are something I would have supported if given the opportunity to actually vote on them, but the important point is this, we are moving forward. The Senate is moving forward with a debate on a bipartisan proposal to responsibly extend unemployment benefits. I am encouraged by our progress so far. I hope we can continue to work with our colleagues to pass this piece of legislation.

In speaking on this bill, I would be remiss not to again thank my friend from Rhode Island for his tireless efforts to help unemployed Americans by temporarily extending unemployment insurance benefits. I admire his dedication. I am greatly pleased we are here today to support a bipartisan effort and to help all Americans keep American families on their feet in a very difficult economic climate.

I also wish to thank Senators COLLINS, PORTMAN, MURKOWSKI, and KIRK for their continued willingness to come to the table to craft a bill that would garner enough support to pass in the Senate. I also, as I just mentioned, wish to acknowledge the contributions of both Senator COATS and Senator AYOTTE, who though not cosponsors of this particular version of the bill have been essential in these negotiations, as well as Senator ISAKSON and Senator HOEVEN, who have also been engaged in this matter in recent months.

Last December the Federal unemployment insurance benefits were allowed to expire, leaving millions of job-seeking Americans wondering how they would cover their mortgage, pay the utilities, fill their car with gas, put food on the table for their families. My constituents who have written to me, who have called my office, and the people I have spoken with when I am home in Nevada have shared many heartbreaking stories with me.

I have heard from individuals all across the spectrum, from every sector, from every industry. I would like to share one of those letters from Michael in Carson City, NV, who wrote to me several weeks ago. After Michael and his friend moved to Nevada from California just a few years ago, they needed

unemployment insurance benefits to help them bridge the gap between jobs. Sometimes they had to visit the local food pantry to keep food on their table, but Michael kept looking for a job.

Eventually he found some work as a substitute teacher. He also found another part-time job working nights and even weekends. Through perseverance, Michael ended up finding a full-time job, and now he and his wife and their young daughter are enjoying some financial stability that they did not have just a few years ago.

I think Michael's story is a great example of how valuable unemployment insurance is to American families who have fallen on some hard times. I thank Michael for taking the time to share that story with me. I am very glad his family is doing well in Carson City.

I have another letter from John from Henderson. John lost his job last April. He has been looking for work for nearly 1 year now. Unemployment insurance has helped him keep a roof over his head. It also helped him keep the power on. John is doing everything he can to make ends meet while he continues to search for a job, but it is getting tougher and tougher to put food on the table and provide for his young family.

Without any help, John and his family may lose their home. They are worried about where to go and they are worried about what options they have left. I have a stack of letters just like these, Nevadans sharing their individual experiences with me. Those stories are why I am here today and I have fought so hard to find a way to temporarily extend these benefits in a responsible way.

These are real American families trying to make ends meet. They are people who want to get back to work, want to be self-sufficient, want to provide for their families. Without unemployment insurance, many of them would have lost their homes, been forced to search and seek out additional government services. Unemployment insurance helps people before things go from bad to worse and does make a difference for millions of Americans.

Last week I spoke briefly on the need to extend these benefits. I want to reiterate an important point that I think is often misunderstood. Unemployment insurance benefits go to unemployed individuals who are actively seeking employment. I share the desire of my colleagues and constituents to rein in out-of-control Federal spending and reduce the dependence on Federal aid, but I believe unemployment insurance is a critical safety net for American families, especially during periods of high unemployment such as we are currently experiencing.

Further, additional benefit tiers are only available to States that meet certain unemployment rate thresholds, meaning that the duration of benefits decreases as the State recovers. This ensures that job seekers in the hardest hit States have access to critical resources when they need it the most. Nowhere is this more apparent and important than in my home State of Nevada, which has the unfortunate distinction of carrying the Nation's highest unemployment rate for nearly 5 years—nearly 14 percent unemployment at the highest.

Nevada's current unemployment rate at 8.5 percent remains still one of the highest in the country, high above the national average and far from where we need to be as a State. What concerns me even more is the fact that thousands of Nevadans have dropped out of the workforce entirely, people who lost their jobs, exhausted both their State and Federal unemployment insurance benefits and were still unable to find work in this tough economy.

Nevada is now trending in the right direction, thanks in large part to the vision of our Governor, Governor Sandoval. But again, we still have a long way to go. That is why we need to temporarily extend unemployment insurance benefits to give the people of Nevada, Rhode Island, and many other States some financial certainty as our country's economy recovers.

As we continue to push forward to restore our economy, the need for these benefits will naturally diminish. This brings me to another important point I wish to highlight about this bill. There is a temporary extension of unemployment insurance benefits, 5 months to be exact. Temporary extensions of these programs during high periods of unemployment have found bipartisan support in the past. I think they merit bipartisan support. I agree we should not indefinitely extend these programs. I would also like to see additional reforms. We should continue that discussion.

I strongly agree with my colleagues on this side of the aisle that the key to our economic recovery is through the creation of new jobs. Under this administration, there are still three workers for every available job, leaving far too many qualified workers out of a job simply because there are not enough opportunities available.

My Republican colleagues, including Senators HOEVEN, THUNE, LEE, and many others, have introduced more than a dozen bills to spur job creation by reducing governmental burdens and making it easier for businesses to grow and create new jobs—bills that will help reduce the need for unemployment insurance benefits, strengthen our economy, and improve the financial security of millions of Americans.

I hope that as we are debating this bill before us today, we have the opportunity to debate and vote on these important job creation measures.

I know there are some questions regarding how State workforce agencies might administer retroactive benefits and enforce some of the new requirements provided in this bill. These concerns are not unreasonable. However, I firmly believe that not only can Congress work with States to overcome any of these challenges, but Congress has the responsibility to overcome these challenges. No bill is perfect, and the varying capabilities of State systems compound the difficulty of the task at hand.

This isn't a new obstacle for Congress. Every person in this Chamber is familiar with the challenges involved in finding a balance between Federal and State laws and ensuring that what we do in Washington isn't an undue burden back home. We deal with that problem every single day. Additionally, the Department of Labor has provided $345 million to States over the past 5 years to help States modernize their systems so that they are more responsive and efficient.

I know we can find a way to work with our State agencies to find a way to reduce the burden of administering these benefits. In fact, Department of Labor Secretary Thomas Perez wrote a letter last week in response to some of these very concerns and believes that the challenges are not—I repeat, are not—insurmountable. As a former labor secretary for Maryland and now Secretary of the U.S. Department of Labor, Mr. Perez has hands-on experience with unemployment insurance at both the Federal and State levels. In his letter, Secretary Perez indicated that the Department of Labor already has guidance on how to administer retroactive benefits. This is not the first time there has been a gap in UI extensions. Although this gap may be a little longer than usual, Secretary Perez states that ''we are confident that we could successfully address this challenge again.''

It may also be difficult to implement measures in our UI systems to determine whether someone is a millionaire, but I think most of us would agree that jobless millionaires and billionaires should not be receiving unemployment benefits. The limited resources we have to provide for this social safety net ought to be reserved for Americans who need this help the most. Some State systems may not be responsive or responsible enough to get this done by the time these benefits expire again. I recognize that. But if we continue to provide a series of short-term extensions without any reforms, we will never fix the underlying issues. We have known for years that there are some well-off individuals abusing the UI system, and it is long past time that we do something about it.

We should not be content to just extend Federal programs if we know there are inefficiencies. We need to do something to make these programs run more efficiently, effectively, and ensure that our hard-earned taxpayer dollars are used in a responsible fashion.

I am proud to have worked with my colleagues on both sides of the aisle on this legislation. It hasn't always been easy, but I thank my colleagues for their patience and their continued hard work to help the American people find

some stability as they look to get back to work. I look forward to moving to this bill, passing it, and working with the House to restore unemployment insurance benefits as we continue working to improve the health of the American economy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF MORNING BUSINESS

Mr. HELLER. I ask unanimous consent that morning business be extended until the Senate recesses at 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. HELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. HATCH. I ask unanimous consent that after the completion of my remarks, the distinguished Senator from Kansas then be able to give his remarks.

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

UNEMPLOYMENT BENEFITS

Mr. HATCH. Mr. President, I rise in opposition to the Emergency Unemployment Compensation Extension Act of 2014. In my view, this legislation is flawed in many respects, and that being the case, I intend to vote against it.

First and foremost, it needs to be said that the fact that we are even having a debate about extending unemployment benefits is unfortunate. Throughout the Obama administration, our Nation has been plagued with lackluster job growth, lower and lower rates of labor force participation, and high levels of long-term unemployment. Indeed, under this President it has been harder to find a job than at any other point in our Nation's recent history.

But, as has been said before, these are just symptoms of a much larger problem. The plight of the long-term unemployed—which this bill is supposed to address—is not the major problem facing America today. Instead, the major problem is that despite the best efforts of many of us in Congress, our government hasn't done enough to foster economic growth. In fact, more often than not in recent years government has stood in the way. It has been an impediment.

We are now more than 5 years into this administration, and it is becoming increasingly clear that President Obama does not have a plan to address these problems. True enough, he has proposals that would expand the government and redistribute income but nothing resembling a plan to promote growth in the private sector or to actually put people back to work. Many of the President's redistribution schemes end up costing labor supply and jobs, as the nonpartisan Congressional Budget Office has made clear with respect to ObamaCare and the President's proposed minimum wage hike.

Growth is what we should be debating, ideas and proposals that would actually grow our economy and help people find jobs. But instead we are here once again to debate an extension of the emergency unemployment compensation program, or EUC.

Let's talk about the EUC program for just a few minutes.

The proponents of this legislation have told us that extending ''temporary'' unemployment benefits is vital to our economy, but I think the facts tell a much different story. Between July 2008 when the program started and December 2013 when it expired, we spent roughly $265 billion on EUC benefits. That is more than a quarter of a trillion dollars on a temporary Federal benefit program. For much of that time the program paid up to 73 weeks of Federal benefits, amounting to a record total of 99 available weeks of unemployment benefits when you add the State and Federal benefits together. All told, we have paid EUC benefits for 66 months, which is 2½ years longer than any similar emergency unemployment program in U.S. history.

In other words, EUC is a program with a long track record, and when we look at the record, we see that it hasn't had the positive economic impact proponents of the program often claim it has. Indeed, despite the hundreds of billions of dollars in benefits we have already paid under this program, we have suffered through the worst jobs recovery in our Nation's history, and the long-term unemployed have suffered the most.

There is evidence to suggest this program has actually made the recovery worse. For example, according to recent research published by the National Bureau of Economic Research, ''unemployment benefit extensions can account for most of the persistently high unemployment after the Great Recession.''

So while some Democrats have claimed that extending unemployment benefits is the best way to create jobs, the facts certainly tell a different story.

I am not going to condemn anyone for wanting to extend a helping hand to those who continue to face difficulties under the Obama economy, but if we are going to debate yet another extension of Federal unemployment benefits, we should at the very least get our facts straight.

So with all this in mind—the cost of the EUC program and the questionable benefits—let's take a look at the legislation before us now.

One thing I would like to point out is that with this legislation we have once again abandoned regular order and bypassed the committee process entirely. I have remarked on this problem here on the floor several times before. When we ignore the traditional role of the Senate committees, we short-circuit the legislative process, and more often than not we end up with an inferior product. This bill is certainly no exception.

We learned this last month when the National Association of State Workforce Agencies, NASWA, sent a letter to the Senate outlining its concern with this bill. Chief among these concerns was that it would be extremely difficult for States to retroactively pay unemployment insurance claims, as this bill would require. Indeed, according to NASWA, backdating EUC claims ''would make it nearly impossible'' to apply individual State work search requirements, which is a key factor in determining eligibility for unemployment insurance. In addition, the letter indicated that there would likely be a large increase in new EUC overpayments as a result of this retroactivity requirement.

Due to these concerns and others, NASWA concluded that it would take States up to 3 months to implement this legislation, which is problematic because although the bill before us is technically for a 5-month extension, only 2 months of benefits would be paid prospectively. In other words, many States would not be ready to implement this legislation by the time it expires.

This is more than a glitch or a bump in the road; it is State workforce agencies—the very people who will have to implement this legislation on a day-to-day basis—telling the Senate that this bill is unworkable. According to the NASWA letter, there are a number of States that would consider not participating in the program due to these problems and the short time available to address them.

Labor Secretary Perez sent his own letter in response to NASWA's statement, promising to help States address these concerns. Oddly enough, however, this letter was very short on actual details as to how that assistance would be offered.

All of that said, these are the kinds of problems I was talking about—problems which can be addressed if committees are given an opportunity to operate. Had the committee had an opportunity to vet this legislation, we could have also fully examined the offsets my colleagues are using to pay for this EUC extension. These are also problematic.

The main pay-for in this bill is the use of what is called pension smoothing, which is little more than a budget gimmick but an especially pernicious budget gimmick when repeated. It has the potential to do real harm to pension plan funding levels, threatening the future retirement security of American workers.

Since the great recession of 2008, pension plans have struggled to regain their footing financially. The drastic drop in interest rates forced many plans to dramatically increase their pension contributions to keep pace. In 2012, at the historic low point for interest rates, Congress essentially gave pension plans 4 years of funding relief to get through the worst period of low interest rates. Congress did this by allowing pensions to fund their plans as if interest rates were higher than they really were.

But we can't indefinitely pretend that interest rates are artificially high and contribution levels artificially low. Reality still matters. The reality is that, although still low by historical standards, interest rates are no longer at rock bottom and pension funding needs to gradually adjust to market rates just as current law provides.

Put simply, we should avoid additional pension smoothing because it permits lower pension funding, and poor pension funding is bad pension policy. Pension funding remains a serious concern, and this is not the time to make it easier to underfund pensions. Doing so is worse than just kicking a can down the road. This can of pension underfunding will explode on American workers in the form of underfunded pensions that will somehow have to be rescued either through painful cuts in benefits, much higher PBGC premiums, or taxpayer-funded bailouts. There is no other way around it.

The other major offset in this bill is the extension of customs user fees. This is also problematic. Traditionally speaking, offsets in the trade space are reserved for legislation that actually extends trade programs, such as the Generalized System of Preferences or the African Growth and Opportunity Act. If we start using these offsets in other areas, we won't have anything left over when it comes to extending these important programs.

Both of these offsets—pension smoothing and customs user fees—fall under the jurisdiction of the Senate Finance Committee, just like the underlying UI extension. Once again, had the committee been given an opportunity to consider these issues, it is likely that these offsets would not have been used.

As we can see, there are a number of problems with this bill that could have been considered and addressed had the Finance Committee been allowed to do its work. And it should have been allowed to do its work. Other problems could be addressed if there were a fair and open amendment process here on the floor. Sadly, it doesn't appear that we are going to get that either as the Senate Democratic leadership appears poised to once again try to force a major piece of legislation through the Senate without giving the minority an opportunity to offer amendments.

Before our next vote on this legislation, I think we will see a number of amendments filed, many of which would likely improve the bill. Others would address the more pressing need to stimulate the economy and create jobs.

I personally have amendments that would do both. For example, I have an amendment that would repeal the ObamaCare tax on medical devices, which enjoys bipartisan support in both the House and the Senate and would prevent further job losses in one of our most important U.S. industries.

I have another amendment that would repeal the ObamaCare employer mandate. I am sure my colleagues on the other side of the aisle would deem this out of bounds, but they shouldn't. After all, the Obama administration seems pretty intent on delaying the employer mandate; it has already been delayed for 2 years. If the mandate is that harmful to implement, why don't we do away with it altogether and ensure that it doesn't cost us any more jobs and further requests for unemployment benefits?

One amendment I have would help to ensure that the retroactive EUC benefits do not threaten program integrity. Specifically, it would require States, as part of their EUC agreements, to certify that paying retroactive benefits will not lead to an increase in fraud or overpayments.

These are just some of the amendments I may offer to this bill, and all of them, in my opinion, would be improvements. But it doesn't look as though we are going to be able to offer amendments in the greatest deliberative body in the world—and I am saying that pretty sarcastically at this time. I know many of my Republican colleagues have amendments they would like to offer as well. Yet my friends on the other side of the aisle don't want to have a real debate about these issues. Instead, they are content to let the majority leader fill the tree and block any and all Republican amendments from coming up for a vote. One can only wonder what they are afraid of. Presumably the majority has the votes to defeat any amendments the minority wants to offer. Where is the harm in having a real debate? Where is the harm in having an open amendment process? I can only conclude they are worried that some of the votes they would have to take would be difficult politically. Indeed, preventing difficult votes seems to be priority No. 1 for the current Senate majority.

At this point, it appears they have the votes to pass the bill. I assume we will be through with this process this week. Yet, while the Senate debate over unemployment insurance may be coming to an end, I can only conclude that the process failures we are seeing in this Chamber will continue as we move on to the next item of business, which is, in my opinion, very unfortunate.

This week's debate over EUC is just the latest example of what is wrong with the Senate these days. Sadly, it doesn't look as if things are going to get better under the current leadership. These are important issues. We really need to let the Senate operate the way it always has, and let's quit playing these games of power play.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Kansas.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2191 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNEMPLOYMENT INSURANCE

Mr. CASEY. Madam President, I rise today to speak about an issue which should be under the category of ''unfinished business,'' and is a priority for the American people, and that is unemployment insurance. In this case it is emergency unemployment compensation and the trauma so many people have lived through—not just over weeks—over the last few months, and which, of course, was preceded by a very difficult economy.

The bill that is before the Senate is bipartisan, and that is good news and the way it should be. It is a bipartisan bill to provide what can only be described as an essential lifeline for individuals who have been out of work. Millions of people have been out of work in the so-called long-term unemployment category. This lifeline is often directly connected to the life and daily struggles of middle-class families who rely upon this program to stay afloat as they seek work.

Sometimes I think there is a misconception—or some may want to make this argument in a deliberate way—that somehow emergency unemployment compensation is for people who are out of work but not looking for work. In fact, these are folks who are

looking for work day after day and week after week. I would have preferred a longer-term agreement rather than just the 5 months that are proposed in the agreement. It is very important that we have finally reached a point where we can pass a measure that will provide protection and support for folks as they look for work.

Thursday we had a procedural vote which was bipartisan to move the bill forward. Thankfully, this week the Senate will be voting on the bill itself. We hope the House will follow suit and provide this kind of much-needed boost for those who are out of work.

The numbers are staggering. For example, when we look at the numbers in Pennsylvania, almost 75,000 people immediately stopped receiving unemployment benefits when the emergency unemployment compensation expired on December 28. I can't even imagine what that was like for an individual or for an individual and his or her family—3 days after Christmas, right in the middle of the holiday season. It is supposed to be a time of joy. It is a time when families are spending lots of time together in ways they cannot often do during the year. To have their unemployment run out on December 28 had to be horrific for those individuals.

Between December 28 and March 15—in addition to the 75,000 I mentioned for Pennsylvania—over 110,000 Pennsylvanians lost their benefits. Through May—the bill would go to June 1 and be retroactive to December 28—it is estimated that 158,400 Pennsylvanians and almost 2.8 million Americans will have lost their emergency unemployment compensation. They are the folks who have been hurting and will be hurting unless we take action, and they are the ones, of course, who will benefit if we take action.

Unemployment insurance doesn't just provide an economic relief to that individual and his or her family. It is also an economic jump-starter. For example, in 2012, Mark Zandi, a respected economist—I will say for the record he has roots in Pennsylvania, but he is respected across the board—said that for every dollar of emergency unemployment compensation, there is $1.52 in new economic activity. It is that old ''spend a buck,'' and what do you get for a buck? In the case of emergency unemployment insurance, you spend a buck and you get a buck fifty-two in return. I don't care what market you are in. That is a pretty good return—especially when it is helping people so substantially. This is about providing that lifeline for those families at a time when they really need it, and it is also about the economic benefits for the rest of us. A lot of people have heard these numbers as well—analyses that specifically focus on the extension of benefits in 2014. They have also indicated—by using other data—the impact it has on the economy.

I will give an example. The Economic Policy Institute has estimated that extending unemployment benefits in 2014 would generate $37.8 billion in economic activity. That is the impact for this year as found by the Economic Policy Institute—$37.8 billion.

This is about all of us. This is not about a group of people over here we hope to help. That is a wonderful sentiment. This is about whether they are going to have an opportunity—just a fair shot—to have a chance to get back into the economy and back into work. It is also about the rest of us in another way as well. It is about whether we are going to make sure everyone has an opportunity for that fair shot. Of course, it is also about the rest of us because we benefit when this program continues because of the economic boost and the $1.52 for the buck you spend on it, as well as the $37.8 billion of activity.

We have heard about the numbers and the rationale for continuing this program, both of which I would argue are not just compelling but urgent. But what about the real people. There are two people in my hometown—one I had spoken to in the past and the second person was someone I had never met before. I just want to give an example of these two individuals and their lives in Scranton, PA, where I live—Lackawanna County—which has a very high unemployment rate.

The first person is Joe Walsh. Joe has lived in my hometown all of his life. He was a tradesman for 40 years, so he had a very specific skill that allowed him to work and support his family. He worked as a superintendent for 14 years, and in 2008 the company he worked for needed to downsize, and he lost his position and immediately went on unemployment insurance. He worked on and off over the years for contractors who needed temporary workers, but he was unable to find anything steady, which is a story we have heard too often.

On December 28 of 2013—the day I mentioned before—Joe exceeded his unemployment insurance benefits and has not received any support since then, but he continues to look for work and file his claims. Joe is married and has three grown children. He says he feels ''lucky'' because his wife works and is able to keep their household afloat during a very difficult time.

Joe is 63 years old, and for all of those years and all of those decades he has had a skill and work ethic that allowed him to work. He said that if he had a mortgage now, he would not be able to survive. He finds it difficult to find the kind of work he had before—tradesman work, which requires a skill.

The second person we had a press conference with is someone I met in our neighborhood—we go to the same church—Vera Radice. Vera has spoken to me before about her circumstances. Over the years she was with several banking institutions. She was employed steadily from February of 1995 until July of 2014. She was doing good work for all of those years for two different banking institutions.

She has a Bachelor of Science degree from Cookstown University and an associate's degree from Luzerne County Community College. She has the education you often need to find the job you want, and she has almost 20 years of experience. Now she is left with volunteering and looking for work. She has attended all of the CareerLink workshops in Lackawanna County. She spends at least 3 days a week at CareerLink searching for work over and over.

These are the people—and not just tens of thousands or hundreds of thousands, but literally millions of others across the country—who are in the same situation as they are. It is time we did the job we were elected to do and put this emergency unemployment compensation program back into place and give people a fair shot—nothing else. They are just asking for a fair shot to find work so they can support their families, be a part of the economy, a part of this country, and the world of work they were so much a part of for most of their lives.

I would like to see all of us come together in a bipartisan fashion and get this passed and get it to the House. I hope our House colleagues are listening not just to my voice but, more importantly, I hope they are listening to the voices of people who they represent—the Veras and Joes of the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I now ask unanimous consent that today at 2:15 p.m. the Senate proceed to executive session to consider Calendar Nos. 532 and 683; that there be 15 minutes for debate equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on the nominations in the order listed, with 2 minutes for debate equally divided in the usual form between the votes; that all after the first vote be 10 minutes in length; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, we also hope to reach agreement on another

nomination, and hopefully we can do that during the break we are going to have now.

I have nothing further.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

The PRESIDING OFFICER. The assistant majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent that following disposition of Executive Calendar No. 532, the Senate proceed to vote on confirmation of Executive Calendar No. 687, without intervening action or debate on the nomination, with all other provisions of the previous order remaining in effect.

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

EXECUTIVE SESSION

NOMINATION OF KEVIN WHITAKER TO BE AMBASSADOR TO THE REPUBLIC OF COLOMBIA

NOMINATION OF CHRISTOPHER P. LU TO BE DEPUTY SECRETARY OF LABOR

NOMINATION OF JOHN P. CARLIN TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Kevin Whitaker, of Virginia, to be Ambassador to the Republic of Colombia; Christopher P. Lu, of Virginia, to be Deputy Secretary of Labor; John P. Carlin, of New York, to be an Assistant Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate equally divided between the two leaders or their designees prior to a vote on the Whitaker nomination.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent to speak as in legislative session.

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

UNEMPLOYMENT INSURANCE

Mr. REED. Madam President, yesterday my colleagues agreed by a voice vote to proceed to a debate on the bipartisan agreement to restore emergency unemployment insurance to 2.7 million Americans. This is great progress from where we have been the last few months, as I have made the case to renew these benefits.

I wish to thank my colleagues for their support and urge them to continue to move this compromise to passage, as it represents our best path forward to quickly provide aid to our constituents and supporting our economic recovery. I hope the voice vote yesterday is indicative of broad support going forward, and that this agreement will not be bogged down by unnecessary roadblocks.

Millions of Americans who have worked hard, who were laid off through no fault of their own, and are searching for work are looking to us to get this commonsense extension done and done promptly. I would again like to thank my colleagues who have joined in this effort. They recognize this is the right thing to do for our workers and it is the right thing do for our economy.

I would also like to particularly thank my Republican cosponsors who have brought constructive thoughts and ideas to the table, helping bring us here to this point. Senator HELLER has been a stalwart in extending these emergency benefits. Senator COLLINS, Senator PORTMAN, Senator MURKOWSKI, Senator KIRK have all contributed valuable thoughts, along with Senator COATS and Senator AYOTTE. This has been an effort that has truly been bipartisan. I think it represents a coming together of proposals from both sides, but ultimately to serve the best interests of our constituents who again are looking for work in a very difficult market.

We have been working together since literally last year before these benefits expired on December 28. We know how important it is to provide this assistance to families throughout this Nation. We also understand that we have to go ahead and not only provide support for the families but also to support the local economy. This will do it. It will provide resources that will immediately go back into the economy and stimulate demand and stimulate growth.

I want to also thank my colleagues for the way they have thoughtfully approached some of the issues. Senator COLLINS has helped build upon this important reform to provide a mechanism which we hope will get people back to work sooner. We have incorporated another assessment in the process. It is fully paid for. People will get, in the course of their extended benefits, the opportunity and also the obligation to come back in, be assessed, be given advice, be given some coaching. We think, and some data suggest, this is one of the most effective ways to get people back into a job in a difficult market.

Senator PORTMAN is a former Director of the Office of Management and Budget, and one of the real experts, who has been key to identifying appropriate pay-fors which are critical.

Senator MURKOWSKI and Senator KIRK worked to include an examination of the work suitability and work search standards across the States so we can be better informed and better prepared when we have to deal with further reforms to our unemployment compensation system.

This agreement incorporates many good ideas of my colleagues. It is important we build upon the historic reforms Congress undertook in 2012. I will try to discuss those reforms in more detail later in the week. But as I said again, most importantly, it will help people who have worked, who have lost their jobs through no fault of their own, who are desperately searching for work and must search for work in a difficult economy. It will help our economy overall.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PRYOR. Madam President, I ask unanimous consent to yield back all time.

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

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Kevin Whitaker, of Virginia, to be Ambassador to the Republic of Colombia.

Mr. VITTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Wyoming (Mr. ENZI) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 94 Ex.]

YEAS—99

Alexander	Cardin	Durbin
Ayotte	Carper	Feinstein
Baldwin	Casey	Fischer
Barrasso	Chambliss	Flake
Begich	Coats	Franken
Bennet	Coburn	Gillibrand
Blumenthal	Cochran	Graham
Blunt	Collins	Grassley
Booker	Coons	Hagan
Boozman	Corker	Harkin
Boxer	Cornyn	Hatch
Brown	Crapo	Heinrich
Burr	Cruz	Heitkamp
Cantwell	Donnelly	Heller

Hirono
Hoeven
Inhofe
Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kaine
King
Kirk
Klobuchar
Landrieu
Leahy
Lee
Levin
Manchin
Markey
McCain
McCaskill
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murphy
Murray
Nelson
Paul
Portman
Pryor
Reed
Reid
Risch
Roberts
Rockefeller
Rubio
Sanders
Schatz
Schumer
Scott
Sessions
Shaheen
Shelby
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Walsh
Warner
Warren
Whitehouse
Wicker
Wyden

NOT VOTING—1

Enzi

The nomination was confirmed.

VOTE ON CARLIN NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the Carlin nomination.

Who yields time?

The majority leader.

Mr. REID. Madam President, we hope this is the last vote of the day—at least the next vote we hope will be by voice. There could be other votes procedural in nature this afternoon. We hope not, but you never know. I am not going to agree to anything.

I yield back our time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time for debate has expired.

The question is, Will the Senate advise and consent to the nomination of John P. Carlin, of New York, to be an Assistant Attorney General?

Mr. PORTMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 95 Ex.]

YEAS—99

Alexander
Ayotte
Baldwin
Barrasso
Begich
Bennet
Blumenthal
Blunt
Booker
Boozman
Boxer
Brown
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Collins
Coons
Corker
Cornyn
Crapo
Cruz
Donnelly
Durbin
Enzi
Feinstein
Fischer
Flake
Franken
Gillibrand
Graham
Grassley
Hagan
Harkin
Hatch
Heinrich
Heitkamp
Hirono
Hoeven
Inhofe
Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kaine
King
Kirk
Klobuchar
Landrieu
Leahy
Lee
Levin
Manchin
Markey
McCain
McCaskill
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murphy
Murray
Nelson
Paul
Portman
Pryor
Reed
Reid
Risch
Roberts
Rockefeller
Rubio
Sanders
Schatz
Schumer
Scott
Sessions
Shaheen
Shelby
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Walsh
Warner
Warren
Whitehouse
Wicker
Wyden

NAYS—1

Heller

The nomination was confirmed.

VOTE ON LU NOMINATION

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the Lu nomination.

Mr. KAINE. Mr. President, I ask that all time be yielded back.

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

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Christopher P. Lu, of Virginia, to be Deputy Secretary of Labor?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3979, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3979) to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

Pending:

Reid (for Reed) amendment No. 2874, of a perfecting nature.

Reid amendment No. 2875 (to amendment No. 2874), to change the enactment date.

Reid amendment No. 2876 (to amendment No. 2875), of a perfecting nature.

Reid amendment No. 2877 (to the language proposed to be stricken by amendment No. 2874), to change the enactment date.

Reid amendment No. 2878 (to amendment No. 2877), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 2879, to change the enactment date.

Reid amendment No. 2880 (to (the instructions) amendment No. 2879), of a perfecting nature.

Reid amendment No. 2881 (to amendment No. 2880), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise to talk about a whole series of issues—including unemployment insurance and the minimum wage—that are designed to help Americans attain economic mobility and get a fair shot to move up in the way our economy is designed to work.

This morning the Budget Committee had a hearing entitled ''Opportunity, Mobility, and Inequality in Today's Economy.'' We heard from three very strong witnesses, including Nobel laureate Joseph Stiglitz. We talked about important topics central to understanding the long-held American dream: If you work hard and play by the rules, you should be able to support your family, provide an opportunity for your kids, and have a fair retirement. But for too many—as the Presiding Officer knows—opportunity and mobility are especially hard to find and income inequality is growing.

I am an optimist. I know the solutions are here if we work to find them, and I want to take a couple of minutes to talk about some of the solutions. First, let's try to put a human face on the problem of inequality in our economy.

Income inequality in the United States is at a record level. It is higher in the United States than virtually any other developed country. President Obama has called income equality the central challenge of our times. The Presiding Officer and I share a Roman Catholic background. Last week the President was talking to Pope Francis in the Vatican, and they talked about how this is not just an American challenge but a global challenge.

According to the CBO, the average income of a household in the richest 1 percent in this country was nearly 180 percent higher in 2010 than it was in 1979 in real dollars. By comparison, the average income for a household in the middle 20 percent of the income distribution had only grown by about 25 percent—about one in seven—of what the households in the highest income levels had grown.

Since 1979, the top 1 percent of our population's share of national income grew from 8.9 percent to 14.9 percent. So 1 percent has 15 percent of the national income by 2010, but at the same time the bottom 80 percent of our American population saw their share of national income significantly shrink.

For me the issue is not just inequality because there will always be some inequality. Fate, luck, and health will produce some unequal outcomes. But what I think is great about this country is that while we can see inequality and tolerate some degree of it, what we will not tolerate is people being locked into unequal situations.

We want to have a society where people may be born poor or may have an accident or a fate that will have them in a lower economic status but they can still raise their ceiling and achieve all they can. But in the case of social mobility, the United States is now one

of the poorest performing of the developed countries.

Today a child born into the bottom quintile in the American economic life only has a 7.5-percent chance of ever being in the top quintile. In a country such as Denmark in Europe—and we think of Europe as a more stratified society—that number is nearly double what the number is in the United States.

It is not just inequality, it is mobility. We are not giving people a fair shot, to use the words of the great American singer Curtis Mayfield, ''to move on up'' to their destination and that place where their dreams can take them if they work hard enough.

What we need to do is embrace strategies that let people move on up and have a fair shot to achieve. We don't only need to embrace strategies for success, we have to eliminate structures and eliminate barriers that lock people out of economic opportunities that they should be able to achieve similar to anyone else.

One solution is the minimum wage bill that we will start to talk about soon. It is about working Americans who are earning minimum wage or just above minimum wage and how this will affect them.

I think I can safely say the vast majority of Virginians would agree with this proposition: No one who works full time—8 hours a day, 40 hours a week, 52 weeks a year—should live in poverty. But today someone making the minimum wage earns about $15,000 a year, which is $3,000 below the poverty level for a family of three. If you are a single mom with a couple of kids—and so many people are raising children on their own—and work full time at the minimum wage, you are below the poverty level.

The minimum wage today is at a historic low. The minimum wage has lost 33 percent of its buying power since its peak in 1968. If the minimum wage in 1968 had just kept pace with inflation, it would be $10.71 per hour today and not in the $7 range.

Workers who regularly receive tips are treated even worse. They get paid a subminimum wage—what is called a tipped minimum wage—of $2.13 an hour. As long as you make $30 in tips a month, your company can pay you $2.13 an hour. Overwhelmingly these workers work in restaurants but not exclusively, and similar to other minimum wage workers they are predominately women.

Twenty-eight million Americans will receive an increase in pay if we raise the minimum wage under the bill that is currently before the Senate. It has been reported out of the HELP Committee, and we will take it up soon. More than half of those who will receive a raise are women. The vast majority are adult workers. Over 14 million American children have a parent who will receive a raise if we increase the minimum wage.

The Minimum Wage Fairness Act will boost the minimum wage to about $21,000, lifting families above the poverty line. In total—get this—the bill we will hopefully debate and vote on soon is estimated to lift nearly 7 million Americans out of poverty and above the poverty level. What could we do, as we debate, that would have more effect on people's lives than lifting 7 million people above the poverty level, which we would do if we pass the bill.

Increasing the minimum wage to $10.10 an hour will increase GDP by nearly $22 billion as workers spend their raises in local businesses and communities. In Virginia about 744,000 of my fellow citizens will receive a raise. For this reason, business owners whom I talk to—not all but a huge number and especially small business owners—know that the minimum wage increase makes good business sense.

Yesterday I visited a supermarket just across the Potomac in Alexandria. It is called MOM's Organic Market. They have 11 locations in the DC metropolitan area and Philadelphia. They are contemplating opening another store in New York City. I met with the owner Scott Nash, and I talked to his employees. I asked the employees: How long have you worked here? The answer I got back was 7 years, 8 years, 10 years. They made it their practice to pay their employees a $10 minimum wage now, and they are going to increase it. They fully support the bill currently pending before the Senate to increase the minimum wage.

Scott Nash is not alone. We are celebrating a very important centennial this year. It is a centennial of one of the smartest things an American employer ever did. I will read a quote.

After the success of the moving assembly line, Henry Ford had another transformative idea. In January of 1914, he startled the world by announcing that the Ford Motor Company would pay $5 a day to its workers. The pay increase would be accompanied with a shorter workday—from 9 to 8 hours. While this rate did not automatically apply to every worker, it more than doubled the average autoworker's wage. While Henry's primary objective was to reduce worker attrition, newspapers from all over the world reported the story as an extraordinary gesture of good will.

Here is the important part:

> Henry Ford had reasoned that since it was now possible to build inexpensive cars in volume, more of them could be sold if employees could afford to buy them. The $5 day helped better the lot of all American workers and contributed to the emergence of the American middle class. In the process, Henry Ford had changed manufacturing forever.

This quote is not from some Democratic talking point. This quote is from the Web site of the Ford Motor Company—a press release they issued in January to commemorate the 100th anniversary of Henry Ford's novel decision.

There was an employer who knew the American economy was based on consumer demand and if workers could be paid more, they would buy more, it would help his company, and it would help America. The Senate can take action in this way, and the Senate can take action in other ways to give people a fair shot to move on up in American society.

In fact, we have already acted on a couple of bills I hope the House will pick up. We acted on immigration reform, which strengthens border security, creates a pathway to legal status and citizenship for millions of undocumented immigrants, and helps businesses and families. This eliminates a barrier that keeps people from moving up, and the CBO estimates it will significantly improve the American economy. Immigration reform is about a fair shot. Immigration reform is about moving up.

We also acted on ENDA, legislation to end discrimination in the workplace against folks based on sexual orientation. A person can't move on up and achieve their economic dreams if folks can fire someone at will if they don't like the kind of person someone is or who they love. So ENDA, which awaits action in the House, is also a bill about making sure people have a fair shot and can move on up.

We can act this week. We are now on the bill to provide unemployment insurance to those who are still struggling in the economy. Soon we will consider paycheck fairness for women. A person can't achieve all they can if they are going to be paid significantly less than their colleagues just because of gender.

In coming weeks we will also consider jobs skills and education legislation, which are real keys to economic opportunity for so many.

What we need to do is pretty simple. What the Presiding Officer did and what so many others in this Chamber did when we were Governors was to try to give individuals the tools to create their own opportunity, to create their own mobility, as well as to take the steps we could when there were barriers or structures in the way to move those out of the way so people had a fair shot to succeed.

With that, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

NATIONAL SEXUAL ASSAULT AWARENESS MONTH

Mr. CORNYN. Mr. President, today marks the beginning of National Sexual Assault Awareness Month. It comes at a time when Congress is about ready to take up reauthorization of the Justice For All Act—a law that has improved public safety, strengthened victims' rights, and delivered justice all across this country. I am proud to be the lead Republican sponsor of this bill, and I am even prouder of what it has accomplished and what it will continue to accomplish.

Thanks to the Justice For All Act and similar initiatives, law enforcement agencies across America now have greater resources to reduce the

rape kit backlog. I might just explain. A rape kit is, as it sounds, a forensic collection of evidence collected at the scene of a sexual assault. Much to our chagrin, we have learned over time that many of these rape kits—this forensic evidence—is not forwarded to a lab for testing and, thus, the DNA of the assailant is not identified. So we realized that local jurisdictions needed more resources and more guidance and more expertise when it came to testing these untested rape kits because of the incredible evidence it provides, both to acquit people who have been falsely accused of crimes, as well as to identify, indict, and convict serial sexual assailants.

This is sort of unique in many ways because people who commit rape don't just do it one time. Many times they will do it time and time again until they are caught. Worse yet, this is a crime of opportunity. Many times it involves children as well, as we know. So now we know that thanks to the Justice For All Act and similar initiatives which have allowed these rape kits to be taken off the evidence locker shelf and tested, that what has been a national scandal, which has allowed violent criminals to remain on the streets, is now being addressed more and more.

I am not here to suggest that everything that can be done has been done, but it is important for us to make sure these rape kits are tested and to get these serial sexual assailants off the streets and brought before a court of law and justice.

Even a relatively small reduction in the backlog can lead to major gains in public safety and peace of mind. In the city of Detroit, for example, the processing of 1,600 old sexual assault kits, including some from the 1980s, allowed authorities to identify 100 different serial rapists, ten of whom were convicted rapists already. So this is powerful evidence. Incredibly, police sometimes keep this forensic evidence for 20 or 30 years, and it is still susceptible to being tested, and for the rapist to be identified and to be taken out of circulation.

In the city of Houston, meanwhile, a backlog that once reached 6,600 untested rape kits is now in the process of being completely eliminated—thanks, in large part, to the support provided by this legislation.

I wish to take a second to highlight the SAFER Act, which was included in the Violence Against Women Act and which passed just this last year, and the fact that it funded a provision of the Justice For All Act known as the Debbie Smith Act. I have had the pleasure of meeting Debbie Smith for whom this legislation was named, and she has become a tireless advocate for the sorts of reforms and improved funding that are contained in the SAFER Act and in the Justice For All reauthorization.

The SAFER Act mandated that more of the money the Federal Government granted must be used to actually test old rape kits as well as dedicate a portion of that money to inventory—evidence that had been sitting on police evidence locker shelves or had been sent to laboratories but had not yet been tested. This law, passed in 2013, has already played a crucial role in making Federal support available for tackling the rape kit backlog.

I was proud to introduce that legislation and I am proud to sponsor reauthorization of the Justice For All Act. As I said a moment ago, I am enormously gratified and proud of what these laws have helped us accomplish. Upholding victims' rights and keeping dangerous predators off the street are two of the most solemn obligations the government has, and we should never forget it.

With hundreds of thousands of rape kits still untested, we have a long way to go; there is no question about it. It is encouraging to see the progress that has been made. Hopefully, this will encourage us to take even further steps to make sure these untested rape kits are tested and the people who are innocent are vindicated from any charges. But the people who commit serial sexual assault, both against other adults and minors, should be and will be brought to justice.

THE ECONOMY

Shifting gears to the economy, I wish to repeat a call I made yesterday and once again urge the majority leader in the context of the legislation we are currently considering to allow Republican ideas for economic growth and job creation to come to the floor for a vote.

I realize President Obama has stubbornly chosen to stick with the same policies that have given us the weakest economic recovery following a recession since World War II. It is also the highest—the longest period of high unemployment since the Great Depression. Indeed, after promoting the same fiscal and economic strategy for the last 5 years—a strategy that involves higher taxes, more Federal spending, and more debt—the President and his allies seem to see no reason to change course. His proposed budget for 2015, for example, would increase Federal spending by $791 billion. It would also increase taxes by $1.8 trillion over 10 years, and increase our national debt by $8.3 trillion. That is on top of the $17 trillion already—about $56,000 for every man, woman, and child in America.

For those keeping score, the President has already raised taxes by $1.7 trillion during his presidency and increased our national debt by four times that much. In other words, if more taxes and more spending were the path to prosperity for this great Nation, America would be booming, unemployment would be at zero, and our economy would be chugging along, creating new jobs right and left. Instead, the evidence is in. We are experiencing stagnation and mass unemployment. It is said that insanity is defined as doing the same thing over and over but somehow expecting a different result. If that is the definition of insanity, then maintaining the current policies of spending, tax, and debt are the definition of insanity.

There has to be a better way, and there is, if only the majority leader would allow the Senate to do what it is supposed to do. This body used to once be known as the world's greatest deliberative body, where we had the great debates on the issues of the time, and then we had a vote, and we all accepted the majority vote in those instances. But now, the new tactic by the majority leader seems to be to bring a bill to the floor without going through a committee where members of that legislative committee are allowed to offer amendments and to get votes on those amendments to help shape the committee product. We don't even do that anymore, and we didn't do that on this underlying unemployment insurance extension bill we will be voting on this week.

So Members of the Republican Conference—the Republican Members of the Senate—have offered 45 amendments, all of which are designed to improve the underlying piece of legislation and not just kick the can down the road. I would think the majority leader and the President of the United States would welcome our efforts to try to improve the underlying legislation—but apparently not.

For example, can't we do a better job, let's say, of directing Federal dollars for workforce training efforts in places such as West Virginia and Texas so that for the good jobs that do exist, we could match the skills of these people who have been unemployed for a long time to those good jobs that pay very well and do exist in abundance. So we have 45 different suggestions and ideas we would like to offer in the spirit of cooperation and trying to do our jobs as Members of the Senate. However, so far, the majority leader has steadfastly and, I might add, stubbornly, pushed for another extension of unemployment insurance without anything else attached that would actually improve workforce training and programs that would upgrade stale skills for people who have been unemployed for a long period of time so they can qualify to do the good-paying jobs that exist.

One of the favorite parlor games here in Washington, DC, is to spin various narratives to explain what is happening in Washington. Sometimes I have heard the majority leader and others say the Republican Party is the party of no. Well, that is a false narrative. We have 45 different amendments that would improve this underlying legislation. We have been shut out and, more importantly, the 26 million people I represent in the State of Texas have been shut out of this debate and this discussion and this effort to come forward with a better product. Isn't that what we are here for?

I mentioned some of these ideas that have been proposed yesterday. For example, I mentioned a bill, sponsored in different forms, by the senior Senator from Maine and the junior Senator from South Carolina that would relieve the burden of ObamaCare, which has been complained about mightily by organized labor and others, that has compelled—or induced, I should say—employers to take 40-hour workweeks and shrink them to 30 hours or less in order to avoid ObamaCare penalties. So this amendment would relieve that burden on workers and businesses by restoring the traditional 40-hour work week. Why wouldn't that be a subject worthy of debate and a vote in the Senate?

I mentioned a separate bill introduced by the junior Senator from South Carolina that would modernize workforce training and eliminate duplicative governmental programs. There are more than 40 different government programs that purport to train people to improve their job skills all across the country.

I have had the chance to visit some of those locations in Texas, and they do a very good job. But rather than have 40-plus different programs, why don't we have 1 or 2 and use the extra money from all that duplication in order to put more money into these programs so they can train more people and get them back to work faster? That is another of the amendments that have been shut out of this process so far.

I also mention legislation sponsored by the senior Senator from Utah and the junior Senator from Kentucky respectively that would eliminate ObamaCare's job-killing tax on medical innovation—something that I believe, if allowed to come for a vote, would receive an overwhelming majority vote on a bipartisan basis in the Senate.

Also, the junior Senator from Kentucky has a piece of legislation that would make it easier for Congress to block major regulations that cannot pass a simple cost-benefit analysis.

Meanwhile, the junior Senator from Wyoming and the senior Senator from North Dakota, whom I see on the floor, have a bill that would expedite the approval of natural gas exports to our NATO partners in Europe and to Ukraine and help relieve that stranglehold Vladimir Putin and Russia have on Europe because they control most of their energy supply. It would also approve the Keystone XL Pipeline, thereby creating thousands of well-paying American jobs and would transport North Dakota oil and Canadian oil all the way down to Texas, where it would be refined into gasoline and jet fuel and create thousands of jobs in the process.

In addition, another amendment that has been offered on this underlying legislation that would help the economy grow and help get people back to work and rein in excessive Federal regulation that is killing jobs—the senior Senator from Oklahoma has a bill that would stop new EPA regulations until—until—the Agency could tell us exactly what the impact of those regulations would be on jobs and the economy.

So most of the ideas I have listed have been submitted as one of these 45 amendments to the underlying unemployment insurance bill. Yet the majority leader, who is the traffic cop on the Senate floor—the rules of the Senate give him complete, 100-percent discretion to decide which amendments are going to get a vote and which will not—the majority leader seems determined to prevent any votes on any of these ideas.

If we are truly serious about job creation and if we are truly serious about doing everything possible to get America back to work—because of the dignity work provides and the means it provides people to provide for their own families and to pursue their dreams—why on Earth would we deny Members a chance to vote on these job-creating pieces of legislation? Well, unfortunately, I think we got a little bit of a peek into the majority leader's playbook last week when he and others had a press conference upstairs and talked about this agenda they had for the time from the present through the election. And they were pretty candid about it. This is an agenda they dreamed up in conjunction with the Democratic Senatorial Campaign Committee. The majority leader said as much in his announcement. In other words, this is a political plan by the political arm of the Democratic Senators' campaign committee. So this is not about finding solutions or else the majority leader would welcome these suggestions we have offered.

I would say to the majority leader, do not allow votes on these amendments simply to placate me and others of my political party. Do not do it for us. Do it for the 3.8 million people who have been unemployed for more than 6 months. Do it for them. Do it for the untold numbers of people who have simply given up looking for work. Our labor participation rate—the percentage of Americans actually in the workforce—is at a 40-year low. So it is not only the tragedy of the unemployment numbers that we see reported, it is people who are not reflected in those unemployment numbers because those statistics do not count people who have given up. And that is what the low labor participation rate indicates. These are the people who need our help, and they are the ones who deserve a vote on these constructive suggestions to the underlying piece of legislation. I hope the majority leader will reconsider.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GUN VIOLENCE

Mr. BLUMENTHAL. Mr. President, in January of this year, I came to the floor to talk about and honor one of my constituents, Javier Martinez, who was killed on December 28 of last year, just as 2013 was ending. He was shot while walking to a friend's house in New Haven. He was 18 years old.

In the aftermath of that tragedy, I have spoken with Javier's family and his friends about his life and legacy. As I said on the Senate floor a few months ago, Javier was a kind and intelligent young man, well on his way to becoming a leader in his community. He cared a lot about the environment. He worked with the Nature Conservancy and the New Haven Urban Resources Initiative to plant trees and protect endangered species. His classmates at the Common Ground High School in New Haven would like to plant a tree at the site of his death and dedicate a garden in his honor because of his interest in the outdoors and the natural resources that enhance the beauty of our world, which he loved so much.

Yesterday morning I visited some of Javier's classmates at the Common Ground High School in New Haven. I spoke to a group of young people who were serious about ending gun violence because it is such a serious cause of heartbreak, grief, loss, and sacrifice—not just in New Haven, not just in Sandy Hook, but throughout our country in big and small towns, rural and urban neighborhoods, people from all backgrounds and different walks of life. I spoke to the Common Ground AP U.S. Government class, where the students and their teacher, Brian Kelahan, were kind enough to welcome me and share with me some of their views on gun violence and the justice system in this country. I told them what I firmly believe: that I have a duty to listen to them and to all people who live in Connecticut because they have a unique insight and a depth of understanding and perspective that should be shared here in Washington, DC, in this body and around the country.

It is my job to bring that perspective, those insights back to Washington. So I want to begin by showing my colleagues a picture of those Common Ground students who were Javier's classmates. This photograph was taken at the top of East Rock. Unfortunately, it is somewhat indistinct as to who is pictured here. But it is overlooking a scene that Javier knew well with people who were his friends. They are dedicated to ending gun violence in this country because they know firsthand the toll it takes. They have been no stranger to gun violence in their neighborhoods. Many of them have to travel long distances to come to this school—the Common Ground High School in New Haven—from neighborhoods that are afflicted with gun violence, and they suffer the traumatic, emotional, sometimes physical threats that come with that exposure to violence.

Connecticut also has been no stranger to gun violence over the last year and a half, and I have come to the floor many times with my colleague Senator MURPHY to commemorate the courageous and strong people of New Town

and in particular the families who suffered the loss of 20 beautiful children and 6 great educators.

What the students who met with me yesterday morning wanted me to hear bears telling and repeating here. They were speaking truth to power. What they wanted all of my colleagues to hear and what I strongly believe is that as tragic as the mass slayings are in this country, no less tragic, no less horrific, no less important is the shooting of one innocent 18-year-old young man like Javier while walking to a friend's house. It may not make the national news. It rarely does anymore because we have come to regard gun violence, in a way, like the background noise of our society. It may not feature prominently in the headlines. Individual gun violence is a plague, still, that affects all of us as it affects any one of us. We cannot let these shootings continue in our urban communities. Many of them are committed with handguns. Many are the result of illegal gun trafficking and straw purchases. Far too many are ignored by the news media—simply disregarded background noise.

Gun violence affects all of us wherever we live in Connecticut and the country. If anything positive is to come of these tragedies in New Town and New Haven—and in the 30,000 other deaths that have happened since New Town—as a result of gun violence, it should be the uniting and bringing together of all who have been touched by gun violence, which is all of us. That goal is one that will drive me, and I am sure others here, to seek an end to gun violence with commonsense, sensible measures, such as the ones we considered—background checks, mental health initiatives, school safety.

The Presiding Officer helped to craft a very sensible and commonsense approach to background checks. We prohibit felons, criminals, mentally deranged people, and addicts from having these firearms, but we have no universal background check system to make sure they do not purchase them. How effective can enforcement be if there is no real way of checking who is buying these firearms?

A young woman who is a senior at Common Ground, in fact, asked me what laws can be effective when people are willing to break them, buy firearms even though they are prohibited from doing so. That is an important question. The answer is that no law is perfect, none can be absolutely perfectly enforced, but regulations and restrictions on dangerous people having firearms can reduce the level of gun violence in our society, reduce the number of criminals buying weapons. Background checks especially have been shown—there is empirical evidence—to reduce the number of guns that get into the wrong hands.

Students and teachers asked me about the way our country deals with criminal justice. Systematic disparities continue to plague our justice system, resulting in severely disproportionate rates of incarceration for young men and women of color. They spoke about the overlapping cultures of law enforcement and school discipline and about the need to reduce prison populations and bring about much needed reform in the way sentences are calculated, not only as a matter of fairness but also to reduce the cost in our society of incarceration.

These young people are thinking about where our society should be going. What is our plan and our strategy for making our neighborhoods and communities better places and safer places to live?

I made a commitment to those students pictured here in this picture that I would come back again. And I will. I made a commitment that I would tell their story, which is really Javier's story—a story of hope and promise, dreams and aspirations, cut short by gun violence because he was in the wrong place at the wrong time and murdered.

That investigation may be ongoing, but we already know the answer to the fundamental question: Can we do something to reduce gun violence? The answer is yes, in his name, in the name of 30,000 people who have perished along with him from gun violence, needless and senseless deaths that are all our responsibility.

I respect the Second Amendment, as I know the Presiding Officer does. I respect the right of people under the Constitution and the Second Amendment to own and possess firearms and use them for hunting, for recreation, target practice. I will continue to honor the memory of Javier Martinez and the lives and aspirations and homes of the students at Common Ground, and work not only to build that garden but to make the neighborhood around it safer and the community around it a more nurturing and better place to live.

I have made no secret of the fact that I believe this body has a responsibility to act, and its failure to do so is shameful and disgraceful. The students of Common Ground agree. If their aspirations include organizing to make more people aware of the need for this action, I commend them. In fact, I urge them to participate in this effort.

I wish to close with the words from a card they sent me with this photograph. The card read:

> Senator Blumenthal, we are so grateful for your help in remembering Javier Martinez, supporting our Common Ground community and taking action to stop gun violence. It means so much to have you by our side as we recover and make meaning in this incredibly difficult time. Know that we will stay with you in the struggle to build a safe and peaceful community.

I know it sounds more like rhetoric than reality. But I will tell my colleagues in the Senate that as long as the young people of Common Ground and others like them are at our side, we will prevail in commonsense measures to reduce gun violence, and we will prevail in the fight to make America a better, safer place to live.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to offer an amendment to the unemployment insurance legislation we are currently considering. While we all want to help those who are unemployed, the real solution is to get them a job, is to create a growing economy and more jobs. We need to get this economy going. One way we can do it is by empowering our energy sector.

That does not mean spending more government money. What it means is taking the shackles off billions in private investment that is ready to go into energy development in this country. In 2011, the U.S. Chamber of Commerce commissioned a study. The study took a look at the energy projects that are stalled in this country due to government bureaucracy and redtape.

That study found there are more than 350 energy projects, projects that will both produce renewable energy as well as projects that will produce traditional energy that are stalled at a cost of $1.1 trillion to the American economy, at a cost of almost 2 million jobs for the American people.

I want to take a minute to read from that report:

> In aggregate, planning and construction of the subject projects would generate $577 billion in direct investments, calculated in current dollars. The indirect and induced effect, where we apply the multiplier, would generate an approximate $1.1 trillion increase in U.S. Gross Domestic Product, GDP, including $352 billion in employment earnings based on present discounted value over an average construction period of 7 years.
>
> Furthermore, we estimate that as many as 1.9 million jobs would be required during each year of construction.

Two million jobs. Many of these projects are still blocked by government redtape and the permitting process. That is why I have introduced a States First All-of-the Above Energy Plan for our country to get these projects going. If you think about it, it just makes sense. The States, after all, are the laboratories of democracy. Let's make them the laboratories of energy for our country.

The right energy plan is about much more than just energy. It means economic growth, it means national security, and it means jobs—jobs for those who are currently unemployed and jobs at a good wage. Today I am offering amendments to the unemployment insurance legislation that will do all of those things.

The first one I wish to talk about for a minute is the Energy Security Act. I am pleased to join with the senior Senator from Wyoming Mr. BARRASSO and also our ranking member on the Energy Committee, Senator LISA MURKOWSKI from Alaska, as well as other cosponsors on the legislation, Senator JOHN CORNYN of Texas, obviously a big energy-producing State, Senator JAMES INHOFE of Oklahoma, and Senator DAVID VITTER of Louisiana.

What the Energy Security Act does, quite simply, is first it approves the Keystone XL project. This is a more than $5 billion pipeline that has been in the permitting process now for more than 5 years. We are now in the sixth year of the permitting process trying to get a permit from the administration. We have thousands of pipelines all across this country, millions of miles of pipeline, and here is a project that for 6 years the administration has held in limbo.

The latest greatest technology moves Canadian oil, our closest ally, Canada, moves oil from Canada as well as oil from my State, North Dakota, and Montana to refineries across the United States. We import 50 percent of our oil. Do Americans want to get that from the Middle East or do they want to produce it here in our country and get it from our closest friend and ally, Canada? That is an obvious answer. That is why in poll after poll, 3 to 1, Americans want this project approved. But it remains in limbo, now in its sixth year of the permitting process on the part of the administration.

So when I talk about those 350 projects, when I talk about $1.1 trillion in GDP, when we talk about almost 2 million American jobs that study performed by the U.S. Chamber of Commerce identified, you can see what they are talking about when you talk about this project that has been held up now into the sixth year.

The legislation, the Energy Security Act, would approve that project, but it would also approve the 24 pending applications that would allow us to export LNG, liquefied natural gas, to our allies who need that help. Right now in this country we produce 30 trillion cubic feet of natural gas a year. We consume about 26 trillion cubic feet of natural gas. That is growing rapidly. Believe me, I know. We are flaring off natural gas in our State that we want to get to market. We need a market for that product. But right now we are not allowed to export liquefied natural gas to countries such as the NATO countries.

Look what is going on in Eastern Europe, such as what Russia is doing in Ukraine. What is next? One of the reasons Russia is able to take that kind of action and the European Union is reluctant to put sanctions in place as a response is because Europe, Ukraine, are dependent on Russia for natural gas for energy. Over one-third of the supply of the EU's energy comes from Russia.

So we have an opportunity here. We can create economic activity. We can create jobs. We can use that natural gas we produce beyond what we need here at home to help our allies and at the same time stand up to Russian aggression. That is why I say this is about jobs. This is about getting our economy growing. But this is also very much about national security, our national security here at home, energy security for our country, but also security working with our allies to stand up against the kind of aggression we see from Russia and from President Putin right now.

In terms of jobs, the Obama administration's State Department, their own State Department, has estimated the Keystone XL Pipeline during the construction phase will create more than 40,000 jobs. That is just that one project, more than 40,000 jobs. If you look at some of the studies, very conservative studies on job creation that will occur by approving these LNG applications, the National Economic Research Associates identifies more than 45,000 jobs that would be created by expediting approval of those permits.

Let me give you two examples so you understand the magnitude of what we are dealing with here. Cheniere Energy wants to invest $11 billion in an export facility at Corpus Cristi, TX. That is not one penny of government spending—not one penny. We have a huge deficit and we have a huge debt. We have got to get on top of it. That means controlling our spending, but that means we have to have economic growth.

So here are companies willing to invest and create jobs and create economic growth and create tax revenues—not raising taxes, creating tax revenue. Why in the world do we hold them up? How does that make sense? How is that common sense? Here we are on an unemployment insurance bill where we are going to spend more government money to pay people who remain unemployed when we could approve these projects and put them back to work at good-paying jobs. Instead of growing the deficit, we could actually create tax revenues from a growing economy—again, not higher taxes, from a growing economy that helps reduce our deficit and debt.

So the Cheniere Energy project, $1 billion investment facility in Corpus Christi, creates a market for some of the natural gas that is now being flared off, according to the Perryman Group, 3,000 direct construction jobs, far more indirect jobs during the construction phase. Here is another project. Exxon wants to build the Golden Pass LNG facility at Sabine, TX, which is on the border between Texas and Louisiana. That is a $10 billion investment. Perryman Group estimates that between both the direct construction jobs and indirect jobs, on the order of 45,000 jobs for that project during construction, almost 4,000 permanent jobs.

So you can see when we talk about NERA, the National Economic Research Associates, saying, hey, there are going to be 45,000 jobs for these projects, that is a very conservative estimate. It creates so much more—not just good-paying jobs but also a growing economy, cash revenues to help with the deficit and national security, and security working with our allies at a critical time, a critical time in Eastern Europe.

In addition, I have offered other legislation I filed, that I am now offering as an amendment to this unemployment insurance bill—again, legislation that will create jobs and help people get back to work.

The second one I want to mention is the Empower States Act. The Empower States Act gives primary regulatory responsibility to the States when it comes to regulating hydraulic fracturing. The reality is, a Federal one-size-fits-all approach does not work for hydraulic fracturing, because the way hydraulic fracturing is done across this country is different in different States. The way they hydraulically fracture in States, for example, in West Virginia, where they are going after natural gas is very different than the way they do it in North Dakota where we are going after oil. We drill down 2 miles, 2 miles vertical drill bore to reach the oil, and then we drill out for miles at that level.

We produce primarily oil and natural gas—huge amounts of natural gas and gas liquids as a byproduct—but we are miles away from any potable water, which is much closer to the surface, so it is very safe. The water that is produced—both the frack water as well as the water that comes up with that oil and natural gas—we put back downhole through saltwater disposal wells, in essence recycling the water. Anything that can't be reused goes back downhole and that creates a recycling process.

That is different than the way it is done in the Marcellus shale in places such as New York, Pennsylvania, and it is different than the way it is done in West Virginia and different than the way it is done in the Utica shale in Ohio. There are some similarities with the way it is done in Texas in the Eagle Ford, where they also drill for oil.

But the point is, the way this is done, the technologies that are used, even the product we are going after—and certainly the formations are different across the country.

When we put a Federal one-size-fits-all approach in place, it doesn't work. Not only does it not do the job in terms of making sure we have the right kind of regulation, it holds up projects. It prevents job creation. It doesn't allow our economy to grow. It doesn't empower us to produce the energy that could be produced across this country with the right approach, with the right energy plan.

As far as job creation, our State is now the fastest growing State. We have the lowest unemployment, and we have the fastest growing economy, 7.6 percent in the most recent statistic versus a 2.6-percent average for the other States. Again, this is about creating a growing economy. It is about creating jobs.

Also, I am offering the Domestic Energy and Jobs Act legislation I filed as an amendment to this bill. DEJA is a series of bills that has already passed the House. This is all legislation that has already passed the House. So we know if we can get a vote in the Senate, the legislation we can pass in the

Senate has already gone through the House. We are already a huge distance on the journey to getting this done.

What does the Domestic Energy and Jobs Act do? It does exactly what the title says. It reduces the regulatory burden, it sets goals, it helps us produce more energy and create jobs.

For example, we establish an American energy development plan for Federal lands. We have all of these Federal lands—millions and millions of acres of Federal land both onshore and offshore. The Department of Interior should have a plan to develop energy on those public lands, and they should set goals to do so. This legislation would require them to do just that.

We freeze and study the impact of EPA rules on gasoline regulations. That benefits all Americans at the pump, not only small businesses that are looking to hire people but families, all consumers.

We provide onshore oil and gas leasing certainty, meaning that the Department of Interior has to approve the permits within a stipulated, reasonable period of time. It advances offshore wind production. This is about producing renewable energy as well as traditional energy. It streamlines the permitting process. It provides access to the National Petroleum Reserve for development in Alaska. It requires the BLM to hold live Internet auctions. Let's use this new technology to encourage investment in job creation and energy development in new and creative ways.

It establishes rules on surface mining that make sense, commonsense rules. It increases States' revenue sharing for Outer Continental Shelf drilling, offshore drilling, and it also offers lease sales off the Virginia coast.

Clearly, developing these new areas creates revenue for the States, creates revenues for the Federal Government, creates more energy for our country, and creates more jobs—not spending Federal money, investing hundreds of billions of private dollars that are currently sidelined in these new and exciting projects.

Finally, I am offering the stream buffer rule legislation that I filed as a stand-alone bill. I am offering that as an amendment as well to this UI bill. The Department of Interior wants to implement a Federal one-size-fits-all rule for stream buffer zones, meaning mining proximity to rivers and streams. Again, a one-size-fits-all, one-size Federal approach for every situation does not work. Allow the States to take the primary role in regulating the stream buffer zones and let them do what makes sense.

With all of this legislation, we can empower hundreds of billions in private investment. We can put that investment in good old-fashioned American ingenuity into getting our country going, getting our economy growing, and getting our people back to work.

We can do it. The way we can get started is simply by voting. That is what we do in the Senate. That is what we do in this Senate forum. Let us put forward our ideas and let's have a vote. If it passes, we can do these things. But why in the world wouldn't we get a vote? That is what this body is all about. Let's have the debate. Come to the floor and let's have a debate. Let's debate each one of these and a lot more. That is what we do. Then let's vote. That is how we will decide. That is what the American people expect us to do. They sent us to the Senate to do just that.

The question I have is why aren't we voting on these amendments and a lot more if we are serious about getting people back to work? If somebody wants to come down and refute this, come on down, do it, and then let's vote.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. I commend my colleague, the Senator from North Dakota, not only for his leadership on so many energy initiatives, but for the proposal he has put forth this afternoon.

I am pleased to be able to join him in support of those various measures—measures that, as he has outlined, will not only as a nation allow us to move forward and take that leadership role, which we so rightly have and should use as something to benefit not only ourselves and our economy, jobs within the Nation, but to benefit other nations. The proposal he has advanced—again, that I am pleased to join him on—is one that allows for incredible jobs and opportunities with the construction of the Keystone XL Pipeline, provisions that will allow for expedited processing of our LNG exports.

It recognizes, again, that when we produce more in this country—when we produce more of a resource that not only allows us to be more energy secure, but that also helps our friends and allies around the world, it also helps to truly effectively reduce the cost of that energy to American consumers.

How can this possibly be a negative? How can this possibly be bad when it adds to jobs, when it strengthens our economy, and when it makes us more secure as a nation.

There are many win/wins that we see in these energy proposals we have in front of us that Senator HOEVEN has offered. But, again, if we only have an opportunity to kind of talk aloud about them but never actually have the chance to move them forward through a legislative process so they can actually become law so we can actually see those benefits play out, it doesn't do us much good.

I appreciate what my colleague has outlined this afternoon through his proposals. I know we will have an opportunity to speak further to them tomorrow, and I look forward to doing that as well.

KING COVE

I want to take 5 minutes in this late afternoon to continue to educate not only my colleagues but folks within this administration and around the country about an injustice that continues to unfold in a small corner of my State, a very remote part of my State in southwestern Alaska for the small community of King Cove. There are about 950 people who live in King Cove.

I have been fighting since I came to the Senate, and before I came my father took up this fight, in an effort to get a small connector road, a small 10-mile, one-lane gravel, noncommercial-use road that will allow the people of King Cove access to an all-weather airport so they can get out in the event of medical emergencies.

We had another one last night. I had an email saying the weather had completely taken over in the gulf in King Cove, and there was an emergency call that went out. It was for a 58-year-old fisherman who had been injured. He had been out on a Seattle-based processor called the M/V Golden Alaska.

This fisherman happened to live in Seattle, and he was onboard this boat. They were out near Unimak Island, which is out toward the chain in the North Pacific, when this fisherman was accidentally sprayed with a high-pressure hose and it severely injured his eye. It was 1 a.m. when this incident happened.

We have this big vessel, a big processing vessel of 305 feet, heading from Dutch Harbor to Seattle when the accident happened. I don't have a map with me, but if we can envision, there is a lot of big, wide-open ocean, and medical care is a long way away. This fisherman couldn't wait for that medical care. The closest deepwater port was King Cove.

King Cove got the word that they had an injured fisherman onboard and they said: Look, our clinic can't handle somebody who has critical needs. See if you can take the boat over to Cold Bay so that not necessarily he can get medical care, he could get on an aircraft out of Cold Bay that could fly him the 600 miles or thereabouts to Anchorage for the medical care he needed. But the problem they faced was they had wind gusts of up to 60 miles per hour. They had rough seas, very rough seas.

The ship's captain said: I am not going into Cold Bay. I am not going to try to hoist a man who has been severely injured in his eye—I am not going to try to hoist him up a 20-foot ladder at the Cold Bay dock. We are not going to do that.

So they went into King Cove, a safer, more protected cove, and they were able to get the gentleman there at 11:30 a.m. The physician's assistant—we don't have a doctor in King Cove, we have a PA, somebody who basically does a good job in stabilizing folks. She contacted the emergency room in Anchorage.

The ER folks said: Look, you have to get this guy to an ophthalmologist as

soon as you possibly can in order to preserve as much of his eyesight as possible.

As I mentioned, not only does King Cove not have a doctor, they don't have any kind of a eye specialist. The nearest ophthalmologist is in Anchorage, more than 600 miles away.

The PA, Katie Eby, did what health professionals at the clinic always do in an emergency like this. She calls for help to our Coast Guard. She begs the Coast Guard to come. The Coast Guard says they will come, but they can't come now. They can't chance the weather to get in there. They are not going to risk a pilot and his crew to get into this situation where we unnecessarily put even more lives at risk. They said: Look, we are going to have to wait until the conditions improve and the winds die down. So the physician's assistant tries to stabilize the fisherman, manage his pain as best she can and basically she waits, holding the hand of a man and telling him the Coast Guard will come.

The Coast Guard did finally make it in around 3 in the afternoon the next day. So this injured fisherman waited 13 hours for the winds to settle.

The problem with this story, of course, is there were other alternatives for this fisherman who had been injured, who had to wait in pain wondering if he was going to go blind, if he was going to completely lose his eyesight while he was waiting for the Coast Guard helicopter to come in, to pluck him out, to fly him over to Cold Bay, and have a flight take him to Anchorage. The other alternative—the safe, reliable, affordable way out is a 10-mile, one-lane, gravel, noncommercial-use road. If that fisherman could have been put in an ambulance and taken across that road, a dozen hours could have been spared.

Yesterday's medevac marks the fifth medevac by the Coast Guard in this current year. In 2014, we have had five Coast Guard medevacs. Keep in mind, each one of these medevacs costs around $210,000 per flight. So for those who are saying we can't have a road in King Cove because it is going to cost the taxpayers money, it is costing the taxpayers money because we are footing the bill for the Coast Guard.

Thank goodness the Coast Guard is there. But we are also putting the lives of these men and women—our fine coasties—at risk when we are doing this. If we had a road, who is building the road? It is the State of Alaska. Who is maintaining the road? It is the Aleutians East Borough. This is not the U.S. taxpayer who is paying for this, again, 10-mile, one-lane, gravel, noncommercial-use road.

There are options here. But the Secretary of the Interior has determined she wants to look at other options. She wants to find other alternatives. The fact of the matter is we have been looking at alternatives for a long time now, and those alternatives have been tried and failed or studied and reviewed and discarded.

But the one thing we are pretty sure of is that this fisherman from Seattle who was injured and had to wait 13 hours to get out—we are pretty sure we could have put him on an ambulance across that road—if one existed—and he would not have had to wait for 12 hours.

We are pretty sure that the 63-year-old woman who suffered heart issues on Valentine's Day and had to wait hours and hours for the Coast Guard to pluck her out of King Cove before she was able to safely make it to the hospital in Anchorage, we are pretty sure she could have been spared some of that agony.

We are pretty sure that a couple of weeks ago when a father who had been crushed by a 600-pound crab pot—his pelvis crushed and his legs broken—that for hours and hours and hours he waited in the King Cove clinic to get medevaced out, and of the fact that his infant son, a 1-month old baby named Wyatt who was there in respiratory distress also had to be medevaced out on the same day, only that baby had to make it through the night in the arms of the physician's assistant, and the PA knowing and feeling the infant was in distress and actually feeling him stop breathing.

If we had a road in place, with the agony of not only the individuals who have been injured but the loved ones who care about them, there are better alternatives, and, it is very clear to me, alternatives that work for the people who live there and the people who are in the area—the fishermen.

Maybe I am taking this a little too personally because my oldest son crabbed in the Bering Sea this winter. He was out in those waters. He was out in that foul weather. He was working in a very dangerous industry. Anybody who has ever watched ''Deadliest Catch'' knows what I am talking about. Both my sons fish in these areas. They go through the Gulf of Alaska. They go through Nunivak Pass every year as fishermen. If something should happen to them or to somebody else on their crew, and the closest deepwater port for them happened to be King Cove but the weather was to the ground, I want a road for them.

I want a road for the people in King Cove. I want a road for the Seattle fisherman who is transiting back. It is a lifeline. It is a way to get to help. Right now, the one thing keeping these people from getting help is the Secretary of the Interior because she has concluded that we cannot build a 10-mile, one-lane, gravel, noncommercial-use road without disturbing the waterfowl, the black brant, and the geese that go through the Izembek.

We have all heard my story on this many times before. We know we can build this small road and have it coexist peacefully with the birds that go through there. We know the people who live there will continue to care for the waterfowl and the wildlife just as they have for thousands of years.

I don't want to keep coming to the floor and ranting about why we need this road. I don't want to make it appear we are sensationalizing the injuries of men, women, and children for the purpose of winning this fight. But I am not going to have somebody die out there when we could have found a safer and saner path forward.

So I am going to keep coming to the floor. I hope the Secretary of the Interior is listening, that folks in the administration are listening, and that they understand we in Alaska can be responsible for the lands where we live, and we can provide for the health and safety of those who are out there and those who are transiting through. But we need this Secretary to do the right thing for the people of the State of Alaska and provide for a life-saving road.

Mr. President, I yield the floor and 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. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask to be recognized for a few minutes, if I could, as if in morning business.

The PRESIDING OFFICER. Without objection.

IRAN U.N. AMBASSADOR

Mr. GRAHAM. There is an issue facing this country that needs to be addressed firmly and decisively. I am encouraged there is a bipartisan effort to deal with this issue, and the issue is very simple. The person who has been nominated to be the U.N. Ambassador for Iran is a gentleman who participated in the takeover of our Embassy in Tehran, holding hostage 52 U.S. personnel for 444 days.

This is a slap in the face by the Iranian Government to the American people, to the hostages, and it should not be allowed to stand. Senator CRUZ, I believe, will be offering a unanimous consent request potentially dealing with this issue, but I just wanted to rise for a few minutes and speak in support of what he is trying to accomplish in the Senate. I am somewhat encouraged that there is a bipartisan effort forming among our intel folks to deal with this affront to the American people, to all those held hostage, and basically to human dignity. The idea that the Iranians would be appointing someone connected in such an apparently direct way with the Embassy takeover back in 1979 to represent their nation in the U.N. tells us all we need to know about Iran.

This hardline-moderate divide doesn't exist. This is all a game. President Ruhani, when he was the nuclear negotiator for Iran, bragged about how much progress they made when the heat was off. If he were truly moderate

he wouldn't have been on the ballot and wouldn't be serving today at the pleasure of the Ayatollah. Nobody serves in a high position in Iran without the blessing of the Supreme Leader.

So the idea of making this gentleman—I don't want to butcher his name—the Ambassador to the United Nations from Iran when he has actively participated in violating every diplomatic principle involved, the idea of invading a consulate or embassy and taking hostages runs afoul of every principle of international law and diplomatic behavior.

It would be different if in the last 30 or so years the Iranian regime had changed. We have relationships with people today who are some of our strongest allies who used to be our enemies. There is nothing changing in Iran since the Embassy takeover that would place Iran in the column of a friend of America. This regime has been actively involved in worldwide terrorism plots. They have provided equipment to those who were fighting in Iraq to kill our soldiers. They support Hamas and Hezbollah, terrorist organizations. They have been designated by the State Department as a state sponsor of terrorism. They are trying to build a nuclear weapon, not a powerplant. So they have actually been no good for a very long time. I hope this body will send a signal to the Iranians that we will not accept on U.S. soil the person who has been designated, because this person was actively engaged in holding 52 Americans hostage for 444 days, in contravention of every law on the books and human decency. If Iran wants a new relationship with the United States, this is not a good way to start it.

I think there will be a lot of bipartisan objection to allowing this person to come to New York. We have provisions in our laws that give us the right as the host nation to exclude people who have been involved in acts of terrorism against the United States or their neighbors and any security threat. Again, the idea of doing business with former enemies is the way of life. The idea of accepting that the Ambassador to the United Nations from Iran as one of the people intricately involved in the takeover of our Embassy and holding Americans hostage for 444 days is an affront to us as a people and to the United Nations as a whole. He has served in other posts in Europe. That is not the issue. It is our Embassy that was taken over; it was our people who were held hostage, and the surviving hostages are very upset, as they should be. We don't want to reward people for doing bad things. This would be the ultimate reward for somebody who did a very bad thing.

It would be a mistake to engage Iran in this way and not push back. If there is to be a better relationship with Iran, it is worth fighting for. We are going to have to stand up to these people because they will take advantage of us if we allow it.

I look forward to supporting Senator CRUZ and others who want to join in the effort to stop this appointment because it is wrong.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Texas.

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

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

(The remarks of Mr. CRUZ pertaining to the introduction of S. 2195 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CRUZ. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

DEA'S FINAL RULE

Ms. KLOBUCHAR. Madam President, I rise today to urge the Drug Enforcement Administration to issue the final rule necessary to implement the Secure and Responsible Drug Disposal Act of 2010. I note that year—2010—because that is the year this bipartisan bill was passed.

What it does is it provides consumers with safe and responsible ways to dispose of unused prescription medications and controlled substances.

I thank Senator CORNYN, who was the lead cosponsor on the Republican side of this legislation, as well as Senator GRASSLEY and Senator BROWN, for working with me on the legislation.

The important law expands safe disposal options for individuals and for long-item care facilities, and it promotes the development and expansion of prescription drug take-back programs.

As the Presiding Officer knows, this simply means that when you get prescription drugs and you do not use all of them—or your doctor prescribes something else—you do not just leave them in your medicine cabinet, where someone else might be taking them. Instead, you find a safe place to dispose of them, so someone else does not start taking them and potentially get hooked on the drug.

Why did I mention 2010? Well, 2010 was the year President Obama signed this bill into law. It has now been 4 years—4 years—as we have awaited the rules. I will describe why, but I think it is time to put this law into action.

The DEA issued a proposed rule in December 2012. Unfortunately, that took 2 years. There were some comments then about making sure the rules worked for our long-term care facilities—you can imagine, there are a lot of prescription drugs at long-term facilities—and the Departments of Defense and Veterans Affairs. But these issues should be addressed in the final rule. It is time now to get this rule done so we have more options to easily and safely dispose of our prescription drugs.

I know the final rule is now at the Office of Management and Budget for their approval. I have spoken to them about this rule. I am also aware they have only had the rule for 35 days. So they are not really the ones who have been holding this up. They have 90 days to get this out, and they have pledged that they hope to get that done.

We need to get the rule done, and let me tell you why. As a former prosecutor, I have seen firsthand the devastating impact that drug addiction has on families and communities. During my 8 years as chief prosecutor in Hennepin County—the largest county in our State—drug cases made up about one-third of the caseload.

Most Americans know that we have a problem with serious drugs. But what most Americans may not know is that one of our most serious drug problems is, in fact, drugs that are in the medicine cabinet—drugs that are prescribed legally.

Within those cabinets are some of the most addictive prescription drugs out there—like pain killers and beta blockers. Prescription drugs such as these are some of the most commonly abused drugs—and people are surprised by this, but they are ahead of cocaine, heroin, and methamphetamines in many States.

Teenagers now abuse prescription drugs more than almost any other drug, and the majority of teens who abuse these drugs get them for free. They get them in that medicine cabinet or, more likely, a friend of theirs gets them from their mom's or dad's medicine cabinet—often without the knowledge of the person who has it.

I think we all know that many leftover drugs are lying around. You go to see the dentist for surgery, and they prescribe you something for pain. You feel OK. You only take 1 or 2, and then you have 10 left, and they are just sitting in the medicine cabinet.

We used to tell people to flush these drugs down the toilet. This is not a good idea for our water supply, and I think most people know that. Some people will tell you that the proper way to dispose of your drugs is to crush up your extra pills, then mix them with—and this is what they say—kitty litter or coffee grounds.

We need to do all we can to keep these dangerous drugs out of the hands of teens, but I am just not sure—especially if someone does not have a cat—that kitty litter is a realistic solution. Not everyone these days makes their own coffee nor has coffee grounds. We are dealing here with a very serious

problem, and all we are hearing about is kitty litter and coffee grounds. That is why we passed this bill.

One option parents have is to dispose of leftover drugs at a National Take-Back Day. Listen to this. Over 3 million pounds of prescription medications have been removed from circulation through seven National Take-Back Days that have been held since 2010. I participated in one of those days in Brooklyn Park, MN, last fall.

While these events have been incredibly successful, one-day events that are held a few times each year do not fully address the problem of how we are going to dispose of our drugs safely.

For instance, let's say you heard about a Take-Back Day right after you had your dental surgery. Great, you can bring over those pills and safely dispose of them, but then you remember your kid has a soccer tournament, and you cannot make it that day to dispose of the drugs. It looks like those pills are going to stay sitting right where they are in the medicine cabinet. I doubt many people have the time right then and there to call and ask when the next Tack-Back Day might be and put it on their calendar in a red pen.

We have to be realistic. These Take-Back Days are great. In my State, especially in the metropolitan area, under the leadership of our sheriff Rich Stanek we actually have some permanent facilities in places where they can be brought permanently—the drugs—in the libraries and places like that, but we really have gone the extra step. The reason our law enforcement is such a big fan of this law is they know we could take so many more drugs in if, for instance, long-term care facilities were able to simply bring the drugs to one location each and every day.

If, for instance—and some of our drug stores have been open to this, some of these national chains—imagine how good this would be if they would just be willing to take these back and then they bring them somewhere. But to do that they need certain legal protections. They need protections about how they transport them. That is why we have been awaiting these rules.

Given the Food and Drug Administration's recent approval of some very powerful drugs, I think it is even more important that we make sure when these drugs are out there that they are able to be disposed of.

Offering more ways for people to dispose of their unneeded prescription drugs is also a crucial component of stopping the recent rise we have seen in heroin. Now, that might seem counterintuitive. You might say: Why would that help with heroin? That is not a prescription drug. How could that reduce the amount of heroin out there when we know we have seen huge increases in the amount of heroin. We have seen it in our State.

The heroin epidemic in Minnesota and all across the country is deadly. In the first half of 2013, 91 people died of opiate-related overdoses in the Twin Cities—in Hennepin and Ramsey Counties—compared to 129 for all of 2012—just to give you a sense of 6 months compared to a year. Hospital emergency department visits for heroin nearly tripled from 2004 to 2011.

In the 7,000-person community of St. Francis, MN, three young people have died of opiate overdoses since May. Another three young people have been hospitalized for heroin overdoses. One was only 15 years old.

Experts blame this rise in heroin use to, first of all, some pure heroin coming from Mexico, but, secondly, an increased use of prescription drugs like OxyContin and Vicodin. That is because, according to the Office of National Drug Control Policy, as many as 4 out of 5 heroin users got their start by abusing prescription drugs. That is a pretty phenomenal number.

I think people think of heroin like from the 1970s and people shooting up. Well, it is not like that anymore. They can take it by pills. They can take it different ways. What happens is, when they start with these prescription drugs, and they have access to them, they get hooked, they get addicted; and then, when they cannot get the prescription drugs—which does happen—then they turn to heroin, and heroin right now is much easier to obtain.

So the answer here—because those drugs are similar in how they make them feel—the answer is to stop them from getting addicted in the first place. I think often times, when people just see a drug in the medicine cabinet or know that it is OK to take one of these types of drugs—OxyContin and other things for pain—they actually do not intend to get addicted. These are many of the people I just had a roundtable with at Hazelden, one of the Nation's premier drug treatment centers, talking about this. A lot of times the people who end up dying from a heroin overdose actually may even be casual heroin users. They are not doing it every single day. But that is because the heroin was a replacement for the prescription drugs they started getting addicted to when they got them out of a medicine cabinet or maybe they were prescribed them.

We know this is not going to fix everything. But certainly making it easier and empowering people to dispose of these drugs will, No. 1, clearly cut down on the use of these prescription drugs, and then, we believe, lead to less heroin use in the long term.

Americans all across the country—in cities, suburbs, and small towns—need options to get rid of leftover pills before they fuel addictions and claim the lives of their loved ones.

The Secure and Responsible Drug Disposal Act provides these options. But we cannot take these crucial steps in the fight against drug abuse until the DEA issues its final rule.

After 4 years, it is time to make these rules official—4 years that families and long-term facilities have lost out on safe and easy options to get rid of unused prescription drugs; 4 years that those plastic amber bottles have piled up in medicine cabinets across America; 4 years that dangerous pills have been left vulnerable to misuse, potentially falling into the hands of our loved ones fighting addiction or criminals or being accidentally consumed by an innocent child.

We need the final rules. We must get them done right. But with so much at stake, we must get them done now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, it is April Fools' Day, but it sure feels more like ''Groundhog Day'' because we are once again here considering an extension of unemployment benefits for the millions of Americans who have been out of work for months, and some of them even for years.

While assistance to those without work serves an important purpose in helping Americans transition, we are failing to address the underlying and more important issue: How do we grow the economy and create jobs for all of our citizens?

A growing economy creates new opportunities for Americans to find meaningful work, and with meaningful work comes an opportunity for Americans to improve their economic security and advance up that economic ladder.

It is one of the reasons Senator WYDEN and I started the Economic Mobility Caucus. We wanted to study the facts and explore policy improvements that can make a difference to increase the likelihood that all Americans can do just that—improve their standard of living and move up that economic ladder to a better life.

According to the Bureau of Labor Statistics, their monthly report indicates that 10.5 million Americans are unemployed; 7.2 million Americans are working part time because they cannot find full-time work; 2.4 million Americans want to work but have stopped searching. What a sad circumstance that is for those folks.

Our labor participation rate is hovering around its 35-year low at 63 percent. While those statistics and the lives these numbers represent are pretty discouraging, I want to talk about a piece of good news. We know we can create jobs and we can create a growing economy, and we know from the facts, from the studies, that entrepreneurship, starting a business, giving Americans a chance to pursue the American dream, is the key.

The Kauffman Foundation in Kansas City has studied entrepreneurship. They make clear that most new jobs come from young companies created by entrepreneurs. In fact, since 1980, nearly all of the net new jobs that have been created in our country have been created by companies less than 5 years old. It kind of makes sense. Big businesses often are looking for ways to

cut costs, reduce their workforce. New businesses wanting to succeed increase their workforce. In fact, these new businesses create, on average, 3 million jobs each year.

Unfortunately, the number of new business startups, those business formed each year, are around their lowest total since the Bureau of Labor Statistics began keeping track over 40 years ago. So while we know that startup companies have a great opportunity to create jobs, we are creating the fewest number of startup businesses in nearly 40 years.

A couple of authors, John Dearie and Courtney Geduldig—they are authors of a book called ''Where the Jobs Are''—point out in that book that ''the vital signs of America's job-creating entrepreneurial economy are flashing red alert.'' John and Courtney spent an entire summer traveling the United States. They met with more than 200 entrepreneurs in dozens of cities to learn about the challenges those entrepreneurs are facing.

What they found is no surprise to anybody in this Chamber. They are the same issues I hear when I am back in Kansas. Those who start a business struggle with access to money, to capital to start that business; a lack of skilled talent; a complex Tax Code; a regulatory burden; and, boy, a lot of uncertainty, most of it, much of it, resulting from the action or lack of action here in Washington, DC.

A few years back I set out with a bipartisan group of Senators to address the challenges entrepreneurs face. Together we developed legislation that is now called Startup Act 3.0 to help create a better environment for those whose dream it is to start a new business. The Senate majority leader is frequently talking about allowing votes on legislation that has bipartisan support. This bill, Startup 3.0, is such a bill.

I spent time working with Senator WARNER and Senator COONS, Senator KING and Senator KLOBUCHAR, as well as Senator BLUNT and Senator RUBIO. We introduced what I would say is a very commonsense approach to addressing factors that influence an entrepreneur's chance of success: taxes, regulations, access to capital, access to talent.

This legislation has been introduced as an amendment to the unemployment insurance extension bill the Senate is now considering. Unfortunately, at least so far, we have been denied having a vote on what is clearly a job-creating measure. I have offered this as an amendment to other bills on the Senate floor, but if the past is any example of what will happen on this bill, the chances of us being able to offer the amendment, have it considered and voted on, do not look very probable.

Startup 3.0 makes changes to the Tax Code to encourage investment in startups and provides more capital for those who are ready to grow and hire. To address burdensome government regulations, this legislation, now this amendment, requires Federal agencies to determine whether the cost of new regulations outweighs the benefits, and it encourages Federal agencies to give special consideration of the impact proposed regulations would have on a startup business.

As any entrepreneur knows, a good idea is essential to starting a successful business. So Startup 3.0, an amendment now to this bill, improves the process by which information that is funded by Federal research, information that is garnered by Federal research, is more readily available to those who want to start a business, so that tax-funded innovations can be turned into companies that spur economic growth.

Finally, Startup 3.0 provides new opportunities for highly educated entrepreneurial immigrants to stay in the United States where their talent and new ideas can fuel economic growth and create jobs in America.

For more than 2 years, Startup Act 3.0 has earned praise from business owners, from chambers of commerce, from economic development officials, from entrepreneurs, from economists, and elected officials. Recently, the California State Senate passed a resolution calling on Congress to pass Startup Act 3.0. The President's Council on Jobs and Competitiveness, when it was in existence, had voiced strong support for several of the bill's provisions.

Unfortunately, none of that support from across the country has progressed in the Halls of Congress to see this legislation seriously considered. I can tell you that the reason Congress has not been able to address our economic challenges is not for lack of good ideas. In my view, it is a lack of leadership in the Senate and within the administration, within Washington, DC, to address the challenges Americans face.

There are plenty of good ideas that can provide immediate relief to Americans, many ideas in addition to Startup 3.0. Some of those examples are a 40-hour workweek. The House is poised to pass legislation. Some of my colleagues are proposing amendments here in the Senate to change full-time employment from 30 hours, as outlined in the Affordable Care Act, back to 40 hours.

Small businesses, restaurants, school districts, and community colleges across Kansas and around the country are already cutting hours to comply with the employer mandate of the Affordable Care Act. By fixing this provision, we can make certain that hard-working Americans have the opportunity to work more hours, earn a bigger paycheck, or find full-time employment.

Many of us believe—in fact, a large majority of the Senate in a bipartisan way believes—that approval of the Keystone XL Pipeline will help us in two ways: reduce energy costs in the United States, a very important factor in new jobs and expanding the economy, as well as increasing employment during the construction of that pipeline.

A recent poll by Washington Post and ABC News shows that Americans support this 3 to 1. Again 80-some Senators voted in moving forward with the Keystone Pipeline. Yet it has not happened. The President has not made a decision in regard to Keystone Pipeline, has stalled this issue. Nothing in the Senate would suggest the leadership of the Senate is ready to move this ball forward.

The President talks about trade promotion authority, spoke about it in one of his State of the Union Addresses. Yet that is another issue that has not been considered by the Senate. The President apparently has backed off of this issue out of deference to politics. Yet we know—we certainly know this in Kansas—that the airplanes we make in south central Kansas, the wheat we grow in western Kansas, the cattle we grow in our State, that we raise in our State, clearly much of the economic activity that comes from those activities occurs because we are able to sell those agricultural commodities, those manufactured goods around the globe.

Millions of Americans can be better off if there is greater opportunity for what we manufacture, the agricultural products we grow, if they have a wider market. The President and this Congress, particularly the Senate—not this Congress, the Democratic majority here—have focused much of their attention on, for example, the bill we are on, extending the unemployment insurance timeframe, apparently in the near future increasing minimum wage.

Consider these facts. There are 3.6 million Americans at or below the minimum wage level. Minimum wage workers make up 2.5 percent of all workers, and 55 percent are 25 years old or younger. So it is a relatively small portion of the workforce and a young portion of the workforce. I am certainly willing, happy to have a debate about the need to increase the minimum wage, to extend unemployment benefits, in part because I want the Senate to operate.

One of my greatest complaints since my arrival in the Senate is the Senate no longer functions as it has historically, in which issues of importance to the country, whether they are Republican issues, Democratic issues, American issues, middle of the road—this place takes up those issues very rarely. I am willing to have a debate about what is proposed here.

But what I am thinking we are doing is we are missing the real issues if we only deal with those. The minimum wage and extension of unemployment benefits is a symptom of a larger problem. It is that Americans want and need jobs. In my view, this Senate and this President have done nothing to increase the chances that Americans have a better shot at finding a better job.

We have to grow the economy. By growing the economy—I think that

sounds like something that is far removed from the everyday lives of Americans. But growing the economy simply means we are creating greater opportunities for American men and women, for husbands and wives, for sons and daughters, for families to have the opportunity to pursue a career they feel comfortable in, that is satisfactory to their economic needs, and gives them the hope they can improve their lives financially.

So growing the economy is about creating a greater opportunity for every American to pursue what we all have grown up calling the American dream. Unfortunately, the facts, if you believe the Congressional Budget Office, indicate that raising the minimum wage will increase unemployment. In fact, the numbers I saw—this was not the CBO score, but a Texas university study indicated that raising the minimum wage to $10 an hour or more would reduce jobs in my home State by 27,300 jobs.

I doubt that voters care much about CBO reports or about a Texas university study, but they are acutely aware—they see it every day in their own lives—of the lack of opportunity, the dearth of jobs, the reduction in hours, the reduction in opportunity. These reports make clear they are happening because of failed policies and the refusal of the Senate and the President to address the broader issue of what can we do to create jobs for Americans.

I thought the message of the 2010 election, the election where I was brought to the Senate on behalf of Kansans—I thought the message that we all would have, should have received, the message of the election, was the desire for every American to have the chance to improve their lives through a job, through a better job, and through a secure job. In my view, it is time for us to focus on growing the opportunities for all workers everywhere.

With a willing Congress, including leaders who understand these challenges and are willing to address them, I am certain we can create greater opportunities for millions of Americans, including those who no longer or who currently have no meaningful work. The lack of a job is terrible. I think there is a certain moral component, a sense of well-being, a sense of who we are as human beings when we have a job that not only fulfills us financially but gives us a sense of purpose in our daily lives.

As the Senate considers a short-term extension of unemployment insurance, we must not lose sight of that longer term goal of creating an environment for job creation. Again, I would offer Startup Act 3.0, a bipartisan amendment, a bipartisan piece of legislation offered as an amendment, as an opportunity to do that, as part of the consideration of the extension of unemployment benefits. There is no better way to create jobs than to support entrepreneurs and to foster the development of new businesses.

Small business is, as we always say, the backbone of American jobs. So let's stop having this ''groundhog day'' moment every few months and let's start tackling the challenges that entrepreneurs across the country are telling us about, that Americans are telling us about, that we learned in the 2010 election mean so much to every American.

Unfortunately, this President and this Senate have done nothing to improve the chances that every American has a better job and a brighter future. Please, this is so important. There is so much we can do. Too many times we focus on what we are unable to agree upon. But there is so much we can agree upon, so many things we can do. The American dream depends upon us doing so and doing so now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am on the floor for the 63rd consecutive week we have been in session to ask my colleagues to finally wake up to the threat of climate change. The evidence mounts of unprecedented and dangerous changes, from the latest Intergovernmental Panel on Climate Change report to the recent warning from the American Association for the Advancement of Science.

The American people demand action in ever-greater numbers. Yet Congress continues to sleepwalk, lulled by special interest influence and polluter propaganda. The influence and propaganda are spread through an apparatus of denial. This apparatus is big and artfully constructed—phony-baloney organizations designed to look and sound as if they are real, messages honed by public relations experts to sound as if they are truthful, payroll scientists whom polluters can trot out when they need them. The whole thing is big and complicated enough that when we see its parts, we could be fooled into thinking it is not all connected. But it is just like the mythological Hydra: many heads, same beast. And this denial beast pollutes our democracy just as surely as its sponsors pollute our atmosphere and oceans. Some editorial pages spread the polluter party line so consistently that it appears they have gone over and actually joined the apparatus.

The climate denial network controls the political arm of the multinational corporations, the so-called U.S. Chamber of Commerce.

Polluter-funded super PACs target officials who don't fall in line—interestingly, often Republicans, in an effort to purify the party in a coal-fired crucible.

The whole deniers' castle can look pretty daunting, but it is based on rejecting science and ignoring empirical evidence. That is a weak foundation. It won't stand. The castle is built on sand and its fall is inevitable. Remember from Apocrypha: ''But above all things Truth beareth away the victory.'' And it will.

There are cracks in the foundation already. Some leading news sources have begun to put climate denial into their policy against printing misinformation and discredited theories. They just won't print that nonsense. Many executives recognize the significance of climate change and are distancing their companies from the policies and politics of climate denial. They don't want any part of that nonsense. Many local officials are doing all they can to protect their communities from the effects of climate change. They know climate denial is nonsense.

It has been wrong that the climate change denial campaign has been so ignored by major media outlets. Media Matters found that all the major network Sunday TV talk shows in all of 2013 discussed climate change for a grand total, all combined, of 27 minutes. NBC News's ''Meet the Press'' mentioned climate change once. When several of the Sunday shows discussed climate change on February 16 of this year for a grand total of 46 minutes combined, it was more climate coverage than in the past 3 years.

It has been wrong that polluters so often got their way on the editorial page. Whether through a desire to appear fair and balanced or a willful effort to help polluters, newspapers still publish editorials or letters to the editor that dispute consensus science, disparage scientists or journalists who report the truth about climate change, and exaggerate the costs of taking action to stop it. Often, their authors have direct ties to coal and oil interests, and rarely is the connection disclosed.

As we can see from this chart, some papers do it more than others. The denier champ is the Wall Street Journal editorial page, with eight denier letters in the first 10 months of 2013. That is one every 5 weeks. I think they have actually joined the denier apparatus and are now a part of the scheme, but they are on the wrong side of history.

On the right side is the Los Angeles Times, whose editorial page last year released a note from editor Paul Thornton announcing they would no longer print climate denial letters.

Thornton's note read:

> I do my best to keep errors of fact off the letters page; when one does run, a correction is published. Saying ''there's no sign humans have caused climate change'' is not stating an opinion; it's asserting a factual inaccuracy.

Reddit is one of the Internet's most popular social and news Web sites, ''the front page of the Internet.'' According to the Pew Research Center, 1 in every 17 American adults uses Reddit. Reddit science has 4 million subscribers. That is about twice the circulation of the New York Times. Reddit Science has banned posts on climate denial because, as its moderator, Dr. Nathan Allen, explained, ''We require submissions to [Reddit Science] to be related

to recent publications in reputable peer-reviewed journals, which effectively excludes any climate denial.''

The L.A. Times and Reddit Science are not alone in seeing that the climate denier castle is built on lies. More and more American corporations are responding to the facts, understanding that they are ultimately responsible to their shareholders and customers. Major utilities—for example, PG&E, the Public Service Company of New Mexico, and Exelon—all quit the U.S. Chamber of Commerce after a chamber official called for putting climate science on trial like the Scopes Monkey Trial of 1925. The chamber may have been infiltrated and captured by the polluters, but major corporations get it: Coke and Pepsi, UPS and FedEx, GM and Ford, Google and Apple, Walmart—we can go on and on. The denier castle is crumbling.

Many of the businesses getting serious about reducing carbon pollution are actually based in States that are represented in Congress by Members who won't take the problem seriously at all. Coca-Cola, headquartered in Georgia, says:

> We recognize climate change is a critical challenge facing our planet, with potential impacts on biodiversity, water resources, public health and agriculture. . . . Beyond the effects on the communities we serve, we view climate change as a potential business risk, understanding that it could likely have direct and indirect effects on our business.

Texas- and Maryland-based Lockheed Martin states:

> From 2007 through 2011, Lockheed Martin reduced its absolute carbon emissions by 30 percent, and continues to focus on carbon emission reductions by championing energy conservation and efficiency measures in our facilities.

Sprint, the mobile carrier headquartered in Kansas, gets it.

> We understand that climate change is a critical issue and that reducing greenhouse gas emissions is an important goal. Because Sprint is a large corporation with thousands of locations, millions of customers and billions of dollars in operating costs, we have many opportunities to reduce global greenhouse gas emissions.

The denier castle is crumbling at the local level too. Scores of locally elected officials are fighting to slow climate change and protect their residents, even if in Congress their Congressman won't listen. One of those local leaders is Mayor Frank Cownie of Des Moines, whom I met on my recent trip to Iowa. Iowans are taking climate change seriously, and Mayor Cownie is one of over 1,000 mayors represented on this map all across the country who have signed the U.S. Conference of Mayors Climate Protection Agreement. Their pledge is to meet or beat the Kyoto Protocol emission reduction targets in their own cities and press their State governments and the Federal Government to enact meaningful greenhouse gas reduction policies.

Seventy-eight current and former mayors from Florida have signed on. With over 1,000 miles of coastline, Florida is at serious risk from sea-level rise. According to the World Resources Institute, of all the people and all the housing in America threatened by sea-level rise, 40 percent is in Florida.

Thirty-one former and current mayors from Texas have also signed on to the climate agreement. Texans are waking up to the threat of climate change. A recent poll showed that roughly 55 percent of Texans say the United States should reduce greenhouse gas emissions regardless of whether other countries do the same.

Kansas Governor Sam Brownback, our former Republican colleague from this Chamber, understands the benefits of cleaner energy. He fought to keep in Kansas his State's renewable portfolio standard, which encourages utilities to ramp up generation of renewable electricity. The standard has already helped create thousands of Kansas jobs.

Governor Steve Beshear of Kentucky, a coal-producing State, has taken a commonsense stance on climate change that defends the well-being of his State. He said:

> [W]e have to acknowledge our commitment to address greenhouse gas emissions, while stressing the need for a rational, flexible regulatory approach.

I have to say I agree with him. I stand ready and many of us stand ready on this side to work with coal-State colleagues to ease their transition away from a polluting fossil fuel economy.

When we think of what the costs are going to be to all of us of failing to address this problem, the cost of easing the transition for those who will suffer from it is easily worth undertaking. But to do any of that, we first have to break through the barricade of lies built around Congress in Washington. We can't keep pretending this isn't real. That is why once a week for over 60 weeks I have come to the floor to press this point. It is real. It is happening. It is not going to go away if we ignore it.

There is one thing and one thing only that prevents our action, and that one thing is the politics of the Republican Party. There is one thing and one thing only that makes this the politics of the Republican Party, and that one thing is the special influence of the polluters. But against the relentless facts and science, against Mother Nature's relentless truth, that castle is built on sand and will fall. But above all things, truth beareth away victory.

For the sake of our democracy, for the sake of our future, for the sake of our honor, it is time for us to wake up.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam 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. Madam President, we are in the midst of a debate about extending unemployment insurance for millions of Americans who are unemployed, some of whom have been out of work for some time. It is a problem for the country.

According to the Bureau of Labor Statistics, the number of Americans who want to work but who have stopped looking for a job is 3.1 million. Over 91 million Americans are outside the labor force entirely. According to a recent report in CNN Money:

> Only about 63 percent of Americans over the age of 16 participate in the job market, meaning they either have a job or are just looking for one. That is nearly the lowest level since 1978, driven partly by baby boomers retiring but also by workers who had simply given up hope after long and fruitless job searches.

As a matter of fact, we saw at our budget hearing this morning a chart which showed the decline in workers by age group, and it was interesting. The younger workers had the biggest decline in percentage working, and the older, 62 and above, are working at a greater rate than they were in previous years. So that is an interesting statistic. But we do have a problem, particularly among a lot of our younger people finding work.

At the same time we are having these difficulties, this administration has engaged in a systematic dismantling of the protections our immigration laws provide for American workers, producing for them—our workers—lower wages and higher unemployment. That is just a fact. Why are wages down? And wages are down, as we heard from all witnesses, Republican and Democratic, in the Budget Committee this morning. Wages have declined significantly in the last 5 years. They have been declining, just at a lesser rate, since 1999.

In fact, our review of U.S. Immigration and Customs Enforcement published statistics for 2013 reveals that under the guise of setting priorities for enforcement of our laws, this administration has determined that almost anyone in the world who can enter the United States then becomes free to illegally live, work, and claim benefits here as long as they are not caught committing some felony or serious crime.

Based on what the President has said, and what the Vice President has said, it would appear an individual could come to America on a work visa, and 1 day after the visa has expired just continue to stay in America and be able to work and could be confident that they will not be deported because the policy of this government is not to deport people unless they catch them at the border entering illegally or they have committed a serious crime.

A recent report this week shows that even the serious crime issue is cloudy. An independent report earlier this week said one-third of those—68,000—who had been involved in criminal activity in some way are not being deported. So this applies not only to

those who unlawfully enter our borders but also those who enter on a legal visa and don't leave when that visa expires.

The President and Members of Congress are arguing, it appears, based on the bill that cleared the Senate, for a historic surge in the amount of legal immigration into our country at a time of high unemployment. The White House has preposterously claimed, amazingly, that an influx of new, mostly lower skilled workers will raise wages. This is a conclusion not supported by any credible academic evidence or even the Congressional Budget Office's own report analyzing the massive Senate immigration bill. The CBO concluded the bill would add 46 million mostly lesser skilled legal immigrants by 2033 and that average wages would fall for one dozen years if it were to become law and unemployment would increase and per capita GDP—growth in America—would decline, I think for 20 years.

And, apparently the House of Representatives is considering proposals to bring in hundreds of thousands of guest workers at a time when we are talking about extending unemployment for Americans who can't get jobs.

Dr. George Borjas at Harvard has found that high immigration levels from 1980 to 2000 resulted in an 8-percent drop in wages for American workers without a high school degree. Let me repeat that. This is Professor Borjas at Harvard, raised in Cuba and immigrated to America. He is perhaps the most authoritative academic in the world on immigration and its effect on wages and the labor force. He found that high immigration levels from 1980 to 2000—and he studied that carefully, using census and other data—resulted in an 8-percent drop in wages for American workers without a high school degree. Eight percent is a lot. It is several hundred dollars a month for a person who didn't graduate from high school. Actually, it is about $250 a month. So there is a reason workers who are earning $30,000 and less support a reduction in net immigration levels by a 3-to-1 margin. Working people know what is happening out there. They know their wages are going down. They know particularly lower skilled people, some young people who didn't get to graduate from high school or who got in trouble, are not having much success at all.

Average household income has fallen steadily since 1999, and only 59 percent of U.S. adults are now working. African-American youth looking for work cannot find jobs. We don't have a shortage of workers in this country—we do not have a shortage of workers in this country. We have a shortage of jobs. That is a fact.

Some might ask: How can you be so sure of that, Senator? I believe in the free market, and I tell the chamber of commerce and the big hotel magnates, if we have a shortage of workers, why aren't wages going up? Wages are going down. We don't have a tight labor market. We have a loose labor market, and it is impacting adversely American workers.

The idea that we ought to double the number of guest workers who come into the country legally when the President of the United States is not going to enforce immigration laws and we will not use comprehensively the E-Verify system indicates we are going to see a decline in wages for average Americans out looking for jobs.

The President's own economic adviser, Gene Sperling, former Director of the National Economic Council, recognized this, saying recently that ''our economy still has three people looking for every job,'' three people for every job. Majority Leader REID has cited that statistic on the Senate floor as well.

So this Senate passes a comprehensive immigration bill that doubles the number of guest workers. Don't think these are workers who are going to work seasonal jobs in agriculture. They will be able to move throughout this country and take jobs from wherever, providing businesses with a ready source, a new source of additional labor that helps keep the labor market loose.

My amendment, the Accountability through Electronic Verification Act, is a proven way to help out-of-work Americans. This legislation was introduced in this Congress by Senator GRASSLEY and cosponsored by myself and Senators BOOZMAN, CORKER, ENZI, FISCHER, HATCH, JOHANNS, LEE, VITTER, and WICKER. So we have offered legislation to deal with this, and I have offered it as an amendment to this unemployment insurance legislation, but I have been told it will be blocked. We will not get a vote. The leader has filled the tree.

What this proposal would do is it would create some jobs for Americans who are out of work. It absolutely would. It would work, and it would immediately help create jobs. That is why the establishment doesn't want to see it happen, if you want to know the truth.

The legislation would permanently authorize and expand the E-Verify Program. That is a simple Web-based tool that allows employers to maintain a legal workforce by verifying the work eligibility of employees. E-Verify works by checking data against records maintained by the Department of Homeland Security and the Social Security Administration. It is quick and easy. An employer simply puts in a Social Security number, it runs against the Social Security database, and an employer receives an answer as to whether this person is a lawful applicant for a job.

Although in 1986 Congress made it unlawful—in 1986—for an employer to knowingly hire or employ illegal aliens, these laws have never been effectively enforced. They just have not. They have gotten comfortable with this, not having it enforced. Under current law, if the documents provided by an applicant for a job to an employer reasonably appeared to be genuine, then the employer has met its obligation.

Incidentally, shortly after the 1986 amnesty law was passed, when it was promised amnesty would not be granted again, the now-assistant to President Obama and the Director of the Domestic Policy Council, Cecilia Munoz, who was then a senior policy analyst of La Raza, led the charge to undo these enforcement provisions. So the person chosen by President Obama to be the Director of the Domestic Policy Council and who has been given the responsibility to deal with immigration, use to work for La Raza where she sought to undo enforcement.

Ms. Munoz authored a report for La Raza entitled ''Unfinished Business: The Immigration Reform & Control Act of 1986.'' In that report she argued that Congress had a moral obligation to ''repeal employer sanctions'' and that workplace enforcement is ''inherently discriminatory.''

Now think about that. The person the President has chosen, who is supposed to be helping us create a lawful system of immigration in the United States, has as her prior effort written a paper that says basically it is a moral requirement of America to repeal any employer sanctions. This is the mentality running our government today; that it is morally wrong to say to employers they should only hire people lawfully in our country. She went on to say that any kind of workplace enforcement—apparently in which our employers would be disciplined or punished if they violate the law—is inherently discriminatory.

Because identity theft and counterfeit documents became a thriving industry after the 1986 amnesty, Congress created an E-Verify program in 1996.

In 1996, after realizing this was turning into a joke—nobody was following the intent of Congress and anybody could produce false documents—Congress passed a law which said we would end this game and create a system that would work. Employers required to use E-Verify today include the Federal government, certain Federal contractors and employers of certain immigrant students. The program for other employers is voluntary and free for them to use, and it has been very successful throughout the country by any who use it.

According to U.S. Citizenship and Immigration Services, in fiscal year 2012, 98 percent of queries resulted in a confirmation of work eligibility immediately or within 24 hours. So most of them overwhelmingly immediately access the computer system, put in a Social Security number and other data they require, hit the computer button, and it quickly comes back. On a few occasions there is a question and it may take up to 24 hours.

It is not slowing down employment, it is not a big burden on employers, and it protects them from being accused of deliberately hiring illegal

aliens if the report comes back that the Social Security number matches. According to a January 2013 USCIS customer satisfaction survey, E-Verify received an 86 out of 100 in the American customer satisfaction index scale—19 points higher than the customer satisfaction rating for the overall Federal Government.

There is no objection to this. The only objection to it is by certain business lobbyist groups and certain activist immigration groups who don't want it to work, and they want to keep other businesses from using it because it does in fact identify people in the country who are not allowed to take jobs and it would keep them from receiving these jobs.

This legislation would make the program mandatory for all employers within 1 year of enactment of the law. This legislation would also increase penalties for employers who do not use the system when it is mandated or continue to illegally hire undocumented workers.

Employers would be required to check the status of current employees—but within 3 years—and would be permitted to run a check prior to offering someone a job. In other words, they can run a check before they actually offered a job and determine whether the person was lawfully able to take the job. This could help them a lot.

Employers would also be required to recheck those workers whose authorization is about to expire, such as those who come to the United States on temporary work visas.

This legislation would require employers to terminate the employment of those found unauthorized to work due to a check through E-Verify, and would reduce employers' potential liability for wrongful terminations if they participated in E-Verify.

The legislation would establish a demonstration project in a rural area or an area without substantial Internet capabilities—although there are not many left—to assist small businesses in complying.

The legislation also addresses identify theft concerns by ensuring that the Social Security Administration catches multiple uses of Social Security numbers—different people using the same social number to get jobs with a fake document and a false Social Security number.

And for victims of identity theft, this legislation would amend the Federal criminal code to clarify that identity fraud is punishable regardless of whether the defendant had knowledge of the victim. So this provision addresses a 2009 Supreme Court decision holding that identity theft requires proof that the individual knew the number being used belonged to an actual person.

E-Verify has been proven to deter employers from hiring illegal workers and will help put Americans back on the payrolls.

Since I have seen legislation move through Congress—comprehensive reform legislation that is going to fix our immigration policies—one of the things I have observed is that whatever works is what gets objected to. If someone offers a bill which appears to work but doesn't work, that will pass. E-Verify has been proven and will work to deter employers from hiring illegal workers, and will help put Americans back to work. That is why we apparently don't have any ability to get it up for a vote. A number of States have enacted E-Verify laws, and it is working in those States with great results.

According to a 2013 Bloomberg government study entitled ''Early Evidence Suggests E-Verify Laws Deter Hiring of Unauthorized Workers'':

> Soon after E-Verify laws were signed in Arizona, Mississippi, Alabama, and South Carolina, unauthorized workers in specific industries appeared to drop off employer payrolls. This prompted employers in many cases to fill positions with authorized workers, American workers who are here lawfully, maybe a young 22-year-old African American who needs a job, would like to get married, maybe raise a family.

With respect to my State of Alabama, the Bloomberg study says:

> Employment trended lower immediately after the law was enacted. Employers then added more crop production workers in the months before [the law] took effect, when compared with the same period the year before. That growth in production jobs was among the largest in the nation. This study hypothesizes that authorized hires probably filled the jobs of unauthorized workers who had left the state.

Isn't that what we would like to see? Wouldn't we ask people to come to the country lawfully? We admit 1 million people a year for permanent residence on a guaranteed path to citizenship absent serious criminal activity. We are generous about immigration. Make no mistake about it. But we do need to make sure that people who don't follow the law, don't wait their turn, don't meet the requirements of American immigration law—they shouldn't be able to come unlawfully and take jobs when Americans are out of work in record numbers.

Regarding South Carolina's law, the study found this:

> The number of crop production workers fell. . . . And then hiring surged as the law took effect in 2012. Farmers say they added workers because their normal labor supply vanished.

The study also found that:

> [t]he state's commercial bakery industry had been losing workers, then gained them as E-Verify took effect.

So people who were unlawfully there couldn't get past E-Verify. It exposed them as being unlawful, and the businesses lost workers. But then they hired people back, and the people they hired back were lawful workers—either here as immigrants lawfully or native born.

The study, which is based on research from the Pew Hispanic Center, goes on to say this:

> [t]he abrupt shifts in employment across multiple industries convey a similar narrative: soon after E-Verify laws are adopted, workers drop off employer payrolls and, in a number of industries, new hires fill those vacant positions. The robustness of this effect reinforces the likelihood that this phenomenon is due to something other than chance.

Our goal must be to help struggling Americans move from dependency to independence, to help them find steady jobs with rising pay, not falling pay. Making E-Verify permanent and requiring all employers to use it is one simple thing we can do to work towards that goal.

Let me just say, the E-Verify system is already established. The system is in place. It can accommodate the increase in inquiries. It is all a computer system. It is all done virtually instantly. It is not as if we have to create a new system or add tens of thousands of people to make it work. The system is already working and it can handle larger numbers.

Our policy cannot be to simply relegate more and more of our citizens to dependence on the government for assistance while importing a steady stream of foreign workers to fill available jobs. That is not in the interest of this country or our people.

I would just like to add that Senators GRASSLEY, LEE, VITTER, ENZI, BOOZMAN, and HATCH are cosponsors of this amendment. We know what is being said out there. We are being told that Americans won't work, they are not looking for jobs, and that businesses can't hire. The Bloomberg study on how the E-Verify system has been implemented indicates quite different.

According to a report on Syracuse.com on January 8, 2014:

> In Syracuse [New York], thousands showed up for the Destiny USA job fair on June 14, 2012. More than 50 employers interviewed candidates for roughly 1,600 jobs.

On January 29, 2013, a Fox affiliate in Atlanta reported:

> Northside Hospital held a job fair Wednesday, but had to call it off early due to the overwhelming number of people that showed up looking for work. The hospital was hoping to fill 500 jobs.

On May 17, 2013, news outlets in Philadelphia reported:

> More than 3,700 job seekers overwhelmed the Municipal Services Building in Center City for a job fair Friday morning intended for ex-offenders. . . . The city anticipated a big crowd and therefore doubled the staff to handle the responses, but the crowd was still too big to handle, forcing the event to be cancelled and leaving hundreds on the plaza outside.

We need to help ex-offenders find jobs. I am aware of a major corporation in Alabama, in talking to a Federal judge recently, which said they will start taking a chance on former offenders. Properly examined and picking the right ones, they found out they are doing fine. We shouldn't be denying young people—particularly young men—who may have gotten in trouble at a younger age ever being able to have a job. One of the goals this country has to have is to help our ex-offenders in employment.

On May 20, 2013, the New York Times reported in an article entitled, ''Camping out for five days, in hopes of a union job,'' the following:

The men began arriving last Wednesday, first a trickle, then dozens. By Friday there were hundreds of them, along with a few women. They set up their tents and mattresses on the sidewalk in Long Island City, Queens . . . and settled in to wait as long as five days and nights for a slender chance at a union job as an elevator mechanic. . . . There were more than 800 by sun-up Monday. . . . The union accepts 750 applications for the 150 to 200 spots in its four-year apprenticeship program.

There are more examples, and I could go on. But I do believe this idea that Americans won't work is not correct. If we take a person who has been unemployed for a while and place them in a position where the labor is physical, it takes a while to get in shape. If you are going to play ball, it takes a while to get in physical condition. People going into the Army are not expected to meet the physical fitness test the first week. They build up to it.

Businesses have to participate in this effort, too. Businesses need to understand they are not entitled and cannot expect—for the government of the United States to produce perfectly fit, well-trained people for every single job they would like to fill. Sometimes they have to hire people, train them on the job, let them work into it and learn the skills on the job. It is some new idea, apparently, that businesses have to have so much training. We certainly need to use the job-training programs in this country to more effectively train workers for real jobs out there. It is a valid criticism of our trade schools and some of our community colleges that they are not focusing on reality. But my State has done a great job—a far better job than in most States—and I saw a report recently about how Mississippi is doing an excellent job. I believe our program is at least as effective, if not better. So we are doing better. But businesses have always had to bring people into their workplaces and train them to handle the physical challenges that some jobs require.

Madam President, I thank the Chair for an opportunity to share these remarks. I am disappointed that when we are talking about unemployment in America, we have a Congress and a Senate refusing to even allow this amendment to come up for a vote. Without a doubt it would work, be fair, and would simply make it more difficult for people who are not here lawfully, who shouldn't be able to get jobs in America—would make it more difficult for them to get that job, freeing that position up for unemployed Americans who need to get in the workforce and off the welfare rolls. That is the goal.

We have a huge number of welfare programs. We spend $750 billion a year on means-tested programs to help people who are lower income, and that is 50 percent more than the defense budget, more than Social Security, and more than Medicare. Those programs are not working well. They need to come together in a coherent whole with a unified vision. The vision should be to help people who are in stressful circumstances; help them aggressively, in a practical, realistic way; put them in a job-training program that would allow them to take a job. We could easily do that with the money we are spending now. We would have more Americans working and off the welfare rolls. We would save billions of dollars at the same time. They would make more money, be more fulfilled, have more self-respect, and reduce the budget deficit at the same time.

I thank the Chair and yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DONNELLY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

JUSTICE FOR ALL REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, last week, I called on members of the Senate to come together and support reauthorization of the Justice for All Act, a bipartisan law that increased resources devoted to DNA and other forensic technology, established safeguards to prevent wrongful convictions, and enhanced protections for crime victims. The bipartisan bill to reauthorize this historic law was reported unanimously by the Senate Judiciary Committee last fall. Every Senate Democrat has cleared the way for passage of this important measure, and I hope Senate Republicans will soon follow suit so that we can take one step closer to reauthorizing this law that protects and supports victims of crime.

The programs created by the Justice for All Act have had an enormous impact, and it is crucial that we reauthorize them. The legislation strengthens important rights for crime victims, reauthorizes the Debbie Smith DNA Backlog Grant Program, seeks to improve the quality of indigent defense, and increases access to post-conviction DNA testing to help protect the innocent.

The reauthorization legislation also strengthens the Kirk Bloodsworth Post Conviction DNA Testing Grant Program. Kirk Bloodsworth was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence. The program named for Mr. Bloodsworth provides grants to States for testing in those criminal cases like Mr. Bloodsworth's where someone has been convicted but where significant DNA evidence was not tested. The Justice for All Reauthorization Act of 2013 expands State access to post-conviction DNA testing funds by restricting the evidence preservation conditions set for this program to felony cases, which is a more attainable goal for States.

This legislation also takes important steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive effective representation. It requires the Department of Justice to assist States in developing an effective and efficient system of indigent defense. I know as a former prosecutor that the system only works as it should when each side is well represented by competent and well-trained counsel.

The bill also asks States to produce comprehensive plans for their criminal justice systems, which will help to ensure that criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need.

The bill reauthorizes and improves key grant programs in a variety of areas throughout the criminal justice system. Importantly, it increases authorized funding for the Paul Coverdell Forensic Science Improvement Grant program, which is a vital program to assist forensic laboratories in performing the many forensic tests that are essential to solving crimes and prosecuting perpetrators.

We need to continue the bipartisan work that has been done. During the Judiciary Committee mark-up we unanimously adopted amendments before passing the bill, one from Senator DIANNE FEINSTEIN, and one from Senator JEFF FLAKE. Both amendments strengthened rights for crime victims, and added to the comprehensive improvements contained in the bill.

I thank Senators COONS, UDALL of New Mexico, MCCONNELL, KLOBUCHAR, FRANKEN, PORTMAN, FEINSTEIN, HATCH, SCHUMER, LANDRIEU, BURR, COLLINS, BENNET, and SHAHEEN for their support as cosponsors of this bill.

I am glad to be partnering with Senator JOHN CORNYN on this legislation. We have done important work in the Judiciary Committee to support law enforcement and victims of crime. Last week, he and I introduced sweeping legislation to improve the use of forensic evidence in criminal cases. The Criminal Justice and Forensic Science Reform Act helps ensure that forensic labs throughout the Nation operate according to the highest standards, and that State and local labs have the resources they need. Both that measure and the Justice for All Reauthorization Act of 2013 are important priorities to support our criminal justice system and law enforcement.

We must stand behind these bipartisan efforts, and I urge Senate Republicans to join all Senate Democrats in supporting passage of the Justice for All Reauthorization Act of 2013.

COVINGTON CATHOLIC COLONELS

Mr. MCCONNELL. Mr. President, I believe my Senate colleagues are well aware of how seriously we take our college basketball in my home State of Kentucky. The Kentucky High School Athletic Association, KHSAA, State Basketball Championship has been played every year since 1918 and is truly a special event.

Kentucky is one of three States that does not divide its schools into classes based on size—that means one State, one tournament, and only one champion. Teams that advance out of their district tournaments play in one of sixteen regional tournaments—the winners of which advance to play in the KHSAA Sweet Sixteen in Lexington's legendary Rupp Arena.

This year, over 14,000 fans packed the stands for the championship game and watched Covington Catholic High School defeat Scott County in an overtime thriller. I rise today to pay tribute to the players, coaches and fans of the 2014 champions—the Covington Catholic Colonels.

For the Colonels, led by head coach Scott Ruthsatz, the road to the school's first-ever title was not easy—it seldom is in this grueling, statewide tournament. Covington Catholic found themselves down in the second half in three out of their four Sweet Sixteen games—including the championship. The players never gave up hope, though. On his team's 27 to 18 halftime deficit in the championship game, tournament MVP Nick Ruthsatz—Scott's son—said coolly, ''We've been in this position before and we knew we could pull through.''

As it turned out, Nick's confidence was not misplaced. The Colonels stormed back, tying the game at 47 with only 50 seconds to go, and sending the game into overtime. In the extra period, it was the Colonels staunch defense and clutch free throws that propelled them to a 59 to 51 victory.

The 97th KHSAA Basketball Championship, like so many before it, was an excellent display of athletic ability as well as sportsmanship. This tournament would not be what it is without the efforts of the players, coaches, fans, and teachers of all the participating schools. They are all worthy of our praise.

However, in Kentucky, there can only be one champion. Thus, I ask that my Senate colleagues join me in congratulating the Covington Catholic Colonels on winning the 2014 KHSAA State Basketball Championship.

An article was recently published in the Cincinnati Enquirer chronicling Covington Catholic High School's championship win. I ask unanimous consent that the full article be printed in the RECORD.

There being no objections, the article was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Enquirer, Mar. 24, 2014]

COVINGTON CATHOLIC REJOICES IN HISTORIC BASKETBALL TITLE

(By James Weber)

LEXINGTON.—Ben Heppler stood at center court on the Rupp Arena floor and kept looking around at the all the chaos and celebration around him.

Chaos, celebration and cheer, same first letters as Covington Catholic Colonels, who were celebrating their first state basketball championship March 23.

''I'm trying to soak it all in,'' Heppler said. ''I'll remember this for the rest of my life.''

Cov Cath outlasted Scott County in overtime, 59–51 Sunday afternoon, March 23, at the University of Kentucky's historic basketball arena. It was the third title in Northern Kentucky history, and the second in the past six tournaments by a Ninth Region team (Holmes, 2009). It was also the first in Cov Cath history in its ninth trip to the Sweet 16.

''It's incredible,'' said senior forward Mark Schult. ''You dream of it, as a little kid, going out and winning your last game, and it's hard to believe we actually did it.''

The Colonels finished with a 33–2 record. After losing to Holmes in the 35th District final, the Colonels won seven straight games. They trailed in the second half in three of the four state tourney games.

With a veteran team and most of the student body in attendance as the Colonel Crazies, it was a great day for Covington Catholic.

''It's so special,'' said head coach Scott Ruthsatz. ''You have to look at the administration on down, what they're doing at Covington Catholic. You have to give so much credit to the Crazies. Our Colonel Nation really supported us, and not just this game, all season long. Being the first winner of it, it feels fantastic.''

Said Heppler: ''It's really special to be the first ones and hang that first banner up there. We've always had that empty spot and since Coach Ruthsatz's first day we said we would be the ones to put it up there. The 6 a.m. workouts in the summer, playing in the gym all those times, it paid off.''

Cov Cath's fitness and toughness in adversity paid off against the experienced Cardinals, who were seeking their third state title (35–4). After an early 9–3 lead, Cov Cath was on the wrong end of a 22–4 run and trailed 27–18 at halftime. Scott had three 3-pointers in a 70-second span by junior Hines Jones, who averaged four points a game for the year. Forward Tony Martini had Scott's first five points and posted 17 points and 16 rebounds for the game. Cov Cath shot just 6-of-22 in the first half, several of those misses coming from around the rim.

''We've been in this situation before and we knew we could pull through,'' Nick Ruthsatz said. ''We knew eventually we would start hitting some, and the fourth quarter we just buckled down. All the conditioning through the summer pulled us through.''

Cov Cath trailed by four points, 47–43, with 1:33 to go. Ruthsatz tied the game with a pair of foul shots with 51 seconds to play.

Ruthsatz gave Cov Cath its first lead since 9–8 early in OT, then tied the game at 51 with 2:16 to play. A tip-in by junior Bo Schuh gave the Colonels the lead for good with 1:46 to play.

After three missed shots by the Cardinals on their next possession, Ruthsatz grabbed the rebound and made two foul shots with 57 seconds to play to make it 55–51. Following another missed shot, CCH senior Parker Keller made two free throws, then Heppler scored the final points of the season on a fast-break layup.

''We just played better defense, tried to lock them down,'' Heppler said. ''That's the experience of this team with three senior starters and Parker hitting those huge free throws at the end. It's a team game. Everybody can score. Most teams around the state don't have five guys who can guard everybody, so that works to our advantage.''

Ruthsatz had 25 points and five assists. Schult had 12 points and six rebounds. Heppler scored eight with a pair of treys. Freshman guard Cole VonHandorf had nine points, and Schuh posted 12 rebounds.

One of VonHandorf's chief tasks was guarding Scott County star guard Trent Gilbert, who came in averaging 26 points per game. The Mr. Basketball finalist, who is getting interest from several Division I schools, only scored 10 points on 4-of-25 shooting. Cov Cath rotated several defenders on him and often double-teamed him in the backcourt.

''We just tried to pressure him as much as possible, because we knew he's a great shooter,'' Scott Ruthsatz said. ''You can never leave him open. We had a hint of the way he likes to go and shoot, and we tried to keep fresh guys on him.''

The fatigue may have hand in two crucial foul-shot misses by Gilbert. A 91-percent shooter for the year, Gilbert made 28 in a row in the Sweet 16. However, he missed the front ends of two one-and-one situations late in regulation.

''I love stepping up and being able to shut him down,'' VonHandorf said. ''They told me if I shut him down, we win. I tried my best. He's a great player; I'll give him so many props. I can't wait to see where he goes next year. (Assistant coach) Joe Fredrick told me all of his moves, I had them all down, I felt I could play him fairly well.''

BUDGETARY REVISIONS

Mrs. MURRAY. Mr. President, section 114(d) of H.J. Res. 59, the Bipartisan Budget Act of 2013, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels filed on January 14, 2014, pursuant to section 111 of H.J. Res. 59, for a number of deficit-neutral reserve funds. These reserve funds were incorporated into the Bipartisan Budget Act by reference to sections of S. Con. Res. 8, the Senate-passed budget resolution for 2014. Among these sections is a reference to section 302 of S. Con. Res. 8, which, in subsection (c), establishes a deficit-neutral reserve fund for unemployment relief. The authority to adjust enforceable levels in the Senate for unemployment relief is contingent on that legislation not increasing the deficit over either the period of the total of fiscal years 2013 through 2018 or the period of the total of fiscal years 2013 through 2023.

I find that amendment 2874, the Emergency Unemployment Compensation Extension Act of 2014, to H.R. 3979 fulfills the conditions of the deficit-neutral reserve fund for unemployment relief, including not increasing the deficit over either of the 2013 through 2018 or 2013 through 2023 budget windows. Therefore, pursuant to section 114(d) of H.J. Res. 59, I am adjusting the budgetary aggregates, as well as the allocation to the Committee on Finance.

I ask unanimous consent that the following tables detailing the revisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES

[Pursuant to section 111 of the Bipartisan Budget Act of 2013 and section 311 of the Congressional Budget Act of 1974]

$s in millions	2014	2014–18	2014–23
Current Budgetary Aggregates:*			
Spending:			
Budget Authority	2,928,080	n/a	n/a
Outlays	2,939,218	n/a	n/a
Revenue	2,311,031	13,699,529	31,095,846
Adjustments Made Pursuant to section 114(d) of the Bipartisan Budget Act: **			
Spending:			
Budget Authority	9,875	n/a	n/a
Outlays	9,875	n/a	n/a
Revenue	1,632	15,668	8,469
Revised Budgetary Aggregates:			
Spending:			
Budget Authority	2,937,955	n/a	n/a
Outlays	2,949,093	n/a	n/a
Revenue	2,312,663	13,715,197	31,104,315

n/a = Not applicable. Appropriations for fiscal years 2015–2023 will be determined by future sessions of Congress and enforced through future Congressional budget resolutions.

*The budgetary aggregates were previously adjusted on January 30, 2014, for H.R. 2642, the Agriculture Act of 2014.

**Adjustments made pursuant to section 114(d) of the Bipartisan Budget Act of 2013, which incorporates by reference section 302 of S. Con. Res. 8, as passed by the Senate. Section 302(c) establishes a deficit-neutral reserve fund for Unemployment Relief.

REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON FINANCE

[Pursuant to section 111 of the Bipartisan Budget Act of 2013 and section 302 of the Congressional Budget Act of 1974]

$s in millions	Committee on Finance		
	Current allocation	Adjustments *	Revised allocation
Fiscal Year 2014:			
Budget Authority	1,311,988	9,875	1,321,863
Outlays	1,304,815	9,875	1,314,690
Fiscal Years 2014–2018:			
Budget Authority	7,664,235	9,875	7,674,110
Outlays	7,646,654	9,245	7,655,899
Fiscal Years 2014–2023:			
Budget Authority	19,084,627	9,875	19,094,502
Outlays	19,067,886	8,425	19,076,311

*Adjustments made pursuant to section 114(d) of the Bipartisan Budget Act of 2013, which incorporates by reference section 302 of S. Con. Res. 8, as passed by the Senate. Section 302(c) establishes a deficit-neutral reserve fund for Unemployment Relief.

EXECUTIVE CALENDAR OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request at the present time relating to the nomination of Katherine M. O'Regan to be an Assistant Secretary of Housing and Urban Development.

Every year, the Department of Housing and Urban Development provides billions of dollars to public housing authorities but provides little oversight for how the money is spent. Many housing authority directors are more concerned with padding their own nests instead of providing safe, affordable housing for people in need. One way to change this is to make detailed spending information available to the general public.

I will object to Ms. O'Regan's nomination because I have not yet received a response to my February 14, 2014 letter to HUD Secretary Shaun Donovan regarding HUD's effort to collect Public Housing Authority salary and compensation data for calendar year 2013. Specifically, I asked when the data would be available to the general public on the HUD website and whether it would be available in a searchable, standard electronic format.

This is the second time HUD has requested salary and compensation data from the 3100 housing authorities across the United States. HUD first requested data for the top five wage earners in August 2011. At that time, I requested that this data be made available to the general public. HUD stated in a December 2011 letter:

> This information will be posted on a HUD website, consistent with applicable law. We are now in the process of collecting this information for the first time, and expect that it will be posted during the first quarter of the year.

Despite HUD's pledge, the full set of data has never been posted on the Department website. Instead, it only posted three pages of aggregate data in June 2012, and HUD didn't provide the full set of data to my office until May 2013, nearly 2 years after the data collection process was initiated.

HUD is aware of the impact this data can have when made available to the public. Shortly after the compensation information was requested in 2011, Congress imposed a 1 year salary cap for all housing authority executives. Housing authorities are now using Federal funding not covered by the salary cap to continue paying large salaries and compensation packages. The compensation data currently being collected would shed light on this practice and should be posted on the HUD website as soon as possible.

CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION

Mr. WHITEHOUSE. Mr. President, I rise on behalf of my colleagues, Senators HARKIN, ALEXANDER, CASEY and ISAKSON to submit the following statement for the RECORD.

On October 30, 2013, the Health, Education, Labor, and Pensions Committee unanimously reported the Children's Hospital GME Support Reauthorization Act of 2013, S. 1557, out of Committee. On November 12, 2013, the Senate passed S. 1557 by unanimous consent.

This legislation is the product of years of bipartisan negotiation, a process which resulted in broad Senate support for the Act. The list of original Senate cosponsors for S. 1557 demonstrates this point. This list includes Senators CASEY, ISAKSON, HARKIN, ALEXANDER, BLUMENTHAL, BLUNT, BROWN, KIRK, MURPHY, REED, ROBERTS, WARREN, and WHITEHOUSE.

Prior to the enactment of the Children's Hospital Graduate Medical Education, CHGME, Payment Program, there was significant disparity in federal graduate medical education, GME, support between adult teaching hospitals and children's teaching hospitals. In 1998, children's hospitals received less than 0.5 percent of the level of federal GME support that adult teaching hospitals received. In the 2001 final rule for the CHGME Payment Program, the Department of Health and Human Services, HHS, wrote, ''The intent of the CHGME Act is to create parity in GME payments among all hospitals providing GME. It is clear that primarily two factors cause this disparity in children's hospitals: (1) low Medicare utilization; and (2) Prospective Payment System (PPS)-exempt status.''

The CHGME Payment Program has made considerable progress in achieving parity in GME payments, increasing the number of pediatric training positions at participating children's hospitals. However, a small number of freestanding children's teaching hospitals remain ineligible for the program. In 2003, Senate Committee on Appropriations noted the following:

> It has come to the Committee's attention that a limited number of freestanding perinatal hospitals and children's psychiatric hospitals have been excluded from participation in this program despite the fact that these teaching institutions are not eligible for Graduate Medical Education funding under Medicare. The Committee expects [the Health Resources and Services Administration (HRSA)] to explore the appropriateness of including these hospitals in the Children's Hospitals Graduate Medical Education Program and to offer recommendations that might allow for their inclusion.

Senate Report 108–81.

HRSA responded in a 2004 report to Congress which concluded that addressing this eligibility issue would require Congress to amend the statue governing the CHGME Payment Program. S. 1557 addresses this long-standing issue. The reauthorization legislation authorizes the Secretary of the Department of Health and Human Services, HHS, to make available up to 25 percent of CHGME appropriations that exceed $245 million for ''qualified hospitals'' that: (1) have a Medicare payment agreement and are excluded from Medicare inpatient hospital prospective payment system; (2) have inpatients that are predominantly individuals under 18 years of age; (3) have an approved medical residency training program; and (4) are not otherwise eligible to receive payments from the CHGME Payment Program or the Medicare program. The total amount the Secretary can make available for these purposes in any fiscal year is limited to $7 million, thus ensuring that adequate resources remain available for the children's hospitals that currently participate in the program.

The Children's Hospital GME Support Reauthorization Act provides the Secretary with the necessary authority to address the disparity in GME payment facing certain children's teaching hospitals. These changes are in keeping with the intent of the CHGME Payment Program. As such, these hospitals should have the opportunity to apply for support through the CHGME Payment Program in order to sustain and build their teaching programs, and ultimately increase the supply of much-needed pediatricians and pediatric specialists. We urge the Secretary

to weigh these benefits in using the new authority under S. 1557 should funding be available.

HIGH-FREQUENCY TRADING

Mr. MCCAIN. Mr. President, after the financial crisis in 2008, its root causes and the resulting taxpayer-funded bailout; increasingly opaque trading activities that now dominate all stock-trading volume in the U.S.; a string of high-profile convictions of hedge-fund managers and equity analysts; and global settlements with investment banks involving every assortment of ''whale'' and dodgy tax-avoidance scheme, many Americans are now of the view that Wall Street is no longer a vehicle for the creation of investment capital or a reliable engine of entrepreneurialism and economic growth that it has become the province of high-frequency and automated traders. As billionaire investor and longtime HFT critic Mark Cuban admonished a few years ago, it has become a platform to be exploited by every technological and intellectual means possible by whoever can afford them.

At least that is the perception.

It is exactly that perception that has fueled major public concern about revelations contained in Michael Lewis' new book, ''Flash Boys: A Wall Street Revolt''. Lewis's book tells the story of the computer-driven world of high-frequency trading, HFT, co-location and customized data. Indeed, Lewis' narrative appears to have struck a raw nerve among consumers, by confirming a latent belief and skepticism that Wall Street is indeed an insider's game and that the public's best interests are, at most, an afterthought.

If true, Lewis' claim that the market is rigged through variations of HFT could potentially affect everyone from institutional investors to any individual who pays into a pension or mutual fund.

On HFT, one big issue is: how fair is it for certain firms to line their trading systems up with data centers used by exchanges to let them shave-off millionths of a second from every transaction, front-run the market, drive-up prices and profit accordingly, at the expense of average investors who do not enjoy that same capability. Another is: to what extent does HFT and so-called quick-draw trading expose the market to undue risk-taking and potential instability like the 2010 ''flash crash'', in which the Dow Jones dropped 9% in 20 minutes, temporarily erasing $1 trillion in market value?

These are questions that must be taken seriously by policymakers; regulators; and, where warranted, law enforcement officials. Indeed, the Commodities Futures Trading Commission, CFTC, is rightly examining arrangements between HFT firms and exchanges to determine whether insiders are receiving competitive perks, such as reduced rates, that could harm smaller investors. The Securities and Exchange Commission, SEC, is similarly looking into potentially improper relationships between exchanges and HFT firms. New York Attorney General Eric Schneiderman has labeled certain pernicious HFT practices as ''Insider Trading 2.0'' and launched investigations into practices such as co-location, which permits trading firms to be geographically advantaged over competitors, and other arrangements that permit early access to market-moving information. Just yesterday, the Federal Bureau of Investigation, FBI, disclosed that it was also looking into related matters.

Congress, as well as regulators at the SEC and CFTC should fully investigate these issues and pursue proposals that can minimize systemic risk and bolster trust in our markets. But we cannot ignore the inherent limitations that exist in regulating an issue as complex as HFT. The technology and resources readily available to trading firms easily dwarf those available to our government's primary regulators. High-frequency traders have huge incentives to gain even the slightest edge through speed and technology because the payoffs can be exorbitant. For example, a company called Spread Networks reportedly spent $300 million to lay a fiber-optic cable between Chicago and New Jersey to increase the time it took for information to make it from the futures market to the exchanges by 3 milliseconds. That amount nearly matches the entire operating budget of the CFTC for 2013. Policymakers, therefore, face an uphill battle in which regulatory fixes quickly become obsolete as the trading firms' approaches and algorithms adapt almost as rapidly as information travels on their fiber-optic cables.

Against this backdrop, industry must see for itself an opportunity to self-regulate. Rather than hide behind self-serving, arcane arguments that support a status quo that allows for front-running and other unethical trading practices, industry must gather-around strong self-imposed, market-based solutions to the uncertainty and potential harm created by HFT that ensure fundamental fairness and transparency in markets that are technologically evolving at break-neck speed. Indeed, industry can either sit back and wait for regulators or Congress to address these issues with a possibly detrimental outcome for all concerned, or it can be proactive in developing meaningful approaches that not only address the instant problem but also help restore much-needed, long-overdue confidence in the integrity of the financial markets.

Some leaders in industry have recently expressed support for reforms aimed at minimizing unfairness that stems from the ''fragmentation and complexity'' of trading. But more needs to be done: key exchanges, trading firms, investors, banks, and self-regulatory bodies such as the Financial Industry Regulatory Authority, FINRA, should explore potential solutions that would ensure technology is employed in a way that encourages competition and innovation, while also increasing the transparency and integrity of the markets.

Congress should keep a watchful eye on developments in this field—I certainly will. Federal regulators and law enforcement should continue to hold accountable those actors and institutions that cross the line into illegality, market-manipulation, and acting on non-public information. Whatever policy solutions are pursued, they must both enhance the functionality of the market and restore public trust and confidence in Wall Street. Industry, specifically traders and exchanges, must focus on cooperation instead of clamoring for speed in a race to the bottom, which would only leave investors in the dust and force consumers to shoulder the burden of another financial crisis.

WORLD WAR II VETERANS VISIT

Mr. UDALL of Colorado. Mr. President, I wish to pay tribute to the outstanding military service of a group of incredible Coloradans. At critical times in our Nation's history, these veterans each played a role in defending the world from tyranny, truly earning their reputation as guardians of peace and democracy through their service and sacrifice. Now, thanks to Honor Flight, these combat veterans came to Washington, DC to visit the national memorials built to honor those who served and those who fell. They have also come to share their experiences with later generations and to pay tribute to those who gave their lives. I am proud to welcome them here, and I join with all Coloradans in thanking them for all they have done for us.

I also want to thank the volunteers from Honor Flight of Northern Colorado who made this trip possible. These volunteers are great Coloradans in their own right, and their mission to bring our veterans to Washington, DC, is truly commendable.

I wish to publicly recognize the veterans who visited our Nation's capital, many seeing for the first time the memorials built as a tribute to their selfless service. Today, I honor these Colorado veterans on their visit to Washington, DC, and I join them in paying tribute to those who made the ultimate sacrifice in defense of liberty.

Veterans from World War II include: Donald Benson, Joe Blossom, Hobert Bodkins, Robert Bueker, George Carlson, Wayne Clausen, Maurice Dragoo, Homer Dye, Karl Easterly, George Flaig, Stuart Gordon, Dale Gruber, Frank Gunter, Vern Hammond, Robert Henderson, Otto Hindman, Lawrence Jackson, John Jobson, Elvin Kahl, Doward Kilmer, Thomas Kokjer, Edward Kooper, Raymond Kusmirek, Ralph Leckler, George Lichter, Lyle Lukas, Alfred Marez, Richard

Marquart, Maregito Martinez, LeRoy Marx, Hugh McGinty, Damon McMahan, Robert Minnick, Allen Oakley, Gerald Oakley, Vernon Rand, Gerald Rennels, Carol Rhoades, Elmer Rose, Donald Smith, Walter Sparrow, George Stager, Clarence Streit, Richard Tedesco Sr., Rueben Ulrich, Howard Walter, Raymond Yost, Robert Yost, Thomas Youree, and Joseph Zito.

Veterans from the Korean war include: Charles Adams, Joseph Beaulieu, David Beldus, John Bevins, James Blue, William Cecil, Thomas Clements, Clifford Closson, Donald Dalton, Stanley Davies, Jerry Delcamp, Leonard Dickey Jr., Robert Eddy, Dale Erickson, Ann Evans, Lemuel Evans, Frank Faucett, Byron Foster, Kent Foutz, Jerry Galpern, Wayne Gibb, Thomas Gordon, Oscar Haake, Doyle Hall, William Harte, William Hitchcock, Claire Hoffman, Raymond Horton, Carl Houkom, Bennett Houston, Eugene Johnson, Richard Kekar, Marvin Kembel, Ralph Knoll, Tom Mandis, George Mason, Alvin Mosch, Doyle Myers, Richard Oversteg, David Owen, Johnnie Prock, Duane Purcell, Herbert Reimer, John Rinne, John Rust Jr., Darrel Schafer, Leonard Schmitz, Virgil Scott, Robert Scott, Herbert Shevins, Wayne Small, Frank Stiver, Robert Stoll, Bernard Streit, Ernest Stumpf, Walter Sutton, Norman Swanson, Arthur Trevarton, Junior Weisshaar, Raymond Williams, George Willson, and Harry Wisell.

Veterans from the Vietnam war include: Jerol Arguello, William Frank, Allen Laible, Dennis Lee, Lonnie Sebold, Allan Silk, Saxton Wiley, and Salvador Velasquez.

Veterans from the war in Afghanistan include: Zachary Dinsmore.

Our Nation asked a great deal of these individuals—to leave their families to fight in unknown lands and put their lives on the line. Each one of these brave Coloradans bravely answered the call. They served our country with courage, and in return, let us ensure they are shown the honor and appreciation they deserve. Please join me in thanking these Colorado veterans and the volunteers of Honor Flight of Northern Colorado for their tremendous service.

TRIBUTE TO MYLES ECKERT

Mr. PORTMAN. Mr. President, I wish today to honor Myles Eckert, an 8-year-old boy from Waterville, OH, whose simple act of generosity has led to national attention. Myles found a $20 bill in a restaurant parking lot and, rather than save it for himself, gave it to Ohio National Guard Airman Lt. Frank Dailey, who was there having dinner with his family.

Myles wrote a heartfelt note about his father, Army SGT Andy Eckert, who was killed in Iraq just 5 weeks after Myles was born. The note read:

Dear Soldier, My dad was a soldier. He's in heaven now. I found this 20 dollars in the parking lot when we got here. We like to pay it forward in my family. It's your lucky day! Thank you for your service, Myles Eckert, a Gold Star kid.

This story of Myles Eckert's thoughtfulness was covered by news organizations across the country. Myles was a guest on a national talk show and asked that any donations be given to the Snowball Express, a national military children's charity that hosts a weeklong vacation around the holidays for Gold Star children—the military name for children who have lost a parent in the line of duty. An initial $20,000 donation to the Snowball Express was made in Myles' name, and a Dallas, TX, company offered to match every donation up to $1 million made through Memorial Day, 2014.

Myles Eckert did a simple act of kindness and found out just how far ''paying it forward'' can go. Today, I would like to recognize him for his heartfelt and noble act.

ADDITIONAL STATEMENTS

REMEMBERING STANLEY GRINSTEIN

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring the life of Stanley Grinstein, a successful businessman, a patron of the arts, a philanthropist, and a social activist. He was also a great friend of mine, and I will miss him dearly.

Born in Seattle in 1927, Stanley moved to Los Angeles with his family and graduated from the University of Southern California. He and his father started what would become a thriving forklift business that Stanley ran until he sold the company in 2000.

In 1952, Stanley married Elyse, the love of his life. The couple began collecting art and soon became well-known patrons of modern artists.

In January 1966, Stanley joined fellow art patrons Sidney Felsen and Ken Tyler to establish Gemini G.E.L., an artists' workshop and art print publisher. The first facility of its kind on the West Coast, Gemini quickly became a magnet not only for emerging Los Angeles artists but also for leading New York artists.

Among the many artists who worked and published at Gemini were Robert Rauschenberg, Jasper Johns, Roy Lichtenstein, David Hockney, and Frank Stella. In 1981, Gemini donated its archives—containing works by these and other modern masters—to the National Gallery of Art. By this time, Stanley had begun his 26-year tenure as a trustee of the Los Angeles County Museum of Art, LACMA. Over the years, he and Elyse made many major gifts to LACMA, including a seminal work by Marcel Duchamp and all 124 of Robert Rauschenberg's posters.

Beyond the art world, Stanley was a deeply committed social activist who generously gave his time and resources in support of human rights, free speech, justice, and equality.

Stanley was also a longtime benefactor of the Cedars Sinai Medical Center, where he served on the Board of Directors, Executive Committee, and Advisory Council for the Arts. A passionate believer in the role that art can play in the healing process, Stanley helped fill Cedars Sinai with art and brought joy to countless patients.

Stanley Grinstein believed in living every moment to the fullest and inspiring others to enjoy what he called ''the party of life.''

I send my deepest condolences to Stanley's beloved wife Elyse; their daughters Ayn Grinstein, Ellen Grinstein Perliter, and Nancy Grinstein; sons-in-law Chuck Perliter and Neal Rabin; and six grandchildren Amanda, Joe, Alex, Willie, Tess, and Dia. I know they will truly miss this marvelous man, as will I.•

TRIBUTE TO GLORIA MOLINA

• Mrs. BOXER. Mr. President, I am pleased to pay tribute to my good friend Gloria Molina, who is serving her 24th and final year on the Los Angeles County Board of Supervisors. Gloria is a trailblazer who has inspired countless young women to pursue public service, and she is retiring from office at the end of this year after more than three decades of extraordinary service on behalf of the people of California.

Gloria Molina was raised in Pico Rivera, the eldest of ten children born to a Mexican mother and Mexican-American father. A graduate of El Rancho High School, she worked full time as a legal secretary while attending college and becoming certified as an adult education instructor, teaching clerical skills to adults at the East Los Angeles Skills Center.

Gloria entered government service as a staff member, first for Assemblymember Art Torres and later for Assembly Speaker Willie Brown. In 1982, after serving in the Carter White House and with the San Francisco Department of Health and Human Services, she made history as the first Latina ever elected to the California State Assembly.

Gloria was elected to the Los Angeles City Council in 1987 and the County Board of Supervisors in 1991, making headlines each time for becoming the first Latina to serve in those positions.

Since 1991, Supervisor Molina has represented nearly 2 million residents in the First District of our Nation's largest county, where she has focused on making services more effective and on completing major capital projects that improve the quality of life for residents of her district and the entire county. Among the initiatives she championed are the Metro Gold Line Eastside Extension, a six-mile light rail line connecting East L.A. to downtown and the rest of the county's mass transit network; the state-of-the-art LAC-USC Medical Center in Boyle Heights; the Plaza de Cultura y Artes

at El Pueblo Historic Monument, a museum dedicated to showcasing and preserving the history of Mexicans and Mexican-Americans in Los Angeles; the Los Angeles River and San Gabriel River Master Plans, both of which serve as blueprints for ''greening'' local rivers and their tributaries; and the construction of more than 1,100 new affordable housing units in the First District.

I have known Gloria for many years, and I am honored to salute her as she prepares to retire from elective office. I am pleased to join Gloria's many friends, family members, associates, admirers, and grateful constituents in wishing her health, happiness, and all the best as she embarks on the next phase of her life.●

RECOGNIZING ONCOLOGY NURSES

● Mr. BROWN. Mr. President, I wish to congratulate the Columbus Chapter of the Oncology Nursing Society, or CCONS, on a legacy of excellence in oncology nursing and quality cancer care. CCONS' 25th Annual Spring Conference, ''Kaleidoscope of Oncology Care,'' will be held on April 3, and in May, during Oncology Nursing Month, the society will celebrate its 30th anniversary. I would like to take a moment to reflect on the work and achievements of this valued organization and to especially recognize CCONS' president, Bertie Ford, for her leadership.

Since 1984, CCONS has worked to lead the transformation of cancer care. Its members are leaders in their communities and represent the most effective cancer care advocates in their workplaces. These oncology nurses are vital supports of patient-centered interventions, leveraging clinical knowledge and technology every day to provide the highest quality cancer care to patients not only in Columbus but across Ohio.

We are making progress in the fight against cancer. The 5-year survival rate for all cancers among adults is 68 percent—a marked improvement over the mid-1970s when it was 50 percent. But as cancer treatment becomes more complex, the health care system demands higher quality and more efficient care. As Congress works to increase patient access to quality health care, I praise the commitment of CCONS in fostering excellence in oncology nursing and in the care of cancer patients.

My mother passed away in 2009 while in hospice care. I will never forget the nurses who took care of her in such a loving way when they didn't know her personally until those last few weeks. It made all the difference in the world to her and our family. For that, I always thank nurses and others who care for those in need.

Congratulations to CCONS on its 30th anniversary and for the important work its members do in Ohio's communities every day.●

TRIBUTE TO SHAUN CAREY

● Mr. HELLER. Mr. President, I wish to recognize the service of Sparks City Manager Shaun Carey on the occasion of his retirement. I commend Mr. Carey's career and offer my sincerest thanks for his years of service to the city of Sparks.

Mr. Carey grew up in Sparks and graduated from Sparks High School in 1975. He started his professional career in 1981 as a civil engineer, working in Arizona, Colorado, and California before returning home to Sparks. In 1992, Mr. Carey was named public works director for the city of Sparks. He was later named assistant city manager in 1999 and then city manager in 2000.

Under Mr. Carey's stewardship, Sparks has experienced continued growth through the economic challenges of recent years. He has streamlined city services and kept debt the lowest in the region despite economic challenges. Through his management, Sparks remains a full service city and continues to be responsive to its citizens.

Mr. Carey's leadership was instrumental in the development of the Sparks Marina, and his guidance has been vital in coordinating the local area's continuing development. Under Mr. Carey's tenure, Sparks now boasts a whitewater recreation center, a new community center, and one of the largest artificial turf sports complexes in the world. Thanks to Mr. Carey, Sparks has become known as the premier event center for the region and is the fifth largest city in the State.

I offer Mr. Carey my warmest congratulations and hope he enjoys a rich and rewarding retirement, knowing that his years of service will not be forgotten by the grateful residents of Sparks.●

TRIBUTE TO DAVID RATCLIFFE

● Mr. ISAKSON. Mr. President, I rise today to pay tribute to Mr. David Ratcliffe, the former chairman, president, and CEO of Southern Company Energy Solutions, LLC, until his retirement in 2010. He is the very definition of a leader.

On May 2, 2014, Senior Connections, a nonprofit organization whose mission is to provide essential home and community-based care that maximizes independence, will award David Ratcliffe with its 2014 Community Connections Award. The Community Connection Award was established in 2009 and recognizes older adults who have been and continue to be outstanding business and community leaders and who have given back significantly to the communities in which they live and work. I congratulate David for this award and thank Senior Connections for recognizing his outstanding achievements.

David's long career is impressive in itself. Prior to his final leadership positions at Southern Company, he served as president and chief executive officer of Georgia Power Company from June 1999 to January 2004 and also as its chairman and chief executive officer from January 2004 to April 2004. He served as an executive vice president of Southern Company, a subsidiary of Gulf Power Co., from 1999 until 2004. He served as an executive vice president, treasurer, and chief financial officer of Georgia Power Co. from 1998 to 1999. He served as senior vice president, external affairs of Southern Company for 3 years and served as chairman of Georgia Power Co. and director since June 1999. He served as the chairman of the board of Federal Reserve Bank of Atlanta and chairman of the Georgia Chamber of Commerce. He also served as the chairman of the board and director at Edison Electric Institute, Inc., and previously served as its vice chairman. Additionally, David has been a director of CSX Corp. since 2003 and SunTrust Banks, Inc., since 2011. He has been a director at CSX Transportation, Inc., for more than 11 years. He serves as a director of GRA Venture Fund, LLC.

David Ratcliffe is a trusted friend and one upon whom I call regularly. A native of Tifton, GA, he continues to support his community, our State, and the world in his retirement through his work on the Metro Atlanta Chamber of Commerce Board, as well as the boards of the National Center for Civil and Human Rights and the Centers for Disease Control Foundation. He serves as a trustee of Georgia Research Alliance, Inc., and Children's Healthcare of Atlanta, Inc.

David and his wife Cecilia Chandler and their two grown children, Andrew and Elizabeth, deserve our great thanks for their generosity in so many areas.●

REMEMBERING FIRST LIEUTENANT DONALD K. SCHWAB

● Mr. JOHANNS. Mr. President, I wish to recognize the life and service of a brave and patriotic Nebraskan. First Lieutenant Donald K. Schwab was posthumously awarded the Medal of Honor for going above and beyond the call of duty during his service in World War II. First Lieutenant Schwab was awarded the Distinguished Service Cross, Bronze Star, and three Purple Hearts for his valor, and I applaud the upgrading of his Distinguished Service Cross to the Medal of Honor, our Nation's highest military honor.

Schwab was born in Hooper, NE, in 1918 and enlisted in the U.S. Army upon graduating from high school. In World War II, his tour of duty included posts in North Africa, Italy, and France. On September 17, 1944, near Lure, France, First Lieutenant Schwab showed tremendous bravery and valor though his actions in combat. Ordered to overwhelm the enemy line, Schwab led his men twice toward the Germans amidst heavy gunfire. He rallied his decimated force for a third charge on the hostile

strong-point, working their way to within 50 yards of the Germans. He then stormed a line of German foxholes alone, reaching a key machine pistol nest which had caused heavy casualties among his men. After ripping off the cover of the firing pit, Schwab forced the German soldier inside to accompany him back behind friendly lines, surviving a barrage of gunfire. His actions so disorganized the hostile infantry resistance that the enemy withdrew. This episode of selfless heroism dismantled a strong German position, aiding the Allied front.

First Lieutenant Schwab was wounded three times in Active Duty but continued to serve in the U.S. Army until October 26, 1945. Schwab returned to the family farm in Hooper and later worked as a rural mail carrier. His service continued in civilian life through his involvement in his church council, the Hooper and Logan View school boards, and other organizations. Schwab's commitment and connection remained strong in part through his membership in the Cornelius Tillman American Legion Post 18 and the Veterans of Foreign Wars Post 10535 in Hooper.

First Lieutenant Schwab died at age 86 in 2005. Although the Medal of Honor comes 9 years after his death, the bravery and heroism he showed in 1944 is now rightly recognized. I congratulate his wife Maralee, his children, and his grandchildren, who accepted this award in his memory. Nebraskans have a long and proud tradition of military service. Schwab's actions exemplify selflessness and courage, setting a worthy example for many others who would follow.

First Lieutenant Schwab's commitment to community and country is truly inspiring. I ask my colleagues, my fellow Nebraskans, and all Americans to join me in honoring his service, recognizing the valor for which the Medal of Honor was awarded.●

PRESIDENT'S REPORT TO CONGRESS RELATIVE TO THE SECRETARY OF THE INTERIOR'S CERTIFICATION UNDER SECTION 8 OF THE FISHERMAN'S PROTECTIVE ACT OF 1967, AS AMENDED (THE ''PELLY AMENDMENT'') (22 U.S.C. 1978) THAT NATIONALS OF ICELAND HAVE CONDUCTED WHALING ACTIVITIES THAT DIMINISH THE EFFECTIVENESS OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On January 31, 2014, Secretary of the Interior Sally Jewell certified under section 8 of the Fisherman's Protective Act of 1967 (the ''Pelly Amendment'') (22 U.S.C. 1978), that nationals of Iceland are conducting trade in whale meat and products that diminishes the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This message constitutes my notification to the Congress consistent with subsection (b) of the Pelly Amendment.

This is the third certification by United States Government agencies of Iceland for their continued whaling activities. In 2004, Secretary of Commerce Donald L. Evans made a certification regarding Iceland under the Pelly Amendment because its scientific whaling program diminished the effectiveness of the International Whaling Commission (IWC). When Iceland resumed commercial whaling in 2006, Secretary of Commerce Carlos M. Gutierrez continued Iceland's certification. In 2011, Secretary of Commerce Gary Locke increased actions to be taken by members of the Cabinet, Federal departments and agencies, and U.S. delegations by again certifying Iceland for diminishing the effectiveness of the IWC.

A single Icelandic company, Hvalur hf, conducts fin whaling. Iceland does not consume most of these fin whales; rather, they are exported, mainly to Japan. Iceland's commercial harvest of fin whales escalated dramatically in 2009 and 2010, was suspended in 2011 and 2012 due to difficulties in the Japanese market after the 2011 earthquake and tsunami, and resumed in 2013. Between 1987 and 2008, Iceland hunted a total of 7 fin whales. In 2009, Iceland hunted 125 fin whales, followed by 148 in 2010, zero in the years 2011–2012, and 134 fin whales in 2013. On December 16, 2013, Iceland set its 2014–2019 fin whale quota at 154 fin whales per year, an increase in its previous yearly whaling quota. According to the IWC, a harvest of 46 fin whales in the North Atlantic is biologically sustainable.

Iceland's actions jeopardize the survival of the fin whale, which is listed in CITES among the species most threatened with extinction, and they undermine multilateral efforts to ensure greater worldwide protection for whales. Specifically, Iceland's continued commercial whaling and recent trade in whale products diminish the effectiveness of CITES because: (1) Iceland's commercial harvest of fin whales undermines the goal of CITES to ensure that international trade in species of animals and plants does not threaten their survival in the wild; and (2) Iceland's current fin whale harvest and quota exceeds catch levels that the IWC's scientific body advised were sustainable.

In her letter of January 31, 2014, Secretary Jewell expressed her concern for Iceland's actions, and I share these concerns. Just as the United States made the transition from a commercial whaling nation to a whale watching nation, we must enhance our engagement to facilitate this change by Iceland.

To ensure that this issue continues to receive the highest level of attention, I have directed: (1) relevant U.S. agencies to raise concerns with Iceland's trade in whale parts and products in appropriate CITES fora and processes, and, in consultation with other international actors, to seek additional measures to reduce such trade and enhance the effectiveness of CITES; (2) relevant senior Administration officials and U.S. delegations meeting with Icelandic officials to raise U.S. objections to commercial whaling and Iceland's ongoing trade in fin whale parts and products and to urge a halt to such action, including immediate notification of this position to the Government of Iceland; (3) the Department of State and other relevant agencies to encourage Iceland to develop and expand measures that increase economic opportunities for the nonlethal uses of whales in Iceland, such as responsible whale watching activities and educational and scientific research activities that contribute to the conservation of whales; (4) the Department of State to re-examine bilateral cooperation projects, and where appropriate, to base U.S. cooperation with Iceland on the Icelandic government changing its whaling policy, abiding by the IWC moratorium on commercial whaling, and not engaging in trade in whale parts and products in a manner that diminishes the effectiveness of CITES; (5) the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial whaling and international trade in whale parts and products; (6) Cabinet secretaries and other senior Administration officials to evaluate the appropriateness of visits to Iceland in light of Iceland's resumption of fin whaling and ongoing trade in fin whale parts and products; (7) relevant departments and agencies to examine other options for responding to continued whaling by Iceland; and (8) all relevant departments and agencies to report on their actions, within 6 months of certification, and any updates as needed beyond, through the Departments of State and the Interior. In addition, previous Pelly certifications of Iceland, and the direction to take actions pursuant to those certifications, remain in effect. I concur with the recommendation, as presented by the Secretary of the Interior, to pursue the use of nontrade measures and that the actions outlined above are the appropriate course of action to address this issue. Accordingly, I am not directing the Secretary of the Treasury to impose trade measures on Icelandic products for the whaling activities that led to the certification by the Secretary of the Interior.

The Departments of State, Commerce, and the Interior will continue to monitor and encourage Iceland to

revise its policies regarding commercial whaling. Further, within 6 months, I have directed relevant departments and agencies to report to me through the Departments of State, Commerce, and the Interior on their actions. I believe that continuing focus on Icelandic whaling activities is needed to encourage Iceland to halt commercial whaling and support international conservation efforts.

BARACK OBAMA.
THE WHITE HOUSE, *April 1, 2014*.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:24 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. WOLF) has signed the following enrolled bill:

H.R. 4302. An act to amend the Social Security Act to extend Medicare payments to physicians and other provisions of the Medicare and Medicaid programs, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2198. A bill to direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

S. 2199. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5073. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Petition for Rulemaking'' (FCC 13–118) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5074. A communication from the General Attorney, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Supplemental Definition of 'Strong Sensitizer' '' (Docket No. CPSC–2013–0010) received during adjournment of the Senate in the Office of the President of the Senate on March 7, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5075. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Air Force Launches, Aircraft and Helicopter Operations, and Harbor Activities Related to Launch Vehicles From Vandenberg Air Force Base (VAFB), California'' (RIN0648–BD62) received in the Office of the President of the Senate on March 4, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5076. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Stage 3 Helicopter Noise Certification Standards'' ((RIN2120–AJ96) (Docket No. FAA–2012–0948)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5077. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter'' ((RIN2120–AJ53) (Docket No. FAA–2010–0982)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5078. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (93); Amdt. No. 3578'' (RIN2120–AA65) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5079. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (16); Amdt. No. 3575'' (RIN2120–AA65) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5080. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (10); Amdt. No. 3576'' (RIN2120–AA65) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5081. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (35); Amdt. No. 3577'' (RIN2120–AA65) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5082. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Wheeling, IL'' ((RIN2120–AA66) (Docket No. FAA–2013–0955)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5083. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; St. Paul, MN'' ((RIN2120–AA66) (Docket No. FAA–2013–0954)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5084. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; St. Joseph, MO'' ((RIN2120–AA66) (Docket No. FAA–2013–0917)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5085. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Macon, GA'' ((RIN2120–AA66) (Docket No. FAA–2013–0552)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5086. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Georgetown, TX'' ((RIN2120–AA66) (Docket No. FAA–2013–0592)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5087. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Philip, SD'' ((RIN2120–AA66) (Docket No. FAA–2013–0916)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5088. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Hamilton, OH'' ((RIN2120–AA66) (Docket No. FAA–2013–0593)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5089. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lapeer, MI'' ((RIN2120–AA66) (Docket No. FAA–2013–0174)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5090. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lawrenceville, IL'' ((RIN2120–AA66) (Docket No. FAA–2013–0590)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5091. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Hampton, IA'' ((RIN2120–AA66) (Docket No. FAA–2013–0585)) received in the Office

of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5092. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mansfield, OH'' ((RIN2120–AA66) (Docket No. FAA–2013–0842)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5093. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Brunet, TX'' ((RIN2120–AA66) (Docket No. FAA–2013–0594)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5094. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Eagle, AK'' ((RIN2120–AA66) (Docket No. FAA–2013–0777)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5095. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Leesburg, VA'' ((RIN2120–AA66) (Docket No. FAA–2014–0085)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5096. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Brevig Mission, AK'' ((RIN2120–AA66) (Docket No. FAA–2012–0078)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5097. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Central, AK'' ((RIN2120–AA66) (Docket No. FAA–2013–0017)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5098. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0670)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5099. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; B–N Group Ltd. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0924)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5100. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0705)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5101. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DORNIER LUFTFAHRT GmbH Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0962)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5102. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0090)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5103. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) (Airbus Helicopters)'' ((RIN2120–AA64) (Docket No. FAA–2013–0351)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5104. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.P.A. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0964)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5105. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0831)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5106. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Slingsby Aviation Ltd. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0997)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5107. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0695)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5108. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0886)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5109. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0643)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5110. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) (Airbus Helicopters)'' ((RIN2120–AA64) (Docket No. FAA–2013–0770)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5111. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0687)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5112. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0562)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5113. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0466)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5114. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0937)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5115. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0694)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5116. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0702)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5117. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1226)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5118. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0125)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5119. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0866)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5120. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0830)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5121. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0547)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5122. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0381)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5123. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2014–0035)) received in the Office of the President of the Senate on March 13, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5124. A communication from the Attorney, General Affairs Division, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Bedside Sleepers'' (Docket No. CPSC–2012–0067) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5125. A communication from the Attorney, General Affairs Division, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Carriages and Strollers'' (Docket No. CPSC–2013–0019) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5126. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act; Miscellaneous Rules'' (16 CFR Part 4) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5127. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Adjustment of Georges Bank and Southern New England/Mid-Atlantic Yellowtail Flounder Annual Catch Limits'' (RIN0648–XD081) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5128. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for South Atlantic Golden Tilefish Longline Component'' (RIN0648–XD118) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5129. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2014 and 2015 Harvest Specifications for Groundfish; Final Rule'' (RIN0648–XC895) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5130. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Commercial, Limited Entry Pacific Coast Groundfish Fishery; Program Improvement and Enhancement; Correction'' (RIN0648–BD31) received in the Office of the President of the Senate on March 26, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5131. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XD133) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5132. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 14'' (RIN0648–AY26) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5133. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XD116) received in the Office of the President of the Senate on March 26, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5134. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD160) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5135. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Vessels in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XD148) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5136. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XD157) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5137. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program'' (RIN0648–XD159) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5138. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction'' (RIN0648–XD117) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5139. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XD158) received in the Office of the President of the Senate on March 25, 2014; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–204. A concurrent resolution adopted by the Legislature of the State of South Dakota petitioning the United States Congress to reauthorize federally provided terrorism reinsurance for insurers; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 1019

Whereas, insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and

economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property; and

Whereas, the terrorist attack of September 11, 2001, produced insured losses larger than any other man-made event in United States history, with claims paid by insurers to their policyholders eventually totaling some $32.5 billion, making this the second most costly insurance event in United States history; and

Whereas, the sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets causing insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies; and

Whereas, the lack of terrorism risk insurance contributed to a paralysis in the economy, especially in construction, tourism, business travel, and real estate finance; and

Whereas, the United States Congress originally passed the Terrorism Risk Insurance Act of 2002, Pub. L. 107–297 (TRIA), in which the federal government agreed to provide terrorism reinsurance to insurers and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005, Pub. L. 109–144, and the Terrorism Risk Insurance Program Reauthorization Act of 2007, Pub. L. 110–160 (TRIPRA); and

Whereas, under TRIPRA the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events exceed one hundred million dollars; and

Whereas, coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to twenty percent of the insurer's previous year earned premium for property-casualty lines; and

Whereas, after an individual insurer has reached such a threshold, the insurer pays fifteen percent of residual losses and the federal government pays the remaining eighty-five percent; and

Whereas, the Terrorism Risk Insurance Program has an annual cap of one hundred billion dollars of aggregate insured losses, beyond which the federal program does not provide coverage; and

Whereas, TRIPRA requires the federal government to recoup one hundred percent of the benefits provided under the program via policy holder surcharges to the extent the aggregate insured losses are less than twenty-seven billion five hundred million dollars and enables the government to recoup expenditures beyond that mandatory recoupment amount; and

Whereas, without question, TRIA and its successors are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy; and

Whereas, the presence of a robust private and public partnership has provided stability and predictability and has allowed insurers to actively participate in the market in a meaningful way; and

Whereas, without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to get insurance or unable to afford the limited coverage that would be available; and

Whereas, without federally provided reinsurance, property and casualty insurers will face less availability of terrorism reinsurance and will therefore be severely restricted in their ability to provide sufficient coverage for acts of terrorism to support our economy; and

Whereas, unfortunately, despite the hard work and dedication of this nation's counter-terrorism agencies and the bravery of the men and women in uniform who fought and continue to fight battles abroad to keep us safe here at home, the threat from terrorist attacks in the United States is both real and substantial and will remain as such for the foreseeable future: Now, therefore, be it

Resolved by the House of Representatives of the Eighty-Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the United States Congress and the President of the United States reauthorize the Terrorism Risk Insurance Program.

POM–205. A concurrent memorial adopted by the Legislature of the State of Arizona urging the United States Congress to provide full, sustainable funding for the Payment in Lieu of Taxes (PILT) program for fiscal year 2015 and into the future; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT MEMORIAL NO. 1006

Whereas, the Payment in Lieu of Taxes (PILT) program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of federal lands located within a county; and

Whereas, the State of Arizona is composed of 113,417 square miles of land, of which 42% is federally owned, nontribal land that is unavailable for economic development and not part of the property tax base. Less than 17% of the land in Arizona is private land; and

Whereas, the national average PILT payment in fiscal year 2013 was $0.66 per acre, which is far below the amount that federal lands would return through both value-based taxation and economic development; and

Whereas, counties are required to provide law enforcement, search and rescue, emergency services, road building and maintenance, and other community services on, or associated with, tax-exempt federal public lands; and

Whereas, Congress failed to provide funding for the PILT program in the Consolidated Appropriations Act of 2014, jeopardizing $32 million in PILT funding for Arizona counties and causing great uncertainty about county finances and services in fiscal year 2014 and fiscal year 2015; and

Whereas, a one-year extension of PILT funding for fiscal year 2014 was included in the farm bill conference report, but the fate of fiscal year 2015 funding is still unknown; and

Whereas, a lack of PILT funding places the large, unsustainable burden of providing services on federal lands squarely on the backs of local county taxpayers, while the presence of that federal land creates barriers to further economic opportunities; and

Whereas, failure to secure PILT funding for fiscal year 2015 and into the future for Arizona counties in a timely manner will critically impact the budget process and structural solvency of counties and will substantially compromise their ability to provide essential services; and

Whereas, the federal government has the duty to reimburse local jurisdictions for the presence of federal public lands.

Wherefore, Your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress provide full, sustainable funding for the PILT program for fiscal year 2015 and into the future to help create financial stability within Arizona's counties.

2. That the United States Congress work with the State of Arizona and county governments to identify and implement policies to promote economic development on, or associated with, public lands.

3. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–206. A resolution adopted by the House of Representatives of the State of Ohio commending Israel for its cordial and mutually beneficial relationship with the United States and Ohio and supporting Israel in its legal, historical, and moral right of self-governance and self-defense on the entirety of its own lands; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 340

Whereas, Israel has been granted its lands under and through the oldest recorded deed, the Old Testament, a tome of scripture held sacred and revered by Jews and Christians. The claim and presence of the Jewish people in Israel have remained constant throughout the past 4,000 years of history; and

Whereas, The legal basis for the establishment of the modern State of Israel was a binding act of international law established in the San Remo Resolution, which was unanimously adopted by the League of Nations in 1922 and subsequently affirmed by both houses of the United States Congress. This resolution affirmed the establishment of a national home for the Jewish people in the historical region of the Land of Israel. In addition, Article 80 of the United Nations charter recognized the continued validity of the rights granted to states or peoples that already existed under international instruments. Thus, the San Remo Resolution remains valid, and the 650,000 Jews currently residing in the areas of Judea, Samaria, and eastern Jerusalem reside there legitimately; and

Whereas, Israel declared its independence and self-governance on May 14, 1948, with the goal of reestablishing its God-given and legally recognized lands as a homeland for the Jewish people; and

Whereas, The United States, having been the first to recognize Israel as an independent nation and as Israel's principal ally, has enjoyed a close and mutually beneficial relationship with Israel and its people. Israel is the greatest friend and ally of our country in the Middle East, and the values of our two nations are so intertwined that it is impossible to separate one from the other; and

Whereas, There are those in the Middle East who have continually sought to destroy Israel from the time of its inception as a state, and those same enemies of Israel also hate and seek to destroy the United States; and

Whereas, The State of Ohio and Israel have enjoyed cordial and mutually beneficial relations since 1948, a friendship that continues to strengthen with each passing year: Now, therefore, be it

Resolved, That we, the members of the House of Representatives of the 130th General Assembly of the State of Ohio, commend Israel for its cordial and mutually beneficial relationship with the United States and Ohio and support Israel in its legal, historical, and moral right of self-governance and self-defense on the entirety of its own lands, thus recognizing that Israel is neither an attacking force nor an occupier of the lands of others and that peace can be afforded the region only through a whole and united Israel; and be it further

Resolved, That the Clerk of the House of Representatives send duly authenticated copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the

members of the Ohio Congressional delegation, and to the news media of Ohio.

POM–207. A resolution adopted by the House of Representatives of the State of Michigan memorializing the Congress of the United States and the U.S. Department of Veterans Affairs to take a stronger role in investigating and eliminating delays in veterans' health care; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 300

Whereas, The men and women who serve our country deserve our utmost respect and appreciation. Many of them are injured in the line of duty and come home to face challenging physical disabilities and other health issues. These veterans need our continued support after they have left active service. All veterans are entitled to the best health care we can give them; and

Whereas, Several VA facilities have a backlog of patients waiting for colonoscopies or endoscopies, necessary procedures for diagnosing cancers of the colon and digestive tract. As many as 7,000 veterans have been on the backlog list, often waiting over a year while experiencing pain and other symptoms that could not be properly treated without proper diagnosis; and

Whereas, At least 19 veterans have died due to delays in commonly used medical screenings, such as colonoscopies. Although the backlog problem was uncovered as early as July of 2011, little progress has been made in increasing the numbers of veterans who receive the necessary medical procedures: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the U.S. Department of Veterans Affairs to take a stronger role in investigating and eliminating delays in veterans' health care; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the U.S. Department of Veterans Affairs, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

P0M–208. A resolution adopted by the Mayor and Council of the Borough of Butler, New Jersey, requesting the investment of additional funding to maintain highways and improve the transportation infrastructure in the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 864. A bill to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes (Rept. No. 113–142).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment:

S. 970. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Act (Rept. No. 113–143).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 724. A bill to amend the Clean Air Act to remove the requirement for dealer certification of new light-duty motor vehicles (Rept. No. 113–144).

H.R. 1206. A bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes (Rept. No. 113–145).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. SCHATZ):

S. 2189. A bill to amend the Internal Revenue Code of 1986 to improve and extend the deduction for new and existing energy-efficient commercial buildings, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. INHOFE, Ms. AYOTTE, Mr. BURR, Mr. KIRK, Mr. MCCAIN, Mr. PRYOR, Mr. BARRASSO, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. ENZI, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mr. ISAKSON, Mr. JOHANNS, Mr. MCCONNELL, Mr. MORAN, Ms. MURKOWSKI, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. SESSIONS, Mr. SCOTT, Mr. SHELBY, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 2190. A bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. INHOFE, Mr. COCHRAN, Mr. MORAN, Mr. WICKER, Mr. ENZI, and Mr. CHAMBLISS):

S. 2191. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage, and for other purposes; to the Committee on Finance.

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

S. 2192. A bill to amend the National Alzheimer's Project Act to require the Director of the National Institutes of Health to prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institutes) for the initiatives of the National Institutes of Health pursuant to such an Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. ISAKSON, and Mr. PAUL):

S. 2193. A bill to amend the Horse Protection Act to provide increased protection for horses participating in shows, exhibitions, or sales, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. HIRONO (for herself, Mr. REED, and Mr. WHITEHOUSE):

S. 2194. A bill to improve the Federal Pell Grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRUZ:

S. 2195. A bill to deny admission to the United States to any representative to the United Nations who has engaged in espionage activities against the United States, poses a threat to United States national security interests, or has engaged in a terrorist activity against the United States; to the Committee on the Judiciary.

By Ms. MURKOWSKI:

S. 2196. A bill to amend the Public Health Service Act to limit the liability of health care professionals who volunteer to provide health care services in response to a disaster; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself, Mr. HOEVEN, Mr. SCHUMER, and Mr. ROBERTS):

S. 2197. A bill to repeal certain requirements regarding newspaper advertising of Senate stationery contracts; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, Mr. REID, Mr. HELLER, Mr. ROCKEFELLER, Mr. DURBIN, and Ms. STABENOW):

S. 2198. A bill to direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes; read the first time.

By Ms. MIKULSKI:

S. 2199. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mr. UDALL of Colorado, Mr. JOHANNS, and Mr. ISAKSON):

S. Res. 408. A resolution supporting the designation of April as ''Parkinson's Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 104

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 104, a bill to provide for congressional approval of national monuments and restricts on the use of national monuments.

S. 289

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 289, a bill to extend the low-interest refinancing provisions under the Local Development Business Loan Program of the Small Business Administration.

S. 313

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 375

At the request of Mr. TESTER, the name of the Senator from Nevada (Mr.

REID) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 484, a bill to amend the Toxic Substances Control Act relating to lead-based paint renovation and remodeling activities.

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 635

At the request of Mr. BROWN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 945

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 945, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1011

At the request of Mr. JOHANNS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1116

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1116, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1133

At the request of Mr. ROCKEFELLER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1133, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 1150

At the request of Mr. KAINE, his name was added as a cosponsor of S. 1150, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1174

At the request of Mr. BLUMENTHAL, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1256, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antimicrobials used in the treatment of human and animal diseases.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1422

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1422, a bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings.

S. 1462

At the request of Mr. THUNE, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1462, a bill to extend the positive train control system implementation deadline, and for other purposes.

S. 1690

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1690, a bill to reauthorize the Second Chance Act of 2007.

S. 1733

At the request of Ms. KLOBUCHAR, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1733, a bill to stop exploitation through trafficking.

S. 1737

At the request of Mr. HARKIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 1737, a bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

S. 1738

At the request of Mr. CORNYN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1738, a bill to provide justice for the victims of trafficking.

S. 1923

At the request of Mr. MANCHIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1923, a bill to amend the Securities Exchange Act of 1934 to exempt from registration brokers performing services in connection with the transfer of ownership of smaller privately held companies.

S. 1982

At the request of Mr. SANDERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1982, a bill to improve the provision of medical services and benefits to veterans, and for other purposes.

S. 1999

At the request of Mr. GRAHAM, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1999, a bill to amend the Servicemembers Civil Relief Act to require the consent of parties to contracts for the use of arbitration to resolve controversies arising under the contracts and subject to provisions of such Act and to preserve the rights of servicemembers to bring class actions under such Act, and for other purposes.

S. 2000

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2000, a bill to amend title XVIII of the Social Security Act to repeal the Medicare sustainable growth rate and improve Medicare payments for physicians and other professionals, and for other purposes.

S. 2004

At the request of Mr. BEGICH, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2004, a bill to ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

S. 2021

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2021, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 2055

At the request of Mr. BOOZMAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2055, a bill to allow for the collection of certain user fees by non-Federal entities.

S. 2075

At the request of Mr. WARNER, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2075, a bill to prohibit a reduction in funding for the defense commissary system in fiscal year 2015 pending the report of the Military Compensation and Retirement Modernization Commission.

S. 2087

At the request of Mr. PRYOR, the name of the Senator from Montana

(Mr. WALSH) was added as a cosponsor of S. 2087, a bill to protect the Medicare program under title XVIII of the Social Security Act with respect to reconciliation involving changes to the Medicare program.

S. 2103

At the request of Mr. BOOZMAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 2103, a bill to direct the Administrator of the Federal Aviation Administration to issue or revise regulations with respect to the medical certification of certain small aircraft pilots, and for other purposes.

S. 2109

At the request of Mr. WARNER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2109, a bill to eliminate duplicative, outdated, or unnecessary Congressionally mandated Federal agency reporting.

S. 2163

At the request of Mr. UDALL of Colorado, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2163, a bill to establish an emergency watershed protection disaster assistance fund to be available to the Secretary of Agriculture to provide assistance for any natural disaster.

S. 2176

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 2176, a bill to revise reporting requirements under the Patient Protection and Affordable Care Act to preserve the privacy of individuals, and for other purposes.

S. 2178

At the request of Mr. ALEXANDER, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2178, a bill to amend the National Labor Relations Act with respect to the timing of elections and pre-election hearings and the identification of pre-election issues, and to require that lists of employees eligible to vote in organizing elections be provided to the National Labor Relations Board.

S. RES. 384

At the request of Mr. KAINE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 384, a resolution expressing the sense of the Senate concerning the humanitarian crisis in Syria and neighboring countries, resulting humanitarian and development challenges, and the urgent need for a political solution to the crisis.

S. RES. 404

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 404, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, and Mr. SCHATZ):

S. 2189. A bill to amend the Internal Revenue Code of 1986 to improve and extend the deduction for new and existing energy-efficient commercial buildings, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, today I rise with my colleagues Senator FEINSTEIN and Senator SCHATZ to introduce the Energy Efficiency Tax Incentives Act.

Encouraging energy efficiency improvements is a smart and cost-effective way to reduce pollution, increase the competitiveness of our employers, and to create jobs in both our construction and manufacturing sectors.

As I have discussed previously on the floor of the Senate, our energy problem in this country can be primarily attributed to a waste problem. Recently, the Department of Energy calculated that we waste 57 percent of all energy produced.

Our goal in introducing this bill is to prevent that waste by providing focused incentives that encourage significant improvements in energy efficiency and truly innovative energy efficiency technologies.

While my colleagues will explain how the bill does this for our homes and the industrial sector, I would like to focus on how our bill improves energy efficiency outcomes for commercial and multifamily buildings.

About 40 percent of energy consumption in the United States comes from our buildings, and up to 80 percent of the buildings standing today will still be here in 2050. Encouraging efficiency in new construction, and making these existing buildings more efficient, would generate billions of dollars in energy savings, spur job creation, and reduce carbon emissions.

Until January 1, 2014, Section 179D of the Internal Revenue Code provided a tax deduction that allowed for cost recovery regarding energy efficient energy efficiency improvements to a building's lighting, HVAC, and envelope.

Typically, the cost of energy consumption is part of a business's expenses and thus immediately deductible. Section 179D was an important provision because it aligned the Internal Revenue Code to similarly incentivize energy savings through efficiency improvements. In terms of meeting our energy demands, some of the cheapest and cleanest energy we have is the energy we don't use because of these improvements.

Unfortunately, the 179D deduction expired at the end of 2013. As we move forward with tax extenders, it is critical that this provision be restored.

Our bill restores the 179D deduction by extending it through 2016. In addition, our bill makes commonsense reforms to that section.

We update the energy efficiency standards that must be met to qualify for the 179D deduction, including by providing automatic standard updates for the years the deduction is available. We want to be sure that this incentive is going to technologies that meet truly efficient standards.

We also make the deduction more accessible to all real estate owners and those involved in implementing energy efficiency improvements, including through updated partial deduction standards and allocation provisions.

Finally, the bill recognizes that, in the same way we encourage new construction to meet these standards, we should encourage energy efficiency retrofits.

Our current tax policies do not yet provide an effective incentive for retrofitting our existing building stock. For example, the Empire State Building retrofit project, which will reduce that building's energy consumption by 40 percent, did not qualify for a section 179D deduction under its current structure.

Our bill would provide a deduction for retrofits of existing commercial and multifamily buildings to further encourage retrofit projects. Like section 179D, the deduction would be performance-based to encourage ambitious improvements and make the credit more accessible to building owners.

Before turning to my colleagues, I would like to reiterate that America's energy and economic future requires a focus on these energy incentives. Initiatives like our bill are needed not only to generate jobs, and savings for businesses and taxpayers, but also to improve our environment and make our nation more energy secure.

Mr. CARDIN. 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. 2189

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Efficiency Tax Incentives Act''.

(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 of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—COMMERCIAL BUILDING MODERNIZATION

Sec. 101. Extension and modification of deduction for energy-efficient commercial buildings.

Sec. 102. Deduction for retrofits of existing commercial and multifamily buildings.

TITLE II—HOME ENERGY IMPROVEMENTS

Sec. 201. Performance based home energy improvements.

TITLE III—INDUSTRIAL ENERGY AND WATER EFFICIENCY

Sec. 301. Modifications in credit for combined heat and power system property.
Sec. 302. Investment tax credit for biomass heating property.
Sec. 303. Investment tax credit for waste heat to power property.
Sec. 304. Motor energy efficiency improvement tax credit.
Sec. 305. Credit for replacement of CFC refrigerant chiller.
Sec. 306. Qualifying efficient industrial process water use project credit.

TITLE I—COMMERCIAL BUILDING MODERNIZATION

SEC. 101. EXTENSION AND MODIFICATION OF DEDUCTION FOR ENERGY-EFFICIENT COMMERCIAL BUILDINGS.

(a) EXTENSION.—

(1) THROUGH 2016.—Section 179D(h) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2016''.

(2) INCLUSION OF MULTIFAMILY BUILDINGS.—

(A) IN GENERAL.—Subparagraph (B) of section 179D(c)(1) is amended by striking ''building'' and inserting ''commercial building or multifamily building''.

(B) DEFINITIONS.—Subsection (c) of section 179D is amended by adding at the end the following new paragraphs:

''(3) COMMERCIAL BUILDING.—The term 'commercial building' means a building with a primary use or purpose other than as residential housing.

''(4) MULTIFAMILY BUILDING.—The term 'multifamily building' means a structure of 5 or more dwelling units with a primary use as residential housing, and includes such buildings owned and operated as a condominium, cooperative, or other common interest community.''.

(b) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) is amended by striking ''$1.80'' and inserting ''$3.00''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended to read as follows:

''(1) PARTIAL ALLOWANCE.—

''(A) IN GENERAL.—Except as provided in subsection (f), if—

''(i) the requirement of subsection (c)(1)(D) is not met, but

''(ii) there is a certification in accordance with paragraph (6) that—

''(I) any system referred to in subsection (c)(1)(C) satisfies the energy-savings targets established by the Secretary under subparagraph (B) with respect to such system, or

''(II) the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together satisfy the energy-savings targets established by the Secretary under subparagraph (B) with respect to such systems,

then the requirement of subsection (c)(1)(D) shall be treated as met with respect to such system or systems, and the deduction under subsection (a) shall be allowed with respect to energy-efficient commercial building property installed as part of such system and as part of a plan to meet such targets, except that subsection (b) shall be applied to such property described in clause (ii)(I) by substituting '$1.00' for '$3.00' and to such property described in clause (ii)(II) by substituting '$2.20' for '$3.00'.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy, shall promulgate regulations establishing a target for each system described in subsection (c)(1)(C) which, if such targets were met for all such systems, the property would meet the requirements of subsection (c)(1)(D).

''(ii) SAFE HARBOR FOR COMBINED SYSTEMS.—The Secretary, after consultation with the Secretary of Energy, and not later than 6 months after the date of the enactment of the Energy Efficiency Tax Incentives Act, shall promulgate regulations regarding combined envelope and mechanical system performance that detail appropriate components, efficiency levels, or other relevant information for the systems referred to in subsection (c)(1)(C)(ii) and subsection (c)(1)(C)(iii) together to be deemed to have achieved two-thirds of the requirements of subsection (c)(1)(D).''.

(c) DENIAL OF DOUBLE BENEFIT RULES.—

(1) IN GENERAL.—Section 179D is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) TAX INCENTIVES NOT AVAILABLE.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179F.''.

(2) LOW-INCOME HOUSING EXCEPTION TO BASIS REDUCTION.—Subsection (e) of section 179D is amended by inserting ''(other than property placed in service in a qualified low-income building (within the meaning of section 42))'' after ''building property''.

(d) ALLOCATION OF DEDUCTION.—Paragraph (4) of section 179D(d) is amended to read as follows:

''(4) ALLOCATION OF DEDUCTION.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial or multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for designing the property in lieu of the owner or to a commercial tenant that leases or otherwise occupies space in such building pursuant to a written agreement. Such person shall be treated as the taxpayer for purposes of this section.

''(B) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008–40 of the Internal Revenue Service.

''(C) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in subparagraph (B)) to such person.

''(D) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006–52 of the Internal Revenue Service, as amplified by Notice 2008–40, shall apply to any allocation.''.

(e) TREATMENT OF BASIS IN CONTEXT OF ALLOCATION.—Subsection (e) of section 179D, as amended by subsection (c)(2), is amended by inserting ''or so allocated'' after ''so allowed''.

(f) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (B) of section 312(k)(3) is amended—

(1) by striking ''.—For purposes of'' and inserting ''.—

''(i) IN GENERAL.—Except as provided in clause (ii), for purposes of'', and

(2) by adding at the end the following new clause:

''(ii) EARNINGS AND PROFITS CONFORMITY FOR REAL ESTATE INVESTMENT TRUSTS.—

''(I) IN GENERAL.—For purposes of computing the earnings and profits of a real estate investment trust (other than a captive real estate investment trust), the entire amount deductible under section 179D shall be allowed as deductions in the taxable years for which such amounts are claimed under such section.

''(II) CAPTIVE REAL ESTATE INVESTMENT TRUST.—The term 'captive real estate investment trust' means a real estate investment trust the shares or beneficial interests of which are not regularly traded on an established securities market and more than 50 percent of the voting power or value of the beneficial interests or shares of which are owned or controlled, directly or indirectly, or constructively, by a single entity that is treated as an association taxable as a corporation under this title and is not exempt from taxation pursuant to the provisions of section 501(a).

''(III) RULES OF APPLICATION.—For purposes of this clause, the constructive ownership rules of section 318(a), as modified by section 856(d)(5), shall apply in determining the ownership of stock, assets, or net profits of any person, and the following entities are not considered an association taxable as a corporation:

''(aa) Any real estate investment trust other than a captive real estate investment trust.

''(bb) Any qualified real estate investment trust subsidiary under section 856, other than a qualified REIT subsidiary of a captive real estate investment trust.

''(cc) Any Listed Australian Property Trust (meaning an Australian unit trust registered as a 'Managed Investment Scheme' under the Australian Corporations Act in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market), or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting power or value of the beneficial interests or shares of such trust.

''(dd) Any corporation, trust, association, or partnership organized outside the laws of the United States and which satisfies the criteria described in subclause (IV).

''(IV) CRITERIA.—The criteria described in this subclause are as follows:

''(aa) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets (as defined in section 856(c)(5)(B)), cash and cash equivalents, and United States Government securities.

''(bb) The entity is not subject to tax on amounts distributed to its beneficial owners, or is exempt from entity-level taxation.

''(cc) The entity distributes at least 85 percent of its taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis.

''(dd) Not more than 10 percent of the voting power or value in such entity is held directly or indirectly or constructively by a single entity or individual, or the shares or beneficial interests of such entity are regularly traded on an established securities market.

''(ee) The entity is organized in a country which has a tax treaty with the United States.''.

(g) RULES FOR LIGHTING SYSTEMS.—Subsection (f) of section 179D is amended to read as follows:

''(f) RULES FOR LIGHTING SYSTEMS.—

''(1) IN GENERAL.—With respect to property that is part of a lighting system, the deduction allowed under subsection (a) shall be equal to—

''(A) for a lighting system that includes installation of a lighting control described in paragraph (2)(A), the applicable amount determined under paragraph (3)(A),

''(B) for a lighting system that includes installation of a lighting control described in paragraph (2)(B), the applicable amount determined under paragraph (3)(B), or

''(C) for a lighting system that does not include installation of any lighting controls described in subparagraphs (A) or (B) of paragraph (2), the applicable amount determined under paragraph (3)(C).

''(2) ENERGY SAVING CONTROLS.—

''(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the lighting controls described in this subparagraph are the following:

''(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces not greater than 800 square feet.

''(ii) Bi-level controls (as described in paragraph (4)(A)).

''(iii) Continuous or step dimming controls (as described in subparagraphs (B) and (K) of paragraph (4)).

''(iv) Daylight dimming where sufficient daylight is available (as described in paragraph (4)(C)).

''(v) A multi-scene controller (as described in paragraph (4)(H)).

''(vi) Time scheduling controls (as described in paragraph (4)(L)), provided that such controls are not required by Standard 90.1-2010.

''(vii) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

''(B) OTHER CONTROL TYPES.—For purposes of paragraph (1)(B), the lighting controls described in this subparagraph are the following:

''(i) Occupancy sensors (as described in paragraph (4)(I)) in spaces greater than 800 square feet.

''(ii) Demand responsive controls (as described in paragraph (4)(D)).

''(iii) Lumen maintenance controls (as described in paragraph (4)(F)) where solid state lighting is used.

''(iv) Such other lighting controls as the Secretary, in consultation with the Secretary of Energy, determines appropriate.

''(3) APPLICABLE AMOUNT.—

''(A) LIGHTING CONTROLS IN CERTAIN SPACES.—For purposes of paragraph (1)(A), the applicable amount shall be determined in accordance with the following table:

"If the percentage of reduction in lighting power density is not less than:	The amount of the deduction per square foot is:
15 percent	$0.30
20 percent	$0.44
25 percent	$0.58
30 percent	$0.72
35 percent	$0.86
40 percent	$1.00

''(B) LIGHTING CONTROLS IN LARGER SPACES AND WHERE SOLID LIGHTING IS USED.—For purposes of paragraph (1)(B), the applicable amount shall be determined in accordance with the following table:

"If the percentage of reduction in lighting power density is not less than:	The amount of the deduction per square foot is:
20 percent	$0.30
25 percent	$0.44
30 percent	$0.58
35 percent	$0.72
40 percent	$0.86
45 percent	$1.00

''(C) NO QUALIFIED LIGHTING CONTROLS.—For purposes of paragraph (1)(C), the applicable amount shall be determined in accordance with the following table:

"If the percentage of reduction in lighting power density is not less than:	The amount of the deduction per square foot is:
25 percent	$0.30
30 percent	$0.44
35 percent	$0.58
40 percent	$0.72
45 percent	$0.86
50 percent	$1.00

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) BI-LEVEL CONTROL.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'bi-level control' means a lighting control strategy that provides for 2 different levels of lighting.

''(ii) FULL-OFF SETTING.—For purposes of clause (i), a bi-level control shall also provide for a full-off setting.

''(B) CONTINUOUS DIMMING.—The term 'continuous dimming' means a lighting control strategy that adjusts the light output of a lighting system between minimum and maximum light output in a manner that is not perceptible.

''(C) DAYLIGHT DIMMING; SUFFICIENT DAYLIGHT.—

''(i) DAYLIGHT DIMMING.—The term 'daylight dimming' means any device that—

''(I) adjusts electric lighting power in response to the amount of daylight that is present in an area, and

''(II) provides for separate control of the lamps for general lighting in the daylight area by not less than 1 multi-level photocontrol, including continuous dimming devices, that satisfies the following requirements:

''(aa) The light sensor for the multi-level photocontrol is remote from where calibration adjustments are made.

''(bb) The calibration adjustments are readily accessible.

''(cc) The multi-level photocontrol reduces electric lighting power in response to the amount of daylight with—

''(AA) not less than 1 control step that is between 50 percent and 70 percent of design lighting power, and

''(BB) not less than 1 control step that is not less than 35 percent of design lighting power.

''(ii) SUFFICIENT DAYLIGHT.—

''(I) IN GENERAL.—The term 'sufficient daylight' means—

''(aa) in the case of toplighted areas, when the total daylight area under skylights plus the total daylight area under rooftop monitors in an enclosed space is greater than 900 square feet (as defined in Standard 90.1-2010), and

''(bb) in the case of sidelighted areas, when the combined primary sidelight area in an enclosed space is not less than 250 square feet (as defined in Standard 90.1-2010).

''(II) EXCEPTIONS.—Sufficient daylight shall be deemed to not be available if—

''(aa) in the case of areas described in subclause (I)(aa)—

''(AA) for daylighted areas under skylights, it is documented that existing adjacent structures or natural objects block direct beam sunlight for more than 1500 daytime hours (after 8 a.m. and before 4 p.m., local time) per year,

''(BB) for daylighted areas, the skylight effective aperture is less than 0.006, or

''(CC) for buildings in climate zone 8, as defined under Standard 90.1-2010, the daylight areas total less than 1500 square feet in an enclosed space, and

''(bb) in the case of primary sidelighted areas described in subclause (I)(bb)—

''(AA) the top of the existing adjacent structures are at least twice as high above the windows as the distance from the window, or

''(BB) the sidelighting effective aperture is less than 0.1.

''(iii) DAYLIGHT, SIDELIGHTING, AND OTHER RELATED TERMS.—The terms 'daylight area', 'daylight area under skylights', 'daylight area under rooftop monitors', 'daylighted area', 'enclosed space', 'primary sidelighted areas', 'sidelighting effective aperture', and 'skylight effective aperture' have the same meaning given such terms under Standard 90.1-2010.

''(D) DEMAND RESPONSIVE CONTROL.—

''(i) IN GENERAL.—The term 'demand responsive control' means a control device that receives and automatically responds to a demand response signal and—

''(I) in the case of space-conditioning systems, conducts a centralized demand shed for non-critical zones during a demand response period and that has the capability to, on a signal from a centralized contract or software point within an Energy Management Control System—

''(aa) remotely increase the operating cooling temperature set points in such zones by not less than 4 degrees,

''(bb) remotely decrease the operating heating temperature set points in such zones by not less than 4 degrees,

''(cc) remotely reset temperatures in such zones to originating operating levels, and

''(dd) provide an adjustable rate of change for any temperature adjustment and reset, and

''(II) in the case of lighting power, has the capability to reduce lighting power by not less than 30 percent during a demand response period.

''(ii) DEMAND RESPONSE PERIOD.—The term 'demand response period' means a period in which short-term adjustments in electricity usage are made by end-use customers from normal electricity consumption patterns, including adjustments in response to—

''(I) the price of electricity, and

''(II) participation in programs or services that are designed to modify electricity usage in response to wholesale market prices for electricity or when reliability of the electrical system is in jeopardy.

''(iii) DEMAND RESPONSE SIGNAL.—The term 'demand response signal' means a signal sent to an end-use customer by a local utility, independent system operator, or designated curtailment service provider or aggregator that—

''(I) indicates an adjustment in the price of electricity, or

''(II) is a request to modify electricity consumption.

''(E) LAMP.—The term 'lamp' means an artificial light source that produces optical radiation (including ultraviolet and infrared radiation).

''(F) LUMEN MAINTENANCE CONTROL.—The term 'lumen maintenance control' means a lighting control strategy that maintains constant light output by adjusting lamp power to compensate for age and cleanliness of luminaires.

''(G) LUMINAIRE.—The term 'luminaire' means a complete lighting unit for the production, control, and distribution of light that consists of—

''(i) not less than 1 lamp, and

''(ii) any of the following items:

''(I) Optical control devices designed to distribute light.

''(II) Sockets or mountings for the positioning, protection, and operation of the lamps.

''(III) Mechanical components for support or attachment.

''(IV) Electrical and electronic components for operation and control of the lamps.

''(H) MULTI-SCENE CONTROL.—The term 'multi-scene control' means a lighting control device or system that allows for—

''(i) not less than 2 predetermined lighting settings,

''(ii) a setting that turns off all luminaires in an area, and

''(iii) a recall of the settings described in clauses (i) and (ii) for any luminaires or groups of luminaires to adjust to multiple activities within the area.

''(I) OCCUPANCY SENSOR.—The term 'occupancy sensor' means a control device that—

''(i) detects the presence or absence of individuals within an area and regulates lighting, equipment, or appliances according to a required sequence of operation,

''(ii) shuts off lighting when an area is unoccupied,

''(iii) except in areas designated as emergency egress and using less than 0.2 watts per square foot of floor area, provides for manual shut-off of all luminaires regardless of the status of the sensor and allows for—

''(I) independent control in each area enclosed by ceiling-height partitions,

''(II) controls that are readily accessible, and

''(III) operation by a manual switch that is located in the same area as the lighting that is subject to the control device.

''(J) STANDARD 90.1-2010.—The term 'Standard 90.1-2010' means Standard 90.1-2010 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America.

''(K) STEP DIMMING.—The term 'step dimming' means a lighting control strategy that adjusts the light output of a lighting system by 1 or more predetermined amounts of greater than 1 percent of full output in a manner that may be perceptible.

''(L) TIME SCHEDULING CONTROL.—The term 'time scheduling control' means a control strategy that automatically controls lighting, equipment, or systems based on a particular time of day or other daily event (including sunrise and sunset).''.

(h) UPDATED STANDARDS.—

(1) INITIAL UPDATE.—

(A) IN GENERAL.—Section 179D(c) is amended by striking ''90.1-2001'' each place it appears and inserting ''90.1-2004''.

(B) CONFORMING AMENDMENT.—Paragraph (2) of section 179D(c) is amended by striking ''(as in effect on April 2, 2003)''.

(2) SECOND UPDATE.—

(A) IN GENERAL.—Section 179D is amended by striking ''90.1-2004'' each place it appears in subsections (c) and (f) and inserting ''90.1-2007''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to property placed in service after December 31, 2014.

(i) TREATMENT OF LIGHTING SYSTEMS.—Section 179D(c)(1) is amended by striking ''interior'' each place it appears.

(j) REPORTING PROGRAM.—Section 179D, as amended by subsection (c)(1), is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) REPORTING PROGRAM.—For purposes of the report required under section 179F(l), the Secretary, in consultation with the Secretary of Energy, shall—

''(1) develop a program to collect a statistically valid sample of energy consumption data from taxpayers that received full deductions under this section, regardless of whether such taxpayers allocated all or a portion of such deduction, and

''(2) include such data in the report, with such redactions as deemed necessary to protect the personally identifiable information of such taxpayers.''.

(k) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—Section 179D, as amended by subsection (j), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.''.

(l) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

SEC. 102. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTI-FAMILY BUILDINGS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179E the following new section:

''SEC. 179F. DEDUCTION FOR RETROFITS OF EXISTING COMMERCIAL AND MULTI-FAMILY BUILDINGS.

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—With respect to each certified retrofit plan, there shall be allowed as a deduction an amount equal to the lesser of—

''(A) the sum of—

''(i) the design deduction, and

''(ii) the realized deduction, or

''(B) the total cost to develop and implement such certified retrofit plan.

''(2) EXCEPTION.—For purposes of the amount described in paragraph (1)(B), if such amount is taken as a design deduction, no realized deduction shall be allowed.

''(b) DEDUCTION AMOUNTS.—For purposes of this section—

''(1) DESIGN DEDUCTION.—A design deduction shall be—

''(A) based on projected source energy savings as calculated in accordance with subsection (c)(3)(B),

''(B) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) that a certified retrofit plan is projected to achieve when energy-efficient measures are placed in service, and

''(C) equal to 60 percent of the amount allowed under the general scale.

''(2) REALIZED DEDUCTION.—

''(A) IN GENERAL.—A realized deduction shall be—

''(i) based on realized source energy savings as calculated in accordance with subsection (c)(3)(C),

''(ii) correlated to the percent of source energy savings set forth in the general scale in paragraph (3)(A) as realized by a certified retrofit plan, and

''(iii) equal to 40 percent of the amount allowed under the general scale.

''(B) ADJUSTMENT OF SOURCE ENERGY SAVINGS.—The percent of source energy savings for purposes of any realized deduction may vary from such savings projected when energy-efficient measures were placed in service for purposes of a design deduction under paragraph (1).

''(C) NO RECAPTURE OF DESIGN DEDUCTION.—Notwithstanding the regulations prescribed under subsection (f), no recapture of a design deduction shall be required where the owner of the commercial or multifamily building—

''(i) claims or allocates a design deduction when energy-efficient measures are placed into service pursuant to the terms and conditions of a certified retrofit plan, and

''(ii) is not eligible for or does not subsequently claim or allocate a realized deduction.

''(3) GENERAL SCALE.—

''(A) IN GENERAL.—The scale for deductions allowed under this section shall be—

''(i) $1.00 per square foot of retrofit floor area for 20 to 24 percent source energy savings,

''(ii) $1.50 per square foot of retrofit floor area for 25 to 29 percent source energy savings,

''(iii) $2.00 per square foot of retrofit floor area for 30 to 34 percent source energy savings,

''(iv) $2.50 per square foot of retrofit floor area for 35 to 39 percent source energy savings,

''(v) $3.00 per square foot of retrofit floor area for 40 to 44 percent source energy savings,

''(vi) $3.50 per square foot of retrofit floor area for 45 to 49 percent source energy savings, and

''(vii) $4.00 per square foot of retrofit floor area for 50 percent or more source energy savings.

''(B) HISTORIC BUILDINGS.—

''(i) IN GENERAL.—With respect to energy-efficient measures placed in service as part of a certified retrofit plan in a commercial building or multifamily building on or eligible for the National Register of Historic Places, the respective dollar amounts set forth in the general scale under subparagraph (A) shall—

''(I) each be increased by 20 percent, for the purposes of calculating any applicable design deduction and realized deduction, and

''(II) not exceed the total cost to develop and implement such certified retrofit plan.

''(ii) EXCEPTION.—If the amount described in clause (i)(II) is taken as a design deduction, then no realized deduction shall be allowed.

''(c) CALCULATION OF ENERGY SAVINGS.—

''(1) IN GENERAL.—For purposes of the design deduction and the realized deduction, source energy savings shall be calculated with reference to a baseline of the annual source energy consumption of the commercial or multifamily building before energy-efficient measures were placed in service.

''(2) BASELINE BENCHMARK.—The baseline under paragraph (1) shall be determined using a building energy performance benchmarking tool designated by the Administrator of the Environmental Protection Agency, and based upon 1 year of source energy consumption data prior to the date upon which the energy-efficient measures are placed in service.

''(3) DESIGN AND REALIZED SOURCE ENERGY SAVINGS.—

''(A) IN GENERAL.—In certifying a retrofit plan as a certified retrofit plan, a licensed engineer or architect shall calculate source energy savings by utilizing the baseline benchmark defined in paragraph (2) and determining percent improvements from such baseline.

''(B) DESIGN DEDUCTION.—For purposes of claiming a design deduction, the regulations issued under subsection (f)(1) shall prescribe the standards and process for a licensed engineer or architect to calculate and certify source energy savings projected from the design of a certified retrofit plan as of the date energy-efficient measures are placed in service.

''(C) REALIZED DEDUCTION.—For purposes of claiming a realized deduction, a licensed engineer or architect shall calculate and certify source energy savings realized by a certified retrofit plan 2 years after a design deduction is allowed by utilizing energy consumption data after energy-efficient measures are placed in service, and adjusting for climate, building occupancy hours, density, or other factors deemed appropriate in the benchmarking tool designated under paragraph (2).

''(d) CERTIFIED RETROFIT PLAN AND OTHER DEFINITIONS.—For purposes of this section—

''(1) CERTIFIED RETROFIT PLAN.—The term 'certified retrofit plan' means a plan that—

''(A) is designed to reduce the annual source energy costs of a commercial building, or a multifamily building, through the installation of energy-efficient measures,

''(B) is certified under penalty of perjury by a licensed engineer or architect, who is not a direct employee of the owner of the commercial building or multifamily building that is the subject of the plan, and is licensed in the State in which such building is located,

''(C) describes the square footage of retrofit floor area covered by such a plan,

''(D) specifies that it is designed to achieve a final source energy usage intensity after energy-efficient measures are placed in service in a commercial building or a multifamily building that does not exceed on a square foot basis the average level of energy usage intensity of other similar buildings, as described in paragraph (2),

''(E) requires that after the energy-efficient measures are placed in service, the commercial building or multifamily building meets the applicable State and local building code requirements for the area in which such building is located,

''(F) satisfies the regulations prescribed under subsection (f), and

''(G) is submitted to the Secretary of Energy after energy-efficient measures are placed in service, for the purpose of informing the report to Congress required by subsection (l).

''(2) AVERAGE LEVEL OF ENERGY USAGE INTENSITY.—

''(A) IN GENERAL.—The maximum average level of energy usage intensity under paragraph (1)(D) shall not exceed 300,000 British thermal units per square foot.

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall develop distinct standards for categories and subcategories of buildings with respect to maximum average level of energy usage intensity based on the best available information used by the ENERGY STAR program.

''(ii) REVIEW.—The standards developed pursuant to clause (i) shall be reviewed and updated by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, not later than every 3 years.

''(3) COMMERCIAL BUILDING.—

''(A) IN GENERAL.—The term 'commercial building' means a building located in the United States—

''(i) that is in existence and occupied on the date of the enactment of this section,

''(ii) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

''(iii) with a primary use or purpose other than as residential housing.

''(B) SHOPPING CENTERS.—In the case of a retail shopping center, the term 'commercial building' shall include an area within such building that is—

''(i) 50,000 square feet or larger that is covered by a separate utility grade meter to record energy consumption in such area, and

''(ii) under the day-to-day management and operation of—

''(I) the owner of such building as common space areas, or

''(II) a retail tenant, lessee, or other occupant.

''(4) ENERGY-EFFICIENT MEASURES.—The term 'energy-efficient measures' means a measure, or combination of measures, placed in service through a certified retrofit plan—

''(A) on or in a commercial building or multifamily building,

''(B) as part of—

''(i) the lighting systems,

''(ii) the heating, cooling, ventilation, refrigeration, or hot water systems,

''(iii) building transportation systems, such as elevators and escalators,

''(iv) the building envelope, which may include an energy-efficient cool roof,

''(v) a continuous commissioning contract under the supervision of a licensed engineer or architect, or

''(vi) building operations or monitoring systems, including utility-grade meters and submeters, and

''(C) including equipment, materials, and systems within subparagraph (B) with respect to which depreciation (or amortization in lieu of depreciation) is allowed.

''(5) ENERGY SAVINGS.—The term 'energy savings' means source energy usage intensity reduced on a per square foot basis through design and implementation of a certified retrofit plan.

''(6) MULTIFAMILY BUILDING.—The term 'multifamily building'—

''(A) means—

''(i) a structure of 5 or more dwelling units located in the United States—

''(I) that is in existence and occupied on the date of the enactment of this section,

''(II) for which a certificate of occupancy has been issued at least 10 years before energy efficiency measures are placed in service, and

''(III) with a primary use as residential housing, and

''(B) includes such buildings owned and operated as a condominium, cooperative, or other common interest community.

''(7) SOURCE ENERGY.—The term 'source energy' means the total amount of raw fuel that is required to operate a commercial building or multifamily building, and accounts for losses that are incurred in the generation, storage, transport, and delivery of fuel to such a building.

''(e) TIMING OF CLAIMING DEDUCTIONS.—Deductions allowed under this section may be claimed as follows:

''(1) DESIGN DEDUCTION.—In the case of a design deduction, in the taxable year that energy efficiency measures are placed in service.

''(2) REALIZED DEDUCTION.—In the case of a realized deduction, in the second taxable year following the taxable year described in paragraph (1).

''(f) REGULATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and after notice and opportunity for public comment, the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe regulations—

''(A) for the manner and method for a licensed engineer or architect to certify retrofit plans, model projected energy savings, and calculate realized energy savings, and

''(B) notwithstanding subsection (b)(2)(C), to provide, as appropriate, for a recapture of the deductions allowed under this section if a retrofit plan is not fully implemented, or a retrofit plan and energy savings are not certified or verified in accordance with regulations prescribed under this subsection.

''(2) RELIANCE ON ESTABLISHED PROTOCOLS, ETC.—To the maximum extent practicable and available, such regulations shall rely upon established protocols and documents used in the ENERGY STAR program, and industry best practices and existing guidelines, such as the Building Energy Modeling Guidelines of the Commercial Energy Services Network (COMNET).

''(3) ALLOWANCE OF DEDUCTIONS PENDING ISSUANCE OF REGULATIONS.—Pending issuance of the regulations under paragraph (1), the owner of a commercial building or a multifamily building shall be allowed to claim or allocate a deduction allowed under this section.

''(g) NOTICE TO OWNER.—Each certification of a retrofit plan and calculation of energy savings required under this section shall include an explanation to the owner of a commercial building or a multifamily building regarding the energy-efficient measures placed in service and their projected and realized annual energy costs.

''(h) ALLOCATION OF DEDUCTION.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall promulgate a regulation to allow the owner of a commercial building or a multifamily building, including a government, tribal, or non-profit owner, to allocate any deduction allowed under this section, or a portion thereof, to the person primarily responsible for funding, financing, designing, leasing, operating, or placing in service energy-efficient measures. Such person shall be treated as the taxpayer for purposes of this section and shall include a building tenant, financier, architect, professional engineer, licensed contractor, energy services company, or other building professional.

''(2) FORM OF ALLOCATION.—An allocation made under this paragraph shall be in writing and in a form that meets the form of allocation requirements in Notice 2008–40 of the Internal Revenue Service.

''(3) PROVISION OF ALLOCATION.—Not later than 30 days after receipt of a written request from a person eligible to receive an allocation under this paragraph, the owner of a building that makes an allocation under this paragraph shall provide the form of allocation (as described in paragraph (2)) to such person.

''(4) ALLOCATION FROM PUBLIC OWNER OF BUILDING.—In the case of a commercial building or a multifamily building that is owned by a Federal, State, or local government or a subdivision thereof, Notice 2006–52 of the Internal Revenue Service, as amplified by Notice 2008–40, shall apply to any allocation.

''(i) BASIS REDUCTION.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy-efficient measures placed in service under a certified retrofit plan other than in a qualified low-income building (within the meaning of section 42), the basis of such measures shall be reduced by the amount of the deduction so allowed or so allocated.

''(j) SPECIAL RULE FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, this section shall be applied at the partner or shareholder level, subject to such reporting requirements as are determined appropriate by the Secretary.

''(k) TAX INCENTIVES NOT AVAILABLE.—

''(1) ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—Energy-efficient measures for which a deduction is allowed under this section shall not be eligible for a deduction under section 179D.

''(2) NEW ENERGY EFFICIENT HOME CREDIT.—No deduction shall be allowed under this section with respect to any building or dwelling unit with respect to which a credit under section 45L was allowed.

''(l) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Biennially, beginning with the first year after the enactment of this section, the Secretary, in conjunction with the Secretary of Energy, shall submit a report to Congress that—

''(A) explains the energy saved, the energy-efficient measures implemented, the realization of energy savings projected, and records the amounts and types of deductions allowed under this section,

''(B) explains the energy saved, the energy efficient measures implemented, and records the amount of deductions allowed under section 179D, based on the data collected pursuant to subsection (i) of such section,

''(C) determines the number of jobs created as a result of the deduction allowed under this section,

''(D) determines how the use of any deduction allowed under this section may be improved, based on the information provided to the Secretary of Energy,

''(E) provides aggregated data with respect to the information described in subparagraphs (A) through (D), and

''(F) provides statutory recommendations to Congress that would reduce energy consumption in new and existing commercial buildings located in the United States, including recommendations on providing energy-efficient tax incentives for subsections of buildings that operate with specific utility-grade metering.

''(2) PROTECTION OF TAXPAYER INFORMATION.—The Secretary and the Secretary of Energy shall share information on deductions allowed under this section and related reports submitted, as requested by each agency to fulfill its obligations under this section, with such redactions as deemed necessary to protect the personally identifiable financial information of a taxpayer.

''(3) INCORPORATION INTO DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy shall, to the maximum extent practicable, incorporate conclusions of the report under this subsection into current Department of Energy building performance and energy efficiency data collection and other reporting programs.

''(m) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2016.''.

(b) EFFECT ON DEPRECIATION ON EARNINGS AND PROFITS.—Subparagraph (B) of section 312(k)(3), as amended by this title, is amended—

(1) by striking ''or 179E'' both places it appears in clause (i) and inserting ''179E, or 179F'',

(2) by striking ''OR 179E'' in the heading and inserting ''179E, OR 179F'', and

(3) by inserting ''or 179F'' after ''section 179D'' in clause (ii)(I).

(c) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179E the following new item:

''Sec. 179F. Deduction for retrofits of existing commercial and multifamily buildings.''.

(d) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

TITLE II—HOME ENERGY IMPROVEMENTS

SEC. 201. PERFORMANCE BASED HOME ENERGY IMPROVEMENTS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 25E. PERFORMANCE BASED ENERGY IMPROVEMENTS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year for a qualified whole home energy efficiency retrofit an amount determined under subsection (b).

''(b) AMOUNT DETERMINED.—

''(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection is equal to—

''(A) the base amount under paragraph (2), increased by

''(B) the amount determined under paragraph (3).

''(2) BASE AMOUNT.—For purposes of paragraph (1)(A), the base amount is $2,000, but only if the energy use for the residence is reduced by at least 20 percent below the baseline energy use for such residence as calculated according to paragraph (5).

''(3) INCREASE AMOUNT.—For purposes of paragraph (1)(B), the amount determined under this paragraph is $500 for each additional 5 percentage point reduction in energy use.

''(4) LIMITATION.—In no event shall the amount determined under this subsection exceed the lesser of—

''(A) $5,000 with respect to any residence, or

''(B) 30 percent of the qualified home energy efficiency expenditures paid or incurred by the taxpayer under subsection (c) with respect to such residence.

''(5) DETERMINATION OF ENERGY USE REDUCTION.—For purposes of this subsection—

''(A) IN GENERAL.—The reduction in energy use for any residence shall be determined by modeling the annual predicted percentage reduction in total energy costs for heating, cooling, hot water, and permanent lighting. It shall be modeled using computer modeling software approved under subsection (d)(2) and a baseline energy use calculated according to subsection (d)(1)(C).

''(B) ENERGY COSTS.—For purposes of subparagraph (A), the energy cost per unit of fuel for each fuel type shall be determined by dividing the total actual energy bill for the residence for that fuel type for the most recent available 12-month period by the total energy units of that fuel type used over the same period.

''(c) QUALIFIED HOME ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section, the term 'qualified home energy efficiency expenditures'—

''(1) means any amount paid or incurred by the taxpayer during the taxable year for a qualified whole home energy efficiency retrofit, including the cost of diagnostic procedures, labor, and modeling,

''(2) includes only measures that have an average estimated life of 5 years or more as determined by the Secretary, after consultation with the Secretary of Energy, and

''(3) does not include any amount which is paid or incurred in connection with any expansion of the building envelope of the residence.

''(d) QUALIFIED WHOLE HOME ENERGY EFFICIENCY RETROFIT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified whole home energy efficiency retrofit' means the implementation of measures placed in service during the taxable year intended to reduce the energy use of the principal residence of the taxpayer which is located in the United States. A qualified whole home energy efficiency retrofit shall—

''(A) subject to paragraph (4), be designed, implemented, and installed by a contractor which is—

''(i) accredited by the Building Performance Institute (hereafter in this section referred to as 'BPI') or a preexisting BPI accreditation-based State certification program with enhancements to achieve State energy policy,

''(ii) a Residential Energy Services Network (hereafter in this section referred to as 'RESNET') accredited Energy Smart Home Performance Team, or

''(iii) accredited by an equivalent certification program approved by the Secretary, after consultation with the Secretary of Energy, for this purpose,

''(B) install a set of measures modeled to achieve a reduction in energy use of at least 20 percent below the baseline energy use established in subparagraph (C), using computer modeling software approved under paragraph (2),

''(C) establish the baseline energy use by calibrating the model using sections 3 and 4 and Annex D of BPI Standard BPI–2400–S–2011: Standardized Qualification of Whole House Energy Savings Estimates, or an equivalent standard approved by the Secretary, after consultation with Secretary of Energy, for this purpose,

''(D) document the measures implemented in the residence through photographs taken before and after the retrofit, including photographs of its visible energy systems and envelope as relevant, and

''(E) implement a test-out procedure, following guidelines of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent guidelines approved by the Secretary, after consultation with the Secretary of Energy, for this purpose, to ensure—

''(i) the safe operation of all systems post retrofit, and

''(ii) that all improvements are included in, and have been installed according to, standards of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent standards approved by the Secretary, after consultation with the Secretary of Energy, for this purpose.

For purposes of subparagraph (A)(iii), an organization or State may submit an equivalent certification program for approval by the Secretary, in consultation with the Secretary of Energy. The Secretary shall approve or deny such submission not later than 180 days after receipt, and, if the Secretary fails to respond in that time period, the submitted equivalent certification program shall be considered approved.

''(2) APPROVED MODELING SOFTWARE.—For purposes of paragraph (1)(B), the contractor (or, if applicable, the person described in paragraph (4)) shall use modeling software certified by RESNET as following the software verification test suites in section 4.2.1 of RESNET Publication No. 06–001 or certified by an alternative organization as following an equivalent standard, as approved by the Secretary, after consultation with the Secretary of Energy, for this purpose.

''(3) DOCUMENTATION.—The Secretary, after consultation with the Secretary of Energy, shall prescribe regulations directing what specific documentation is required to be retained or submitted by the taxpayer in order to claim the credit under this section, which shall include, in addition to the photographs under paragraph (1)(D), a form approved by the Secretary that is completed and signed by the qualified whole home energy efficiency retrofit contractor under penalties of perjury. Such form shall include—

''(A) a statement that the contractor (or, if applicable, the person described in paragraph (4)) followed the specified procedures for establishing baseline energy use and estimating reduction in energy use,

''(B) the name of the software used for calculating the baseline energy use and reduction in energy use, the percentage reduction in projected energy savings achieved, and a statement that such software was certified for this program by the Secretary, after consultation with the Secretary of Energy,

''(C) a statement that the contractor (or, if applicable, the person described in paragraph (4)) will retain the details of the calculations and underlying energy bills for 5 years and will make such details available for inspection by the Secretary or the Secretary of Energy, if so requested,

''(D) a list of measures installed and a statement that all measures included in the

reduction in energy use estimate are included in, and installed according to, standards of the applicable certification program specified under clause (i) or (ii) of subparagraph (A), or equivalent standards approved by the Secretary, after consultation with the Secretary of Energy,

''(E) a statement that the contractor (or, if applicable, the person described in paragraph (4)) meets the requirements of paragraph (1)(A), and

''(F) documentation of the total cost of the project in order to comply with the limitation under subsection (b)(4)(B).

''(4) CERTIFIED HOME ENERGY RATER.—For purposes of paragraph (1)(A), a contractor shall be deemed to have satisfied the accreditation requirement under such paragraph if the contractor enters into a contract with a person that satisfies such accreditation requirement for purposes of modeling the energy use reduction described in paragraph (1)(B).

''(e) ADDITIONAL RULES.—For purposes of this section—

''(1) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—With respect to any residence, no credit shall be allowed under this section for any taxable year in which the taxpayer claims a credit under section 25C.

''(B) RENEWABLE ENERGY SYSTEMS AND APPLIANCES.—In the case of a renewable energy system or appliance that qualifies for another credit under this chapter, the resulting reduction in energy use shall not be taken into account in determining the percentage energy use reductions under subsection (b).

''(C) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term 'qualified home energy efficiency expenditures' shall not include any expenditure for which a deduction or credit is claimed by the taxpayer under this chapter for the taxable year or with respect to which the taxpayer receives any Federal energy efficiency rebate.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(3) SPECIAL RULES.—Rules similar to the rules under paragraphs (4), (5), (6), (7), and (8) of section 25D(e) and section 25C(e)(2) shall apply, as determined by the Secretary, after consultation with the Secretary of Energy.

''(4) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(5) ELECTION NOT TO CLAIM CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.

''(6) MULTIPLE YEAR RETROFITS.—If the taxpayer has claimed a credit under this section in a previous taxable year, the baseline energy use for the calculation of reduced energy use must be established after the previous retrofit has been placed in service.

''(f) TERMINATION.—This section shall not apply with respect to any costs paid or incurred after December 31, 2016.

''(g) SECRETARY REVIEW.—The Secretary, after consultation with the Secretary of Energy, shall establish a review process for the retrofits performed, including an estimate of the usage of the credit and a statistically valid analysis of the average actual energy use reductions, utilizing utility bill data collected on a voluntary basis, and report to Congress not later than June 30, 2014, any findings and recommendations for—

''(1) improvements to the effectiveness of the credit under this section, and

''(2) expansion of the credit under this section to rental units.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended—

(A) by striking ''and'' at the end of paragraph (36),

(B) by striking the period at the end of paragraph (37) and inserting '', and'', and

(C) by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(e)(4), in the case of amounts with respect to which a credit has been allowed under section 25E.''.

(2) Section 6501(m) is amended by inserting ''25E(e)(5),'' after ''section''.

(3) The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Performance based energy improvements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred for a qualified whole home energy efficiency retrofit placed in service after December 31, 2013.

TITLE III—INDUSTRIAL ENERGY AND WATER EFFICIENCY

SEC. 301. MODIFICATIONS IN CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) MODIFICATION OF CERTAIN CAPACITY LIMITATIONS.—Section 48(c)(3)(B) is amended—

(1) by striking ''15 megawatts'' in clause (ii) and inserting ''25 megawatts'',

(2) by striking ''20,000 horsepower'' in clause (ii) and inserting ''34,000 horsepower'', and

(3) by striking clause (iii).

(b) INCREASE IN CREDIT PERCENTAGE FOR SYSTEMS WITH GREATER EFFICIENCY.—Subparagraph (A) of section 48(a)(2) is amended—

(1) by striking ''and'' at the end of subclause (III) of clause (i),

(2) by adding at the end of clause (i) the following new subclause:

''(V) combined heat and power system property the energy efficiency percentage of which (as defined in subsection (c)(3)(C)(i)) is equal to or greater than 85 percent,'',

(3) by redesignating clause (ii) as clause (iii),

(4) by striking ''clause (i)'' in clause (iii), as so redesignated, and inserting ''clause (i) or (ii)'', and

(5) by inserting after clause (i) the following new clause:

''(ii) 20 percent in the case of combined heat and power system property the energy percentage of which (as defined in subsection (c)(3)(C)(i)) is equal to or greater than 75 percent and less than 85 percent, and''.

(c) EXTENSION.—Clause (iv) of section 48(c)(3)(A) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2019''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 302. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking ''or'' at the end of clause (vi), by inserting ''or'' at the end of clause (vii), and by inserting after clause (vii) the following new clause:

''(viii) open-loop biomass (within the meaning of section 45(c)(3)) heating property, including boilers or furnaces which operate at output efficiencies of not less than 65 percent (measured by the higher heating value of the fuel) and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2016,''.

(b) 30 PERCENT AND 15 PERCENT CREDITS.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(2), as amended by this title, is amended—

(A) by redesignating clause (iii) as clause (iv),

(B) by striking ''and'' at the end of clause (ii),

(C) by striking ''clause (i) or (ii)'' in clause (iv), as so redesignated, and inserting ''clause (i), (ii), or (iii)'', and

(D) by inserting after clause (ii) the following new clause:

''(iii) 15 percent in the case of energy property described in paragraph (3)(A)(viii) to which clause (i)(VI) does not apply, and''.

(2) INCREASED CREDIT FOR GREATER EFFICIENCY.—Clause (i) of section 48(a)(2)(A), as amended by this title, is amended by striking ''and'' at the end of subclause (IV), by striking the comma at the end of subclause (V) and inserting '', and'', and by inserting after subclause (V) the following new subclause:

''(VI) energy property described in paragraph (3)(A)(viii) which operates at an output efficiency of not less than 80 percent (measured by the higher heating value of the fuel),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 303. INVESTMENT TAX CREDIT FOR WASTE HEAT TO POWER PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this title, is amended by striking ''or'' at the end of clause (vii), by striking the comma at the end of clause (viii) and inserting '', or'', and by inserting after clause (viii) the following new clause:

''(ix) waste heat to power property,''.

(b) 30-PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A), as amended by this title, is amended by striking ''and'' at the end of subclause (V), by striking the comma at the end of subclause (VI) and inserting '', and'', and by inserting after subclause (VI) the following new subclause:

''(VII) waste heat to power property,''.

(c) WASTE HEAT TO POWER PROPERTY.—Subsection (c) of section 48 is amended by adding at the end the following new paragraph:

''(5) WASTE HEAT TO POWER PROPERTY.—

''(A) IN GENERAL.—The term 'waste heat to power property' means property—

''(i) comprising a system which generates electricity through the recovery of a qualified waste heat resource, and

''(ii) which is placed in service before January 1, 2019.

''(B) QUALIFIED WASTE HEAT RESOURCE.—The term 'qualified waste heat resource' means—

''(i) exhaust heat or flared gas from an industrial process,

''(ii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented,

''(iii) a pressure drop in any gas for an industrial or commercial process, or

''(iv) such other forms of waste heat resources as the Secretary may determine.

''(C) EXCEPTION.—The term 'qualified waste heat resource' does not include any heat resource from a process whose primary purpose

is the generation of electricity utilizing a fossil fuel or the production of oil, natural gas, or other fossil fuels.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 304. MOTOR ENERGY EFFICIENCY IMPROVEMENT TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45S. MOTOR ENERGY EFFICIENCY IMPROVEMENT TAX CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the motor energy efficiency improvement tax credit determined under this section for the taxable year is an amount equal to $120 multiplied by the motor horsepower of an appliance, machine, or equipment—

''(1) manufactured in such taxable year by a manufacturer which incorporates an advanced motor and drive system into a newly designed appliance, machine, or equipment or into a redesigned appliance, machine, or equipment which did not previously make use of the advanced motor and drive system, or

''(2) placed back into service in such taxable year by an end user which upgrades an existing appliance, machine, or equipment with an advanced motor and drive system.

For any advanced motor and drive system with a total horsepower of less than 10, such motor energy efficiency improvement tax credit is an amount which bears the same ratio to $120 as such total horsepower bears to 1 horsepower.

''(b) ADVANCED MOTOR AND DRIVE SYSTEM.—For purposes of this section, the term 'advanced motor and drive system' means a motor and any required associated electronic control which—

''(1) offers variable or multiple speed operation, and

''(2) uses permanent magnet technology, electronically commutated motor technology, switched reluctance motor technology, synchronous reluctance, or such other motor and drive systems technologies as determined by the Secretary of Energy.

''(c) AGGREGATE PER TAXPAYER LIMITATION.—

''(1) IN GENERAL.—The amount of the credit determined under this section for any taxpayer for any taxable year shall not exceed the excess (if any) of $2,000,000 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years.

''(2) AGGREGATION RULES.—For purposes of this section, all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 taxpayer.

''(d) SPECIAL RULES.—

''(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—No other credit shall be allowable under this chapter for property with respect to which a credit is allowed under this section.

''(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

''(e) APPLICATION.—This section shall not apply to property manufactured or placed back into service before the date which is 6 months after the date of the enactment of this section or after December 31, 2016.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the motor energy efficiency improvement tax credit determined under section 45S.''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 45S(d)(1).''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45S. Motor energy efficiency improvement tax credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property manufactured or placed back into service after the date which is 6 months after the date of the enactment of this Act.

SEC. 305. CREDIT FOR REPLACEMENT OF CFC REFRIGERANT CHILLER.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by this title, is amended by adding at the end the following new section:

''SEC. 45T. CFC CHILLER REPLACEMENT CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the CFC chiller replacement credit determined under this section for the taxable year is an amount equal to—

''(1) $150 multiplied by the tonnage rating of a CFC chiller replaced with a new efficient chiller that is placed in service by the taxpayer during the taxable year, plus

''(2) if all chilled water distribution pumps connected to the new efficient chiller include variable frequency drives, $100 multiplied by any tonnage downsizing.

''(b) CFC CHILLER.—For purposes of this section, the term 'CFC chiller' includes property which—

''(1) was installed after 1980 and before 1993,

''(2) utilizes chlorofluorocarbon refrigerant, and

''(3) until replaced by a new efficient chiller, has remained in operation and utilized for cooling a commercial building.

''(c) NEW EFFICIENT CHILLER.—For purposes of this section, the term 'new efficient chiller' includes a water-cooled chiller which is certified to meet efficiency standards effective on January 1, 2015, as defined in table 6.8 in Standard 90.1-2013 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

''(d) TONNAGE DOWNSIZING.—For purposes of this section, the term 'tonnage downsizing' means the amount by which the tonnage rating of the CFC chiller exceeds the tonnage rating of the new efficient chiller.

''(e) ENERGY AUDIT.—As a condition of receiving a tax credit under this section, an energy audit shall be performed on the building prior to installation of the new efficient chiller, identifying cost-effective energy-saving measures, particularly measures that could contribute to chiller downsizing. The audit shall satisfy criteria that shall be issued by the Secretary of Energy.

''(f) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a CFC chiller replaced by a new efficient chiller the use of which is described in paragraph (3) or (4) of section 50(b), the person who sold such new efficient chiller to the entity shall be treated as the taxpayer that placed in service the new efficient chiller that replaced the CFC chiller, but only if such person clearly discloses to such entity in a document the amount of any credit allowable under subsection (a) and the person certifies to the Secretary that the person reduced the price the entity paid for such new efficient chiller by the entire amount of such credit.

''(g) TERMINATION.—This section shall not apply to replacements made after December 31, 2017.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by this title, is amended by striking ''plus'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', plus'', and by adding at the end the following new paragraph:

''(38) the CFC chiller replacement credit determined under section 45T.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this title, is amended by adding at the end the following new item:

''Sec. 45T. CFC chiller replacement credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to replacements made after the date of the enactment of this Act.

SEC. 306. QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT CREDIT.

(a) IN GENERAL.—Section 46 is amended by inserting a comma at the end of paragraph (4), by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) the qualifying efficient industrial process water use project credit.''.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

''SEC. 48E. QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT CREDIT.

''(a) IN GENERAL.—

''(1) ALLOWANCE OF CREDIT.—For purposes of section 46, the qualifying efficient industrial process water use project credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to any qualifying efficient industrial process water use project of the taxpayer.

''(2) APPLICABLE PERCENTAGE.—For purposes of subsection (a)—

''(A) IN GENERAL.—The applicable percentage is—

''(i) 10 percent in the case of a qualifying efficient industrial process water use project which achieves a 25 percent or greater (but less than 50 percent) reduction in water use for industrial purposes,

''(ii) 20 percent in the case of a qualifying efficient industrial process water use project which achieves a 50 percent or greater (but less than 75 percent) reduction in water use for industrial purposes, and

''(iii) 30 percent in the case of a qualifying efficient industrial process water use project which achieves a 75 percent or greater reduction in water use for industrial purposes.

''(B) WATER USE.—For purposes of subparagraph (A)—

''(i) MEASUREMENT OF REDUCTION IN WATER USE.—

''(I) IN GENERAL.—The taxpayer shall elect one of the methods specified in clause (ii) for measuring the reduction in water use achieved by a qualifying efficient industrial process water use project.

''(II) IRREVOCABLE ELECTION.—An election under subclause (I), once made with respect to a qualifying efficient industrial process water use project, shall apply to the taxable year for which made and all subsequent taxable years, and may not be revoked.

''(III) PROJECTED SAVINGS.—The credit under subsection (a) may be claimed on the basis of a reduction in water use which is projected, by a registered professional engineer who is not a related person (within the meaning of section 144(a)(3)(A)) to the taxpayer or the installer of eligible property, to be achieved by a qualifying efficient industrial process water use project. Such projection, if used as a basis for determining the credit under subsection (a), shall be included with the return of tax.

''(ii) METHODS SPECIFIED.—The methods specified in this clause are—

''(I) a measurement of the percentage reduction in water use per unit of product manufactured by the taxpayer, and

''(II) a measurement of the percentage reduction in water use per pound of product manufactured by the taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying efficient industrial process water use project.

''(2) EXCEPTIONS.—Such term shall not include any portion of the basis related to—

''(A) permitting,

''(B) land acquisition, or

''(C) infrastructure not directly associated with the implementation of the technology or process improvements of the qualifying efficient industrial process water use project.

''(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(4) SPECIAL RULE FOR SUBSIDIZED ENERGY FINANCING.—Rules similar to the rules of section 48(a)(4) (without regard to subparagraph (D) thereof) shall apply for purposes of this section.

''(5) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying efficient industrial process water use project with respect to any site shall not exceed $10,000,000.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFYING EFFICIENT INDUSTRIAL PROCESS WATER USE PROJECT.—

''(A) IN GENERAL.—The term 'qualifying efficient industrial process water use project' means, with respect to any site, a project which retrofits or expands an existing facility to implement technology or process improvements which are designed to reduce water use for systems that use any form of water in the production of goods in the manufacturing sector (as defined in North American Industrial Classification System codes 31, 32, and 33), including any system that uses water for heating, cooling, or energy production for the production of goods in the trade or business of manufacturing (other than extraction of fossil fuels). Such term shall not include a project which alters an existing facility to change the type of goods produced by such facility.

''(B) SYSTEMS.—For purposes of subparagraph (A), the term 'system' does not include any system which does not encompass 1 or more complete processes.

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property—

''(A) which is part of a qualifying efficient industrial process water use project and which is necessary for the reduction in water use described in paragraph (1),

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

''(3) WATER USE.—

''(A) IN GENERAL.—The term 'water use' means all water taken for use at the site directly from ground and surface water sources together with any water supplied to the site by a regulated water system.

''(B) REGULATED WATER SYSTEM.—The term 'regulated water system' means a system that supplies water that has been treated to potable standards.

''(d) TERMINATION.—This section shall not apply to periods after December 31, 2017, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by adding at the end the following new clause:

''(vii) the basis of any property which is part of a qualifying efficient industrial use water project under section 48E.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48D the following new item:

''Sec. 48E. Qualifying efficient industrial process water use project credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

Mrs. FEINSTEIN. Mr. President, I rise to join Senators CARDIN and SCHATZ in introducing the Energy Efficiency Tax Incentives Act.

This bill has been drafted cooperatively, and my colleagues have been especially accommodating of changes requested by California's experts. I thank them for their hard work on this bill.

This legislation revises and extends energy efficiency tax incentives for homes, commercial buildings, and industrial facilities.

The bill continues the effort for energy efficiency improvements that I began with Senator Bob Smith of New Hampshire in 2001. I was proud to pass that legislation with Senator Snowe in 2005.

The Energy Efficiency Tax Incentives Act builds on that law by reforming tax code incentives to implement a performance-based regime in which incentives grow larger as energy efficiency increases.

The policy improvements in this bill were recommended by energy efficiency experts.

This bill establishes energy and water efficiency incentives for commercial buildings and industrial facilities, about which Senator CARDIN and Senator SCHATZ have focused their remarks.

I would like to focus on a different provision in the bill: tax credits for home renovations that will increase energy efficiency of homes by at least 20 percent.

The tax credit would increase in size with every 5 percent of additional energy efficiency improvement achieved.

Homeowners who improve the efficiency of their home by more than 50 percent will qualify for a maximum credit of $5,000.

In addition to increased energy efficiency, this bill helps address the continued double digit unemployment in the construction sector.

It is clear that we need policies that will help put the construction industry back to work, but with 10 percent of homes still vacant, any stimulation of new-home construction could make the situation worse.

That is why this bill is so creative—it stimulates the construction industry by incentivizing the renovation of existing homes.

This bill creates tax incentives for energy efficiency home renovation based on the energy performance of the home, rather than just the cost of the equipment.

Current policy allows homeowners to claim credits for the purchase of energy efficient insulation, windows, doors, heaters, air conditioners and water heaters. That approach is expensive, costing about $2 billion per year.

By restructuring the credit to apply to whole-home energy renovations that reward energy efficiency performance, this proposal has the potential to increase effectiveness while substantially lowering the cost to the U.S. Treasury.

This legislation also includes provisions to promote effectiveness and prevent abuse. The contractor carrying out the work must sign an affidavit certifying the work was done, as well as submit photographs of the work. Additionally, the contractor must use certified, computer-based energy efficiency measurement tools.

The credit would be limited to renovations of primary residences that do not increase the size of the home. The credit would be capped at 30 percent of the cost of renovation in order to prevent homeowners from making large claims for relatively inexpensive renovations.

Since it is a tax credit, all claims would be subject to IRS audits.

In addition to incentivizing energy efficiency improvements, the bill also creates an Industrial Process Water Use Project Credit.

This is a technology-neutral, performance-based tax credit for implementing efficiency measures to reduce the use of water in the manufacturing sector.

In a state like California, which frequently faces very dry conditions, rewarding water conservation and efficiency measures is beneficial.

Much like the energy provisions, the bill increases the tax incentives as water savings grow.

The incentive begins with a 10 percent tax credit for implementing efficiency measures that achieve at least

25 percent reduction in water use. The tax credit then increases by 10 percent for each 25 percent additional water savings, with a 30 percent maximum.

This bill is important because it will help incentivize the construction industry to upgrade buildings across the country.

The 113 million homes in America account for 22 percent of the U.S. energy use, according to the Department of Energy. And 4.8 million commercial and 350,000 industrial facilities account for an additional 18 percent.

These buildings also account for 27 percent of carbon dioxide emissions in the United States, according to the Energy Information Administration.

Experts and scientists believe improving energy efficiency is one of the most cost-effective ways to combat climate change and reduce greenhouse gas emissions.

A recent McKinsey & Co. study concluded that maximizing energy efficiency for homes and commercial buildings could help reduce U.S. energy consumption by 23 percent by 2020.

This is a jobs bill that also rewards energy and water efficiency renovations. It will lead to more jobs in the construction sector, an increase in energy efficiency, a reduction in pollution, and an expansion of the market for efficient technology and products.

This bill is supported by the Alliance to Save Energy, Efficiency First, the American Council for an Energy Efficient Economy, and the Natural Resource Defense Council.

This sort of investment—putting Americans back to work to upgrade the country's infrastructure—is the type of legislation on which Congress should be spending more time.

Mr. SCHATZ. Mr. President, I rise today to discuss the important role that energy efficiency plays in our transition to a clean energy economy, and the importance of supporting energy efficiency efforts with strong Federal policy. Today, Senators CARDIN, FEINSTEIN, and I introduced comprehensive legislation, called the Energy Efficiency Tax Incentives Act of 2014, to reform, improve, and extend crucial tax incentives for energy efficiency. Our legislation focuses on three key sectors: commercial buildings, homes, and industry and manufacturing. My colleagues have spoken ably about the first two already today, and I would like to spend a few moments discussing the third title of this bill.

This bill would create targeted, nonpermanent incentives to help the U.S. industrial sector become more globally competitive by employing smart technological improvements to reduce energy use and encourage water reuse.

We have continually seen the eagerness of U.S. industries to innovate and improve the processes by which they produce countless high-quality goods. This set of incentives will help U.S. manufacturers accelerate and expand cutting-edge ideas while also reducing costs.

Industrial and manufacturing facilities have processes specific to each industry and even to each facility. Therefore, industrial efficiency improvements must be focused on these processes, not building retrofits like we see in commercial and residential efficiency measures. My colleagues and I have worked to develop incentives that target energy-intensive processes common to the industrial sector. They include advanced motors, water reuse, combined heat and power and waste heat recovery, thermal biomass, and efficient chillers. I would like to take a few moments to describe the various sections of the industrial efficiency title of the bill.

On average, motors account for over 65 percent of an industrial energy user's electricity use, according to analysis by the International Energy Agency. This bill creates a credit for advanced industrial use motors, including variable speed motors. New advances in power electronics and controls over the past 5 years have advanced the potential for new smart motor technologies to provide a significant energy savings potential if these new motors are placed widely into service.

According to the National Water Reuse Association, the U.S. currently reuses only 7.3 percent of its water, and there is significant potential for gains in this area. The industrial sector, which is responsible for 62.5 percent of domestic freshwater withdrawals, is an ideal place to introduce transformative water reuse and water saving technologies. The bill would create a technology-neutral, performance-based investment tax credit for reuse, recycling, and/or efficiency measures related to industrial water reuse in the manufacturing sector.

A recent Department of Energy study estimates that achieving the President's goal of 40 gigawatts of Combined Heat and Power, also known as CHP, would save energy users $10 billion a year compared to current energy use. In 2008, Congress enacted a 10 percent investment tax credit for combined heat and power systems. The bill would expand that credit's applicability, from the first 15 megawatts to the first 25 megawatts of system capacity. The bill would also remove the existing overall system size cap of 50 megawatts, allowing a greater number of combined heat and power projects to be financially viable and move forward. Finally, the bill would create two new tiers of the credit for CHP systems that achieve especially high efficiency levels. By encouraging adoption of CHP and waste heat recovery technologies, this bill is a common-sense set of incentives that will help manufacturers to become more efficient, reduce energy costs, create highly skilled jobs, and ensure the delivery of reliable power.

New technologies have developed recently that can take advantage of low-grade heat sources. Called Waste Heat to Power, these systems can achieve even greater levels of efficiency from industrial and manufacturing applications.

Currently no incentives exist to promote thermal-only biomass use for commercial and industrial applications. Using biomass for thermal applications has numerous advantages over using biomass to produce electricity. Thermal use is significantly more efficient, less polluting, and more appropriately-scaled to biomass resources.

Finally, large water-cooled chillers are the engines of air-conditioning systems for almost all large buildings. This bill would establish a tax credit that incentivizes the replacement of older chillers that still use environmentally harmful CFC refrigerants with chillers that are both more efficient and use fewer harmful chemicals.

Recent years have seen a resurgence in American industry and manufacturing. As we work to get our economy back on track, become more competitive globally, and fight climate change, we should consider robust efficiency incentives for our industrial sector as a crucial tool in achieving those goals.

I would like to commend my colleagues Senator CARDIN and Senator FEINSTEIN for their hard work on this bill. It represents the latest thinking in terms of straightforward, performance-based technology-neutral, nonpermanent efficiency incentives. As we aim to improve efficiency in the industrial, commercial building, and residential sectors, I urge my colleagues in the Senate to support this critical bill.

By Mr. ROBERTS (for himself, Mr. INHOFE, Mr. COCHRAN, Mr. MORAN, Mr. WICKER, Mr. ENZI, and Mr. CHAMBLISS):

S. 2191. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage, and for other purposes; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I come to the floor today to speak about ObamaCare and what I have long believed is a march to rationing of health care.

The ObamaCare bill and the accompanying regulations now tower over 7 feet—1 foot above where I stand—when stacked together, and they have provision after provision that will deny patients the care they want, the care they need to ensure they get the life-sustaining and lifesaving treatments that are best for them.

These rationing elements in ObamaCare have been documented by a recent report of the National Right to Life Committee's Powell Center for Medical Ethics. This study is entitled ''The Affordable Health Care Act and Health Care Access in the United States.''

Perhaps most egregious about ObamaCare is that it directly inserts the Federal Government into the personal lives of Americans, their families, and their doctors.

We all know about the individual mandate that coerces people into purchasing a product they may not want by threatening to tax them. And I have often spoken about my personal nemesis in the rationing board that I am going to bring up—the Independent Payment Advisory Board, IPAB. This is a board made up of 18—15 voting and 3 nonvoting—all unelected bureaucrats who will decide what gets to stay and what must go in Medicare coverage. They will decide which treatments and services will be covered and which will not. And there is no accountability whatsoever. It would, in fact, take a two-thirds majority of the U.S. Senate to undo any of their actions. As a result, this board diminishes our constitutional responsibility.

This President has already raided half a trillion dollars from Medicare to pay for ObamaCare, and then he gave himself the ability to go after even more Medicare dollars without any accountability. This, my friends, is frightening. It is irresponsible. But there is more.

It is conceivable that the Independent Payment Advisory Board won't just limit Medicare access; it will also propose ways for the Federal Government to limit what Americans of all ages are allowed to spend out of their own private money—not taxpayer funds—to save the lives and health of their families.

Shocking but true: ObamaCare tells bureaucrats on the board to make sure we are not even allowed to keep up with medical inflation. Further, it is conceivable that the board will suggest ways for the Federal Government to impose so-called quality and efficiency standards on doctors and hospitals with the purpose of limiting the health care we can get.

So here is the deal: If a doctor dares to give her patient treatment beyond what those standards allow, the doctor will be punished. That doctor will be excluded from all of the health insurance plans qualified under ObamaCare. Unbelievably, under ObamaCare, Washington bureaucrats can dictate one uniform standard of health care that is designed to limit what private citizens are allowed to spend out of their own money to save their own lives.

But the Independent Payment Advisory Board isn't the only rationing provision in the ObamaCare or Affordable Healthcare Act. If only. ObamaCare also has a Cadillac tax for having too much health care coverage. Patients all across America need to know there is a provision of ObamaCare that punishes them and their employer if they provide coverage that is above the arbitrary limits imposed by the Federal Government. This is an additional 40-percent tax on individuals who need more expensive treatments and coverage oftentimes essential to battle life-threatening illnesses. Even worse, these ObamaCare limits were drafted in a way they will never be able to keep up with medical inflation. This means insurance companies will have to cut back even more on patient treatments and services or people will be forced to pay an incredibly higher tax.

What about those individuals who are already suffering from life-threatening illnesses who really need the care? This is why we should pass the legislation I am offering.

Do Americans know that there is a provision in ObamaCare that lets the Federal Government—not them and not their employer—decide if coverage is ''excessive or unjustified''? This isn't government-subsidized coverage in the exchanges, nor is it the federally funded Medicare and Medicaid coverage. This is their own and their employees' private money—their money. The Federal Government is given the authority to decide if the way it is being spent is excessive or unjustified, and they are going to do it through the provision of ObamaCare that allows the Obama administration to review premiums by pressuring private insurance companies to stop offering coverage or face adverse government consequences.

So far we have talked about the private coverage, but there are also similar provisions for seniors' coverage. It wasn't bad enough that the President diverted one-half trillion dollars from Medicare to pay for ObamaCare to begin with, he also granted the Department of Health and Human Services the authority to deny private market-offered coverage for services and treatments that could save your life. Before ObamaCare these private market programs such as the prescription drug program and Medicare Advantage could allow seniors to add their own money to purchase coverage they want and need beyond what the government will pay. ObamaCare allows Washington bureaucrats to deny that choice.

Folks, this isn't how we should be treating our seniors. It isn't how we should be treating people who need access to life-saving treatment and services. This isn't how we should be treating anybody.

That is why today I come to the floor to introduce the Repeal Rationing in Support of Life Act of 2014. My legislation repeals these provisions that allow the Federal Government to intercede on very personal decisions. It repeals the provisions that authorize rationing boards to deny patients the ability to access the care that may save their lives.

This legislation is relatively simple and should be supported by all of my colleagues to address some of the egregious changes from the Affordable Care Act that patients should be aware of but that many don't even know exist. This is down the road. We are trying to stay ahead of the curve. That is why I am introducing this legislation.

This legislation builds upon my Restoring Access to Medication Act. This bill repeals the provision of ObamaCare limiting a patient's right to purchase over-the-counter products with their own money. It is also a continuation of my efforts that I discussed when introducing the Four Rationers Repeal Act many times on this floor. It repeals the Independent Payment Advisory Board. It repeals the euphemistically but misleadingly named Innovation Center. It repeals the changes made to the Preventive Services Task Force and makes sure any comparative effectiveness research is used by the doctor and the patient, not coverage providers or CMS, to determine the best care for patients, not simply try to lower costs.

I really believe that in order to protect this all-important doctor-patient relationship we need to repeal and most importantly to replace ObamaCare with the real reforms that work for Kansans and all Americans. However, until we can accomplish full repeal we at least need to ensure we are protecting the life-saving care and treatment that Americans need by attacking the elements of ObamaCare that ration care, and passing the Repeal Rationing and Support of Life Act of 2014. I urge my colleagues to support this proposal and take the steps necessary to protect the lives of their constituents.

By Mr. ALEXANDER (for himself, Mr. MCCONNELL, Mr. ISAKSON, and Mr. PAUL):

S. 2193. A bill to amend the Horse Protection Act to provide increased protection for horses participating in shows, exhibitions, or sales, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ALEXANDER. Mr. President, today I am introducing a bill with Senators McConnell, Isakson and Paul that will preserve the Tennessee Walking Horse tradition while stopping the contemptible practice of illegal soring.

The Horse Protection Act Amendments Act of 2014, will preserve the century-old Tennessee Walking Horse tradition and stop the contemptible practice of illegal soring.

This legislation builds upon a bill introduced in the House of Representatives by Congressman MARSHA BLACKBURN that has support of 11 other congressmen and the American Farm Bureau. The Tennessee Farm Bureau commented about Congressman BLACKBURN's bill in a letter to me that said her legislation would ''allow the vast majority of horse owners, trainers and breeders and those who play by the rules to confidently participate in the horse shows.''

A competing bill, advocated by the Humane Society of the United States, has also been introduced in the Senate and would ban many industry-standard training and show devices. This legislation has been described by the Performance Show Horse Association as legislation that would ''do little more than create another layer of bureaucracy at the USDA while denying horse enthusiasts the opportunity'' to participate in competitions that are the

basis of the Tennessee Walking Horse industry.

The Humane Society Bill goes too far. In baseball, if a player illegally uses steroids, you punish the player—you don't shut down America's national pastime. With Tennessee Walking Horse shows, when trainers, owners or riders illegally sore a horse, we should find a more effective way to punish and stop them—not shut down one of Tennessee's most treasured traditions. The problem with the Humane Society bill is that it destroys a Tennessee tradition known around the world.

Julius Johnson, Commissioner of Agriculture for Tennessee, said that the Humane Society legislation will, ''damage the industry significantly and potentially eliminate the performance horse all together.''

When I first went to Japan in 1979 to recruit Nissan, the Tennessee Walking Horse was one of the things the Japanese knew best about our state. In fact, the emperor had his own Walking Horse because it has an enjoyable gait that makes riding a more pleasurable experience. When the first major supplier of Nissan, Calsonic, came to Shelbyville, the company's gift to Tennessee was Calsonic Arena, where the Tennessee Walking Horse National Celebration is held.

In 2013 the Tennessee Walking Horse tradition included more than 360 affiliated shows, and it featured more than 220,000 registered horses nationwide, including more than 55,000 in Tennessee, according to the Tennessee Walking Horse Association.

Our goal is to find a way to preserve the Tennessee Walking Horse tradition and stop the cruelty to horses. We need a balanced approach, and that is what this bill provides.

This legislation takes four primary steps to preserve the Tennessee Walking Horse tradition while ending the illegal practice of soring. The bill would create consistent oversight by consolidating the numerous ''horse industry organizations'' that currently handle inspections into one organization overseeing inspections, governed by a board. The board would be composed of appointees by the States of Tennessee and Kentucky, as well as experts in the Tennessee Walking Horse industry.

Next the bill requires the use of objective, scientific testing to determine whether trainers, riders or owners are using soring techniques. Examples of this objective testing include blood samples and swabbing the horse for chemicals used to sore a horse.

Lastly, the legislation would ensure the integrity of horse inspectors by instructing the horse industry organization to establish requirements to prevent conflicts of interest with trainers, breeders and owners involved in showing the Tennessee Walking Horse.

We have proposed three improvements to the legislation introduced in the House. First, the new consolidated horse industry organization would be required to identify and contract with equine veterinary experts to advise the horse industry organization on testing methods and procedures, as well as the certification of test results.

Next the legislation creates a suspension period for horses that are found to be sore. Owners whose horses are found to be sore will have their horses suspended from showing for 30-days for the first offense, with additional offenses requiring 90-day suspensions. This is on top of existing penalties already in the Horse Protection Act. For a first time offense a person could spend one-year in jail and also pay a $3000 fine. For a second or future offense a person could spend two-years in jail and also pay a fine of $5000.

Lastly, the legislation creates four-year term limits for board members of the horse industry organization that would oversee inspections.

We can end the contemptible practice of illegal soring without shutting down the century-old tradition of the Tennessee Walking Horse. I urge my colleagues to carefully consider this legislation and the balanced approach it provides.

By Mr. CRUZ:

S. 2195. A bill to deny admission to the United States to any representative to the United Nations who has engaged in espionage activities against the United States, poses a threat to United States national security interests, or has engaged in a terrorist activity against the United States; to the Committee on the Judiciary.

Mr. CRUZ. Mr. President, I rise today to draw attention to an extraordinarily dangerous situation that our country faces under current law, which allows no terrorists to be granted visas to the United States under the cover of being ambassadors to the United Nations.

The President of the Islamic Republic of Iran, Hasan Ruhani, has recently announced that Hamid Aboutalebi is his new ambassador to the U.N., which is, of course, headquartered in Manhattan, NY, and a visa application has been duly filed. In most cases—indeed, until now, in all cases—such applications for ambassadors have been granted in accordance with article 13 of the United Nations charter, but Mr. Aboutalebi's is a special case, as he was a member of The Muslim Students following the Imam's Line, the group who held 52 Americans hostage in Tehran for 444 days from 1979 to 1981. He protests that his involvement was limited to translation and negotiation, but he was sufficiently involved for the Muslim Students organization, which is still active, to feature to this day his photo on their official Web site celebrating that historic outrage against the United States of America. Now the Obama administration is considering granting this person a visa to come to the United States. I have to wonder—as did CIA Director Stansfield Turner in the movie ''Argo''—you don't have a better bad idea than this?

It is unconscionable that in the name of international diplomatic protocol, the United States would be forced to host a foreign national who showed a brutal disregard of the status of diplomats when they were stationed in his country. This person is an acknowledged terrorist.

In his January 23, 1980, State of the Union Address, then-President Jimmy Carter called the hostages ''innocent victims of terrorism'' and their captivity an act of ''international terrorism.'' I do not believe that anyone—beyond perhaps the Supreme Leader in Tehran—has debated President Carter's characterization since then, nor do I think I have ever agreed more emphatically with President Carter.

It is therefore necessary to amend the statute that currently gives the President the discretion to reject an applicant on the ground that he or she, as it currently states, has engaged in espionage against the United States and poses a national security threat.

The legislation I am introducing, S. 2195, will require the President to deny a U.N.-related applicant a visa if the President determines the applicant has engaged in terrorist activity against the United States, has engaged in espionage against the United States, or poses a national security threat to the United States.

I will note that I very much appreciated the kind comments and the impassioned support for this legislation from the senior Senator from South Carolina.

This legislation speaks to the larger issue of whom we have to let into this country. How would we feel, for example, if the Taliban had sent Osama bin Laden to be an ambassador to the United Nations from Afghanistan or how would we feel if some other country sent an ambassador who was complicit in the terrorist attack that murdered 220 marines, 18 sailors, and 3 soldiers in Beirut in 1983 or how would we feel if another country sent as an ambassador someone who was complicit in the terrorist attack on Khobar Towers that murdered 19 airmen in 1996, to name but a few potential examples? None of these examples would necessarily meet the current statutory requirement of having engaged in espionage. They murdered or kidnapped or tortured innocent Americans, but they didn't necessarily engage in a specific act of espionage. But all unequivocally should be excluded. This legislation would ensure that such people can never use the United Nations to gain entry into the United States.

I had intended this afternoon to ask the Senate for unanimous consent to pass this legislation to change the standard so that we could exclude a known terrorist from entry into this country. However, I am pleased to report that I have been told there is a real possibility of bipartisan cooperation on this—a real possibility that both sides of the aisle will work together to expeditiously change this law

so we can keep this known terrorist out of the United States. I am encouraged by that possibility of cooperation. I hope it comes to fruition. And I hope this week we see the Senate act in a bipartisan way and in a unanimous way to change this law to exclude this known terrorist.

I wish to make a broader point. This nomination is willfully, deliberately insulting and contemptuous. It is not an accident that Ruhani picked a known terrorist who held Americans hostage to send to our country. I would suggest that this action should serve as a wake-up call that the regime in Tehran is directed by the same policies that resulted in the hostage crisis in the first place.

There has been considerable optimism expressed by the Obama administration in the months following the election of President Ruhani that Iran is somehow softening its position toward the West, that Ruhani is somehow a moderate and is acting as a good-faith partner in its negotiations over its nuclear program. This nomination should dispel those illusions. And the professed optimism of this administration flies in the face of reason.

On the eve of the first round of these talks in November, the Revolutionary Guard transferred American pastor Saeed Abedini, unjustly incarcerated simply for professing his Christian faith, from the Evan Prison to the even more brutal Rajai Shahr Prison, carefully selecting the date of that transfer to be the anniversary of the hostage crisis—what they call ''Death to America'' day in Iran.

After the joint plan of action was agreed to in late November, which one of our closest allies has rightly assessed as a ''very, very bad deal''—a historic mistake—President Ruhani triumphantly tweeted—in English, no less—that in the Geneva agreement, ''world powers had surrendered to Iran's will.'' These are hardly the words of a friend.

Last February the Iranian Government released a statement declaring that the Nation of Israel is ''a cancerous tumor that must be removed.'' These are not the words of a rational negotiating partner.

The choice of Mr. Aboutalebi for ambassador to the United Nations once again demonstrates that the same militant hatred of America that has dominated Iran's foreign policy since the revolution continues to flourish unabated. Indeed, there is a reason Iran refers to Israel as the ''Little Satan'' and America as the ''Great Satan.''

It is astonishing, it is dismaying, it is dangerous that the administration continues to engage in these talks given the clear and consistent message of hostility coming out of Tehran.

The legislation I am introducing will take the first step by establishing that there are no circumstances under which the perpetrators of the hostage crisis—those who have committed overt acts of war against America—will be welcomed into the United States. This action should be followed by the President suspending the Geneva negotiations unless and until Iran not only ceases this behavior but also ceases all enrichment activities and dismantles their nuclear program in its entirety. Then and only then should there be meaningful dialogue between our two countries.

In 1979 our citizens had to wait more than a year—during which they were tortured by their captors—before they were finally released on January 20, 1981—not coincidentally on the very day on which Ronald Reagan was inaugurated as President.

I am encouraged at the prospect of bipartisan cooperation so that we can stand together as a unanimous Senate against allowing a known terrorist into the United States who has participated in acts of war against our Nation. We should not extend the ordeal of those hostages even further by tolerating this most recent outrage on the part of Iran.

One of the former hostages, Barry Rosen, called the possibility that the United States might grant the visa application a ''disgrace,'' and he said, ''It may be [setting] a precedent but if the President and Congress don't condemn this act by the Islamic Republic, then our captivity and suffering at the hands of Iran was for nothing.''

I believe it is well worth setting a precedent to show the world that whatever smiling mask is on the other side of the table in Geneva, the true face of Tehran remains the terrorist who took our people hostage 35 years ago, whom they are now attempting to send to America under the auspices of being an ambassador. Instead, I believe we should stand together in saying that a known terrorist who has carried out acts of war against America will, in Mr. Rosen's words, ''never set foot on American soil.'' I hope we can stand together behind this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 408—SUPPORTING THE DESIGNATION OF APRIL AS ''PARKINSON'S AWARENESS MONTH''

Ms. STABENOW (for herself, Mr. UDALL of Colorado, Mr. JOHANNS, and Ms. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 408

Whereas Parkinson's disease is a chronic, progressive, and neurological disease and is the second most common neurodegenerative disease in the United States;

Whereas there is inadequate data on the incidence and prevalence of Parkinson's disease, but the disease affects an estimated 500,000 to 1,500,000 individuals in the United States and the prevalence of such disease is estimated to more than double by 2040;

Whereas according to the Centers for Disease Control and Prevention, Parkinson's disease is the 14th leading cause of death in the United States and the age-adjusted death rate for individuals with Parkinson's disease increased 2.9 percent from 2010 to 2011;

Whereas every day, Parkinson's disease greatly impacts millions of individuals in the United States who are caregivers, family members, and friends of individuals with Parkinson's disease;

Whereas the economic burden of Parkinson's disease is an estimated $14,400,000,000 each year, including indirect costs to patients and family members of $6,300,000,000 each year;

Whereas although research suggests that the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and the exact progression of the disease remain unknown;

Whereas an objective test or biomarker for diagnosing Parkinson's disease does not exist, and the rate of misdiagnosis for the disease is high;

Whereas the symptoms of Parkinson's disease vary from person to person and include tremors, slowness of movement, rigidity, difficulty with balance, swallowing, chewing, and speaking, cognitive impairment, dementia, mood disorders (such as depression and anxiety), constipation, skin complications, and sleep difficulties;

Whereas a cure, therapy, or drug to slow or halt the progression of Parkinson's disease does not exist;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects, and such medications ultimately lose effectiveness, leaving the patient unable to move, speak, or swallow; and

Whereas developing more effective treatments for Parkinson's disease with fewer side effects and ultimately finding a cure for the disease require increased education and research: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as ''Parkinson's Awareness Month'';

(2) supports the goals and ideals of ''Parkinson's Awareness Month'';

(3) continues to support research to develop more effective treatments for Parkinson's disease and to ultimately find a cure for the disease; and

(4) commends the dedication of State, local, regional, and national organizations, volunteers, researchers, and millions of individuals in the United States working to improve the quality of life for individuals with Parkinson's disease and the families of such individuals.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2885. Mr. BLUNT (for himself, Mr. MCCONNELL, Mr. INHOFE, Mr. THUNE, Mr. CORNYN, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 2886. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2887. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2888. Mr. COBURN (for himself, Mr. FLAKE, Mr. KING, and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2889. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2890. Mr. INHOFE (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. THUNE, Mr. BARRASSO, Mr. BLUNT, Mr. VITTER, Mr. HOEVEN, Mr. CRAPO, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CRUZ, Mr. FLAKE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. RISCH, Mr. SCOTT, Mr. SHELBY, Mr. ENZI, Mr. COCHRAN, Mr. LEE, Mr. JOHANNS, Mr. ROBERTS, Mr. WICKER, Mr. BOOZMAN, Mr. BURR, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2149, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table.

SA 2891. Mr. HOEVEN (for himself, Mr. BARRASSO, Ms. MURKOWSKI, Mr. INHOFE, Mr. VITTER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table.

SA 2892. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2893. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2894. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2895. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2896. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2897. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2898. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2899. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2900. Mr. COATS (for himself, Ms. AYOTTE, Mr. TOOMEY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill .R. 3979, supra; which was ordered to lie on the table.

SA 2901. Mr. INHOFE (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. THUNE, Mr. BARRASSO, Mr. BLUNT, Mr. VITTER, Mr. CRAPO, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CRUZ, Mr. FLAKE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. RISCH, Mr. SCOTT, Mr. SHELBY, Mr. ENZI, Mr. COCHRAN, Mr. LEE, Mr. JOHANNS, Mr. ROBERTS, Mr. WICKER, Mr. BOOZMAN, Mr. BURR, Mr. GRAHAM, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2902. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2903. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2904. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2905. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2906. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2907. Mr. BLUNT (for himself, Mr. MCCONNELL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2908. Mr. COBURN (for himself, Mr. FLAKE, Mr. KING, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2909. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2910. Mr. MCCONNELL (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2911. Mr. MORAN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2912. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2913. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2914. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2915. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2916. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2917. Mr. SESSIONS (for himself, Mr. GRASSLEY, Mr. LEE, Mr. VITTER, Mr. ENZI, Mr. BOOZMAN, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2918. Mr. REID submitted an amendment intended to be proposed to amendment SA 2922 submitted by Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK) and intended to be proposed to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2919. Mr. REID submitted an amendment intended to be proposed to amendment SA 2922 submitted by Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK) and intended to be proposed to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2920. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2921. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2922. Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2923. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2924. Mr. LEE (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2925. Mr. LEE (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2926. Mr. COATS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2927. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2928. Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2929. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2930. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2931. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2932. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2933. Mr. FLAKE (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the

bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2934. Mr. FLAKE (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2935. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2936. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2937. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2938. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2939. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2940. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2941. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2942. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2943. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2944. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2945. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2946. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2947. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2948. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2949. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2950. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2951. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2952. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2953. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2954. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2955. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, supra; which was ordered to lie on the table.

SA 2956. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 371, honoring the legacy and accomplishments of Jan Karski on the centennial of his birth.

SA 2957. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 371, supra.

TEXT OF AMENDMENTS

SA 2885. Mr. BLUNT (for himself, Mr. MCCONNELL, Mr. INHOFE, Mr. THUNE, Mr. CORNYN, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. POINT OF ORDER AGAINST LEGISLATION THAT WOULD CREATE A TAX OR FEE ON CARBON EMISSIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that includes a Federal tax or fee imposed on carbon emissions from any product or entity that is a direct or indirect source of the emissions.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 2886. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MODIFICATION OF DEFINITION OF FULL-TIME EMPLOYEE.

(a) FULL-TIME EQUIVALENTS.—Paragraph (2)(E) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by striking ''by 120'' and inserting ''by 174''.

(b) FULL-TIME EMPLOYEES.—Paragraph (4)(A) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by striking ''30 hours'' and inserting ''40 hours''.

SA 2887. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. ____. PROHIBITING FEDERAL PAYMENTS TO STATES FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION WITH RESPECT TO COSTS FOR OFFICE FURNISHINGS AND MURALS, PORTRAITS, AND OTHER ARTWORK.

(a) IN GENERAL.—Section 302 of the Social Security Act (42 U.S.C. 501) is amended by adding at the end the following new subsection:

''(d) No portion of the cost of office furnishings or murals, portraits, or other artwork shall be treated as being a cost for the proper and efficient administration of the State unemployment compensation law.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to costs incurred on or after the date of the enactment of this Act.

SA 2888. Mr. COBURN (for himself, Mr. FLAKE, Mr. KING, and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. ____. PROHIBITION ON PAYMENT OF BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by inserting after section 224 the following new section:

''PROHIBITION ON PAYMENT OF BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION

''SEC. 224A. (a) If for any month prior to the month in which an individual attains retirement age (as defined in section 216(l)(1))—

''(1) such individual is entitled to benefits under section 223, and

''(2) such individual is entitled for such month to unemployment compensation,

the total of the individual's benefits under section 223 for such month and of any benefits under subsections (b) through (h) of section 202 for such month based on the individual's wages and self-employment income shall be reduced to zero.

''(b)(1) Notwithstanding any other provision of law, the head of any Federal agency shall provide such information within its possession as the Commissioner may require for purposes of making a timely determination under this section for reduction of benefits payable under this title, or verifying

other information necessary in carrying out the provisions of this section.

''(2) The Commissioner is authorized to enter into agreements with States, political subdivisions, and other organizations that administer unemployment compensation, in order to obtain such information as the Commissioner may require to carry out the provisions of this section.

''(3) Any determination by the Commissioner pursuant to this section shall be subject to the requirements described in section 205(b)(1), including provision of reasonable notice and opportunity for a hearing.

''(c) For purposes of this section, the term 'unemployment compensation' has the meaning given that term in section 85(b) of the Internal Revenue Code of 1986.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to benefits payable for months beginning after 180 days after the date of enactment of this Act.

SA 2889. Mr. SCOTT submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—SUPPORTING KNOWLEDGE AND INVESTING IN LIFELONG SKILLS

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Supporting Knowledge and Investing in Lifelong Skills Act'' or the ''SKILLS Act''.

SEC. ____02. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

SEC. ____03. APPLICATION TO FISCAL YEARS.

Except as otherwise provided, this title and the amendments made by this title shall apply with respect to fiscal year 2015 and succeeding fiscal years.

Subtitle A—Amendments to the Workforce Investment Act of 1998

CHAPTER 1—WORKFORCE INVESTMENT DEFINITIONS

SEC. ____06. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) ADULT EDUCATION AND FAMILY LITERACY EDUCATION ACTIVITIES.—The term 'adult education and family literacy education activities' has the meaning given the term in section 203.'';

(2) by striking paragraphs (13) and (24);

(3) by redesignating paragraphs (1) through (12) as paragraphs (3) through (14), and paragraphs (14) through (23) as paragraphs (15) through (24), respectively;

(4) by striking paragraphs (52) and (53);

(5) by inserting after ''In this title:'' the following new paragraphs:

''(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means—

''(A) charges incurred by recipients of funds under this title for a given period requiring the provision of funds for goods or other tangible property received;

''(B) charges incurred for services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

''(C) other amounts becoming owed, under programs assisted under this title, for which no current services or performance is required, such as amounts for annuities, insurance claims, and other benefit payments.

''(2) ADMINISTRATIVE COSTS.—The term 'administrative costs' means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B and recipients of awards under subtitles C and D), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under this title that are not related to the direct provision of workforce investment activities (including services to participants and employers). Such costs include both personnel and nonpersonnel expenditures and both direct and indirect expenditures.'';

(6) in paragraph (3) (as so redesignated), by striking ''Except in sections 127 and 132, the'' and inserting ''The'';

(7) by amending paragraph (5) (as so redesignated) to read as follows:

''(5) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' has the meaning given the term in section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3)).'';

(8) in paragraph (6) (as so redesignated), by inserting ''(or such other level as the Governor may establish)'' after ''8th grade level'';

(9) in paragraph (10)(C) (as so redesignated), by striking ''not less than 50 percent of the cost of the training'' and inserting ''a significant portion of the cost of training, as determined by the local board involved (or, in the case of an employer in multiple local areas in the State, as determined by the Governor), taking into account the size of the employer and such other factors as the local board or Governor, respectively, determines to be appropriate'';

(10) in paragraph (11) (as so redesignated)—

(A) in subparagraph (A)(ii)(II), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(B) in subparagraph (B)(iii)—

(i) by striking ''134(d)(4)'' and inserting ''134(c)(4)''; and

(ii) by striking ''intensive services described in section 134(d)(3)'' and inserting ''work ready services described in section 134(c)(2)'';

(C) in subparagraph (C), by striking ''or'' after the semicolon;

(D) in subparagraph (D), by striking the period and inserting ''; or''; and

(E) by adding at the end the following:

''(E)(i) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

''(ii) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) who meets the criteria described in paragraph (12)(B).'';

(11) in paragraph (12)(A) (as redesignated)—

(A) by striking ''and'' after the semicolon and inserting ''or'';

(B) by striking ''(A)'' and inserting ''(A)(i)''; and

(C) by adding at the end the following:

''(ii) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and'';

(12) in paragraph (13) (as so redesignated), by inserting ''or regional'' after ''local'' each place it appears;

(13) in paragraph (14) (as so redesignated)—

(A) in subparagraph (A), by striking ''section 122(e)(3)'' and inserting ''section 122'';

(B) by striking subparagraph (B), and inserting the following:

''(B) work ready services, means a provider who is identified or awarded a contract as described in section 117(d)(5)(C); or'';

(C) by striking subparagraph (C); and

(D) by redesignating subparagraph (D) as subparagraph (C);

(14) in paragraph (15) (as so redesignated), by striking ''adult or dislocated worker'' and inserting ''individual'';

(15) in paragraph (20), by striking ''The'' and inserting ''Subject to section 116(a)(1)(E), the'';

(16) in paragraph (25)—

(A) in subparagraph (B), by striking ''higher of—'' and all that follows through clause (ii) and inserting ''poverty line for an equivalent period;'';

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

(C) by inserting after subparagraph (C) the following:

''(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);'';

(17) in paragraph (32), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia,'';

(18) by amending paragraph (33) to read as follows:

''(33) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means—

''(A) an at-risk youth who is a school dropout; or

''(B) an at-risk youth who has received a secondary school diploma or its recognized equivalent but is basic skills deficient, unemployed, or underemployed.'';

(19) in paragraph (38), by striking ''134(a)(1)(A)'' and inserting ''134(a)(1)(B)'';

(20) in paragraph (41), by striking '', and the term means such Secretary for purposes of section 503'';

(21) in paragraph (43), by striking ''clause (iii) or (v) of section 136(b)(3)(A)'' and inserting ''section 136(b)(3)(A)(iii)'';

(22) by amending paragraph (49) to read as follows:

''(49) VETERAN.—The term 'veteran' has the same meaning given the term in section 2108(1) of title 5, United States Code.'';

(23) by amending paragraph (50) to read as follows:

''(50) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).'';

(24) in paragraph (51), by striking '', and a youth activity''; and

(25) by adding at the end the following:

''(52) AT-RISK YOUTH.—Except as provided in subtitle C, the term 'at-risk youth' means an individual who—

''(A) is not less than age 16 and not more than age 24;

''(B) is a low-income individual; and

''(C) is an individual who is one or more of the following:

''(i) A secondary school dropout.

''(ii) A youth in foster care (including youth aging out of foster care).

''(iii) A youth offender.

''(iv) A youth who is an individual with a disability.

''(v) A migrant youth.

''(53) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a partnership of—

''(A) a State board or local board; and

''(B) one or more industry or sector organizations, and other entities, that have the capability to help the State board or local board determine the immediate and long-term skilled workforce needs of in-demand industries or sectors and other occupations important to the State or local economy, respectively.

''(54) INDUSTRY-RECOGNIZED CREDENTIAL.—The term 'industry-recognized credential' means a credential that is sought or accepted by companies within the industry sector involved, across multiple States, as recognized, preferred, or required for recruitment, screening, or hiring and is awarded for completion of a program listed or identified under subsection (d) or (i) of section 122, for the local area involved.

''(55) PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term 'pay-for-performance contract strategy' means a strategy in which a pay-for-performance contract to provide a program of employment and training activities incorporates provisions regarding—

''(A) the core indicators of performance described in subclauses (I) through (IV) and (VI) of section 136(b)(2)(A)(i);

''(B) a fixed amount that will be paid to an eligible provider of such employment and training activities for each program participant who, within a defined timetable, achieves the agreed-to levels of performance based upon the core indicators of performance described in subparagraph (A), and may include a bonus payment to such provider, which may be used to expand the capacity of such provider;

''(C) the ability for an eligible provider to recoup the costs of providing the activities for a program participant who has not achieved those levels, but for whom the provider is able to demonstrate that such participant gained specific competencies required for education and career advancement that are, where feasible, tied to industry-recognized credentials and related standards, or State licensing requirements; and

''(D) the ability for an eligible provider that does not meet the requirements under section 122(a)(2) to participate in such pay-for-performance contract and to not be required to report on the performance and cost information required under section 122(d).

''(56) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' means a credential awarded by a provider of training services or postsecondary educational institution based on completion of all requirements for a program of study, including coursework or tests or other performance evaluations. The term means an industry-recognized credential, a certificate of completion of a registered apprenticeship program, or an associate or baccalaureate degree from an institution described in section 122(a)(2)(A)(i).

''(57) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means a program described in section 122(a)(2)(B).''.

CHAPTER 2—STATEWIDE AND LOCAL WORKFORCE INVESTMENT SYSTEMS

SEC. ____11. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended by adding at the end the following: ''It is also the purpose of this subtitle to provide workforce investment activities in a manner that enhances employer engagement, promotes customer choices in the selection of training services, and ensures accountability in the use of taxpayer funds.''.

SEC. ____12. STATE WORKFORCE INVESTMENT BOARDS.

Section 111 (29 U.S.C. 2821) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by amending clause (i)(I), by striking ''section 117(b)(2)(A)(i)'' and inserting ''section 117(b)(2)(A)'';

(II) by amending clause (i)(II) to read as follows:

''(II) represent businesses, including large and small businesses, each of which has immediate and long-term employment opportunities in an in-demand industry or other occupation important to the State economy; and'';

(III) by striking clause (iii) and inserting the following:

''(iii) a State agency official responsible for economic development; and'';

(IV) by striking clauses (iv) through (vi);

(V) by amending clause (vii) to read as follows:

''(vii) such other representatives and State agency officials as the Governor may designate, including—

''(I) members of the State legislature;

''(II) representatives of individuals and organizations that have experience with respect to youth activities;

''(III) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;

''(IV) representatives of the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners; or

''(V) representatives of veterans service organizations.''; and

(VI) by redesignating clause (vii) (as so amended) as clause (iv); and

(B) by amending paragraph (3) to read as follows:

''(3) MAJORITY.—A ⅔ majority of the members of the board shall be representatives described in paragraph (1)(B)(i).'';

(2) in subsection (c), by striking ''(b)(1)(C)(i)'' and inserting ''(b)(1)(B)(i)'';

(3) by amending subsection (d) to read as follows:

''(d) FUNCTIONS.—The State board shall assist the Governor of the State as follows:

''(1) STATE PLAN.—Consistent with section 112, the State board shall develop a State plan.

''(2) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—The State board shall review and develop statewide policies and programs in the State in a manner that supports a comprehensive statewide workforce development system that will result in meeting the workforce needs of the State and its local areas. Such review shall include determining whether the State should consolidate additional amounts for additional activities or programs into the Workforce Investment Fund in accordance with section 501(e).

''(3) WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.—The State board shall develop a statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)), which may include using information collected under Federal law other than this Act by the State economic development entity or a related entity in developing such system.

''(4) EMPLOYER ENGAGEMENT.—The State board shall develop strategies, across local areas, that meet the needs of employers and support economic growth in the State by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

''(5) DESIGNATION OF LOCAL AREAS.—The State board shall designate local areas as required under section 116.

''(6) ONE-STOP DELIVERY SYSTEM.—The State board shall identify and disseminate information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies.

''(7) PROGRAM OVERSIGHT.—The State board shall conduct the following program oversight:

''(A) Reviewing and approving local plans under section 118.

''(B) Ensuring the appropriate use and management of the funds provided for State employment and training activities authorized under section 134.

''(C) Preparing an annual report to the Secretary described in section 136(d).

''(8) DEVELOPMENT OF PERFORMANCE MEASURES.—The State board shall develop and ensure continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, as described under section 136(b).'';

(4) by striking subsection (e) and redesignating subsection (f) as subsection (e);

(5) in subsection (e) (as so redesignated), by inserting ''or participate in any action taken'' after ''vote'';

(6) by inserting after subsection (e) (as so redesignated), the following:

''(f) STAFF.—The State board may employ staff to assist in carrying out the functions described in subsection (d).''; and

(7) in subsection (g), by inserting ''electronic means and'' after ''on a regular basis through''.

SEC. ____13. STATE PLAN.

Section 112 (29 U.S.C. 2822)—

(1) in subsection (a)—

(A) by striking ''127 or''; and

(B) by striking ''5-year strategy'' and inserting ''3-year strategy'';

(2) in subsection (b)—

(A) by amending paragraph (4) to read as follows:

''(4) information describing—

''(A) the economic conditions in the State;

''(B) the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the State economy;

''(C) the knowledge and skills of the workforce in the State; and

''(D) workforce development activities (including education and training) in the State;'';

(B) by amending paragraph (7) to read as follows:

''(7) a description of the State criteria for determining the eligibility of training services providers in accordance with section 122, including how the State will take into account the performance of providers and whether the training services relate to in-demand industries and other occupations important to the State economy;'';

(C) by amending paragraph (8) to read as follows:

''(8)(A) a description of the procedures that will be taken by the State to assure coordination of, and avoid duplication among, the programs and activities identified under section 501(b)(2); and

''(B) a description of and an assurance regarding common data collection and reporting processes used for the programs and activities described in subparagraph (A), which are carried out by one-stop partners, including—

''(i) an assurance that such processes use quarterly wage records for performance measures described in section 136(b)(2)(A) that are applicable to such programs or activities; or

''(ii) if such wage records are not being used for the performance measures, an identification of the barriers to using such wage records and a description of how the State will address such barriers within 1 year of the approval of the plan;'';

(D) in paragraph (9), by striking '', including comment by representatives of businesses and representatives of labor organizations,'';

(E) in paragraph (11), by striking ''under sections 127 and 132'' and inserting ''under section 132'';

(F) by striking paragraph (12);

(G) by redesignating paragraphs (13) through (18) as paragraphs (12) through (17), respectively;

(H) in paragraph (12) (as so redesignated), by striking ''111(f)'' and inserting ''111(e)'';

(I) in paragraph (13) (as so redesignated), by striking ''134(c)'' and inserting ''121(e)'';

(J) in paragraph (14) (as so redesignated), by striking ''116(a)(5)'' and inserting ''116(a)(3)'';

(K) in paragraph (16) (as so redesignated)—

(i) in subparagraph (A)—

(I) in clause (ii)—

(aa) by striking ''to dislocated workers''; and

(bb) by inserting ''and additional assistance'' after ''rapid response activities'';

(II) in clause (iii), by striking ''134(d)(4)'' and inserting ''134(c)(4)'';

(III) by striking ''and'' at the end of clause (iii);

(IV) by amending clause (iv) to read as follows:

''(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance such as supplemental nutrition assistance program benefits pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), long-term unemployed individuals (including individuals who have exhausted entitlement to Federal and State unemployment compensation), English learners, homeless individuals, individuals training for nontraditional employment, youth (including out-of-school youth and at-risk youth), older workers, ex-offenders, migrant and seasonal farmworkers, refugees and entrants, veterans (including disabled and homeless veterans), and Native Americans; and''; and

(V) by adding at the end the following new clause:

''(v) how the State will—

''(I) consistent with section 188 and Executive Order No. 13217 (42 U.S.C. 12131 note), serve the employment and training needs of individuals with disabilities; and

''(II) consistent with sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794d), include the provision of outreach, intake, assessments, and service delivery, the development of performance measures, the training of staff, and other aspects of accessibility for individuals with disabilities to programs and services under this subtitle;''; and

(ii) in subparagraph (B), by striking ''to the extent practicable'' and inserting ''in accordance with the requirements of the Jobs for Veterans Act (Public Law 107–288) and the amendments made by such Act''; and

(L) by striking paragraph (17) (as so redesignated) and inserting the following:

''(17) a description of the strategies and services that will be used in the State—

''(A) to more fully engage employers, including small businesses and employers in in-demand industries and occupations important to the State economy;

''(B) to meet the needs of employers in the State; and

''(C) to better coordinate workforce development programs with economic development activities;

''(18) a description of how the State board will convene (or help to convene) industry or sector partnerships that lead to collaborative planning, resource alignment, and training efforts across a targeted cluster of multiple firms for a range of workers employed or potentially employed by the industry or sector—

''(A) to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in the industry or sector;

''(B) to address the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the State economy; and

''(C) to address critical skill gaps within and across industries and sectors;

''(19) a description of how the State will utilize technology, to facilitate access to services in remote areas, which may be used throughout the State;

''(20) a description of the State strategy and assistance to be provided by the State for encouraging regional cooperation within the State and across State borders, as appropriate;

''(21) a description of the actions that will be taken by the State to foster communication, coordination, and partnerships with nonprofit organizations (including public libraries, community, faith-based, and philanthropic organizations) that provide employment-related, training, and complementary services, to enhance the quality and comprehensiveness of services available to participants under this title;

''(22) a description of the process and methodology for determining—

''(A) one-stop partner program contributions for the costs of infrastructure of one-stop centers under section 121(h)(1); and

''(B) the formula for allocating such infrastructure funds to local areas under section 121(h)(3);

''(23) a description of the strategies and services that will be used in the State to assist at-risk youth and out-of-school youth in acquiring the education and skills, credentials (including recognized postsecondary credentials, such as industry-recognized credentials), and employment experience to succeed in the labor market, including—

''(A) training and internships in in-demand industries or occupations important to the State and local economy;

''(B) dropout recovery activities that are designed to lead to the attainment of a regular secondary school diploma or its recognized equivalent, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); and

''(C) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education and training and career-ladder employment; and

''(24) a description of—

''(A) how the State will furnish employment, training, including training in advanced manufacturing, supportive, and placement services to veterans, including disabled and homeless veterans;

''(B) the strategies and services that will be used in the State to assist in and expedite reintegration of homeless veterans into the labor force; and

''(C) the veterans population to be served in the State.'';

(3) in subsection (c), by striking ''period, that—'' and all that follows through paragraph (2) and inserting ''period, that the plan is inconsistent with the provisions of this title.''; and

(4) in subsection (d), by striking ''5-year'' and inserting ''3-year''.

SEC. ___14. LOCAL WORKFORCE INVESTMENT AREAS.

Section 116 (29 U.S.C. 2831) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) PROCESS.—In order to receive an allotment under section 132, a State, through the State board, shall establish a process to designate local workforce investment areas within the State. Such process shall—

''(i) support the statewide workforce development system developed under section 111(d)(2), enabling the system to meet the workforce needs of the State and its local areas;

''(ii) include consultation, prior to the designation, with chief elected officials;

''(iii) include consideration of comments received on the designation through the public comment process as described in section 112(b)(9); and

''(iv) require the submission of an application for approval under subparagraph (B).

''(B) APPLICATION.—To obtain designation of a local area under this paragraph, a local or regional board (or consortia of local or regional boards) seeking to take responsibility for the area under this Act shall submit an application to a State board at such time, in such manner, and containing such information as the State board may require, including—

''(i) a description of the local area, including the population that will be served by the local area, and the education and training needs of its employers and workers;

''(ii) a description of how the local area is consistent or aligned with—

''(I) service delivery areas (as determined by the State);

''(II) labor market areas; and

''(III) economic development regions;

''(iii) a description of the eligible providers of education and training, including postsecondary educational institutions such as community colleges, located in the local area and available to meet the needs of the local workforce;

''(iv) a description of the distance that individuals will need to travel to receive services provided in such local area; and

''(v) any other criteria that the State board may require.

''(C) PRIORITY.—In designating local areas under this paragraph, a State board shall give priority consideration to an area proposed by an applicant demonstrating that a designation as a local area under this paragraph will result in the reduction of overlapping service delivery areas, local market areas, or economic development regions.

''(D) ALIGNMENT WITH LOCAL PLAN.—A State may designate an area proposed by an applicant as a local area under this paragraph for a period not to exceed 3 years.

''(E) REFERENCES.—For purposes of this Act, a reference to a local area—

''(i) used with respect to a geographic area, refers to an area designated under this paragraph; and

''(ii) used with respect to an entity, refers to the applicant.'';

(B) by amending paragraph (2) to read as follows:

''(2) TECHNICAL ASSISTANCE.—The Secretary shall, if requested by the Governor of a State, provide the State with technical assistance in making the determinations required under paragraph (1). The Secretary shall not issue regulations governing determinations to be made under paragraph (1).'';

(C) by striking paragraph (3);

(D) by striking paragraph (4);

(E) by redesignating paragraph (5) as paragraph (3); and

(F) in paragraph (3) (as so redesignated), by striking ''(2) or (3)'' both places it appears and inserting ''(1)'';

(2) by amending subsection (b) to read as follows:

''(b) SINGLE STATES.—Consistent with subsection (a), the State board of a State may designate the State as a single State local area for the purposes of this title.''; and

(3) in subsection (c)—

(A) in paragraph (1), by adding at the end the following: ''The State may require the local boards for the designated region to prepare a single regional plan that incorporates the elements of the local plan under section 118 and that is submitted and approved in lieu of separate local plans under such section.''; and

(B) in paragraph (2), by striking ''employment statistics'' and inserting ''workforce and labor market information''.

SEC. ___15. LOCAL WORKFORCE INVESTMENT BOARDS.

Section 117 (29 U.S.C. 2832) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''include—'' and all that follows through ''representatives'' and inserting ''include representatives'';

(II) by striking clauses (ii) through (vi);

(III) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively (and by moving the margins of such clauses 2 ems to the left);

(IV) by striking clause (ii) (as so redesignated) and inserting the following:

''(ii) represent businesses, including large and small businesses, each of which has immediate and long-term employment opportunities in an in-demand industry or other occupation important to the local economy; and''; and

(V) by striking the semicolon at the end of clause (iii) (as so redesignated) and inserting ''; and''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate, including—

''(i) the superintendent or other employee of the local educational agency who has primary responsibility for secondary education, the presidents or chief executive officers of postsecondary educational institutions (including a community college, where such an entity exists), or administrators of local entities providing adult education and family literacy education activities;

''(ii) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present); or

''(iii) representatives of veterans service organizations.'';

(B) in paragraph (4)—

(i) by striking ''A majority'' and inserting ''A ⅔ majority''; and

(ii) by striking ''(2)(A)(i)'' and inserting ''(2)(A)''; and

(C) in paragraph (5), by striking ''(2)(A)(i)'' and inserting ''(2)(A)'';

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (C); and

(B) in paragraph (3)(A)(ii), by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (8)'';

(3) by amending subsection (d) to read as follows:

''(d) FUNCTIONS OF LOCAL BOARD.—The functions of the local board shall include the following:

''(1) LOCAL PLAN.—Consistent with section 118, each local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.

''(2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.—

''(A) IN GENERAL.—The local board shall—

''(i) conduct, and regularly update, an analysis of—

''(I) the economic conditions in the local area;

''(II) the immediate and long-term skilled workforce needs of in-demand industries and other occupations important to the local economy;

''(III) the knowledge and skills of the workforce in the local area; and

''(IV) workforce development activities (including education and training) in the local area; and

''(ii) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)).

''(B) EXISTING ANALYSIS.—In carrying out requirements of subparagraph (A)(i), a local board shall use an existing analysis, if any, by the local economic development entity or related entity.

''(3) EMPLOYER ENGAGEMENT.—The local board shall meet the needs of employers and support economic growth in the local area by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

''(4) BUDGET AND ADMINISTRATION.—

''(A) BUDGET.—

''(i) IN GENERAL.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the requirements of this subsection.

''(ii) TRAINING RESERVATION.—In developing a budget under clause (i), the local board shall reserve a percentage of funds to carry out the activities specified in section 134(c)(4). The local board shall use the analysis conducted under paragraph (2)(A)(i) to determine the appropriate percentage of funds to reserve under this clause.

''(B) ADMINISTRATION.—

''(i) GRANT RECIPIENT.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under section 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

''(ii) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in clause (i).

''(iii) DISBURSAL.—The local grant recipient or an entity designated under clause (ii) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under clause (ii) shall disburse the funds immediately on receiving such direction from the local board.

''(C) STAFF.—The local board may employ staff to assist in carrying out the functions described in this subsection.

''(D) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

''(5) SELECTION OF OPERATORS AND PROVIDERS.—

''(A) SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board, with the agreement of the chief elected official—

''(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and

''(ii) may terminate for cause the eligibility of such operators.

''(B) IDENTIFICATION OF ELIGIBLE TRAINING SERVICE PROVIDERS.—Consistent with this subtitle, the local board shall identify eligible providers of training services described in section 134(c)(4) in the local area, annually review the outcomes of such eligible providers using the criteria under section 122(b)(2), and designate such eligible providers in the local area who have demonstrated the highest level of success with respect to such criteria as priority eligible providers for the program year following the review.

''(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF WORK READY SERVICES.—If the one-stop operator does not provide the services described in section 134(c)(2) in the local area, the local board shall identify eligible providers of such services in the local area by awarding contracts.

''(6) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official, shall be responsible for—

''(A) ensuring the appropriate use and management of the funds provided for local employment and training activities authorized under section 134(b); and

''(B) conducting oversight of the one-stop delivery system, in the local area, authorized under section 121.

''(7) NEGOTIATION OF LOCAL PERFORMANCE MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in section 136(c).

''(8) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services authorized under this subtitle and carried out in the local area, including access in remote areas.'';

(4) in subsection (e)—

(A) by inserting ''electronic means and'' after ''regular basis through''; and

(B) by striking ''and the award of grants or contracts to eligible providers of youth activities,'';

(5) in subsection (f)—

(A) in paragraph (1)(A), by striking ''section 134(d)(4)'' and inserting ''section 134(c)(4)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) WORK READY SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.—A local board may provide work ready services described in section 134(c)(2) through a one-stop delivery system described in section 121

or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor.'';

(6) in subsection (g)(1), by inserting ''or participate in any action taken'' after ''vote''; and

(7) by striking subsections (h) and (i).

SEC. ___16. LOCAL PLAN.

Section 118 (29 U.S.C. 2833) is amended—

(1) in subsection (a), by striking ''5-year'' and inserting ''3-year'';

(2) by amending subsection (b) to read as follows:

''(b) CONTENTS.—The local plan shall include—

''(1) a description of the analysis of the local area's economic and workforce conditions conducted under subclauses (I) through (IV) of section 117(d)(2)(A)(i), and an assurance that the local board will use such analysis to carry out the activities under this subtitle;

''(2) a description of the one-stop delivery system in the local area, including—

''(A) a description of how the local board will ensure—

''(i) the continuous improvement of eligible providers of services through the system; and

''(ii) that such providers meet the employment needs of local businesses and participants; and

''(B) a description of how the local board will facilitate access to services described in section 117(d)(8) and provided through the one-stop delivery system consistent with section 117(d)(8);

''(3) a description of the strategies and services that will be used in the local area—

''(A) to more fully engage employers, including small businesses and employers in in-demand industries and occupations important to the local economy;

''(B) to meet the needs of employers in the local area;

''(C) to better coordinate workforce development programs with economic development activities; and

''(D) to better coordinate workforce development programs with employment, training, and literacy services carried out by nonprofit organizations, including public libraries, as appropriate;

''(4) a description of how the local board will convene (or help to convene) industry or sector partnerships that lead to collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed by a targeted industry or sector—

''(A) to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in the targeted industry or sector;

''(B) to address the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the local economy; and

''(C) to address critical skill gaps within and across industries and sectors;

''(5) a description of how the funds reserved under section 117(d)(4)(A)(ii) will be used to carry out activities described in section 134(c)(4);

''(6) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide workforce investment activities, as appropriate;

''(7) a description of how the local area will—

''(A) coordinate activities with the local area's disability community, and with transition services (as defined under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) provided under that Act by local educational agencies serving such local area, to make available comprehensive, high-quality services to individuals with disabilities;

''(B) consistent with section 188 and Executive Order No. 13217 (42 U.S.C. 12131 note), serve the employment and training needs of individuals with disabilities, with a focus on employment that fosters independence and integration into the workplace; and

''(C) consistent with sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794d), include the provision of outreach, intake, assessments, and service delivery, the development of performance measures, the training of staff, and other aspects of accessibility for individuals with disabilities to programs and services under this subtitle;

''(8) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 136(c), to be—

''(A) used to measure the performance of the local area; and

''(B) used by the local board for measuring performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system, in the local area;

''(9) a description of the process used by the local board, consistent with subsection (c), to provide an opportunity for public comment prior to submission of the plan;

''(10) a description of how the local area will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance such as supplemental nutrition assistance program benefits pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), long-term unemployed individuals (including individuals who have exhausted entitlement to Federal and State unemployment compensation), English learners, homeless individuals, individuals training for nontraditional employment, youth (including out-of-school youth and at-risk youth), older workers, ex-offenders, migrant and seasonal farmworkers, refugees and entrants, veterans (including disabled veterans and homeless veterans), and Native Americans;

''(11) an identification of the entity responsible for the disbursal of grant funds described in section 117(d)(4)(B)(iii), as determined by the chief elected official or the Governor under such section;

''(12) a description of the strategies and services that will be used in the local area to assist at-risk youth and out-of-school youth in acquiring the education and skills, credentials (including recognized postsecondary credentials, such as industry-recognized credentials), and employment experience to succeed in the labor market, including—

''(A) training and internships in in-demand industries or occupations important to the local economy;

''(B) dropout recovery activities that are designed to lead to the attainment of a regular secondary school diploma or its recognized equivalent, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); and

''(C) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education and training and career-ladder employment;

''(13) a description of—

''(A) how the local area will furnish employment, training, including training in advanced manufacturing, supportive, and placement services to veterans, including disabled and homeless veterans;

''(B) the strategies and services that will be used in the local area to assist in and expedite reintegration of homeless veterans into the labor force; and

''(C) the veteran population to be served in the local area;

''(14) a description of—

''(A) the duties assigned to the veteran employment specialist consistent with the requirements of section 134(f);

''(B) the manner in which the veteran employment specialist is integrated into the one-stop career system described in section 121;

''(C) the date on which the veteran employment specialist was assigned; and

''(D) whether the veteran employment specialist has satisfactorily completed related training by the National Veterans' Employment and Training Services Institute; and

''(15) such other information as the Governor may require.''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''such means'' and inserting ''electronic means and such means''; and

(B) in paragraph (2), by striking '', including representatives of business and representatives of labor organizations,''.

SEC. ___17. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.

Section 121 (29 U.S.C. 2841) is amended—

(1) in subsection (b)—

(A) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) shall—

''(i) provide access through a one-stop delivery system to the program or activities carried out by the entity, including making the work ready services described in section 134(c)(2) that are applicable to the program or activities of the entity available at one-stop centers (in addition to any other appropriate locations);

''(ii) use a portion of the funds available to the program or activities of the entity to maintain the one-stop delivery system, including payment of the costs of infrastructure of one-stop centers in accordance with subsection (h);

''(iii) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop delivery system, that meets the requirements of subsection (c); and

''(iv) participate in the operation of the one-stop delivery system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities carried out by the entity.'';

(B) in paragraph (1)(B)—

(i) by striking clauses (ii), (v), and (vi);

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively;

(iii) by redesignating clauses (vii) through (xii) as clauses (iv) through (ix), respectively;

(iv) in clause (ii), as so redesignated, by striking ''adult education and literacy activities'' and inserting ''adult education and family literacy education activities''

(v) in clause (viii), as so redesignated, by striking ''and'' at the end;

(vi) in clause (ix), as so redesignated, by striking the period and inserting ''; and''; and

(vii) by adding at the end the following:

''(x) subject to subparagraph (C), programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

(C) by inserting after paragraph (1)(B) the following:

''(C) DETERMINATION BY THE GOVERNOR.—Each entity carrying out a program described in subparagraph (B)(x) shall be considered to be a one-stop partner under this

title and carry out the required partner activities described in subparagraph (A) unless the Governor of the State in which the local area is located provides the Secretary and Secretary of Health and Human Services written notice of a determination by the Governor that such an entity shall not be considered to be such a partner and shall not carry out such required partner activities.''; and

(D) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''section 134(d)(2)'' and inserting ''section 134(c)(2)''; and

(ii) in subparagraph (B)—

(I) by striking clauses (i), (ii), and (v);

(II) in clause (iv), by striking ''and'' at the end;

(III) by redesignating clauses (iii) and (iv) as clauses (i) and (ii), respectively; and

(IV) by adding at the end the following:

''(iii) employment and training programs administered by the Commissioner of the Social Security Administration;

''(iv) employment and training programs carried out by the Administrator of the Small Business Administration;

''(v) employment, training, and literacy services carried out by public libraries; and

''(vi) other appropriate Federal, State, or local programs, including programs in the private sector.'';

(2) in subsection (c)(2), by amending subparagraph (A) to read as follows:

''(A) provisions describing—

''(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

''(ii) how the costs of such services and the operating costs of such system will be funded, through cash and in-kind contributions, to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the costs of infrastructure of one-stop centers in accordance with subsection (h);

''(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities, including referrals for training for nontraditional employment; and

''(iv) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services under the memorandum; and'';

(3) in subsection (d)—

(A) in the heading for paragraph (1), by striking ''DESIGNATION AND CERTIFICATION'' and inserting ''LOCAL DESIGNATION AND CERTIFICATION'';

(B) in paragraph (2)—

(i) by striking ''section 134(c)'' and inserting ''subsection (e)'';

(ii) by amending subparagraph (A) to read as follows:

''(A) shall be designated or certified as a one-stop operator through a competitive process; and''; and

(iii) in subparagraph (B), by striking clause (ii) and redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively; and

(C) in paragraph (3), by striking ''vocational'' and inserting ''career and technical'';

(4) by amending subsection (e) to read as follows:

''(e) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—

''(1) IN GENERAL.—There shall be established in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—

''(A) provide the work ready services described in section 134(c)(2);

''(B) provide access to training services as described in paragraph (4) of section 134(c), including serving as the point of access to career enhancement accounts for training services to participants in accordance with paragraph (4)(F) of such section;

''(C) provide access to the activities carried out under section 134(d), if any;

''(D) provide access to programs and activities carried out by one-stop partners that are described in subsection (b); and

''(E) provide access to the data and information described in subparagraphs (A) and (B) of section 15(a)(1) of the Wagner-Peyser Act (29 U.S.C. 491–2(a)(1)).

''(2) ONE-STOP DELIVERY.—At a minimum, the one-stop delivery system—

''(A) shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than one physical center in each local area of the State; and

''(B) may also make programs, services, and activities described in paragraph (1) available—

''(i) through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals; and

''(ii) through a network of eligible one-stop partners—

''(I) in which each partner provides one or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically- or technologically-linked access point; and

''(II) that assures individuals that information on the availability of the work ready services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information made available through an access point described in subclause (I).

''(3) SPECIALIZED CENTERS.—The centers and sites described in paragraph (2) may have a specialization in addressing special needs.''; and

(5) by adding at the end the following:

''(g) CERTIFICATION OF ONE-STOP CENTERS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—The State board shall establish objective procedures and criteria for certifying, at least once every 3 years, one-stop centers for the purpose of awarding the one-stop infrastructure funding described in subsection (h).

''(B) CRITERIA.—The criteria for certification of a one-stop center under this subsection shall include—

''(i) meeting the expected levels of performance for each of the corresponding core indicators of performance as outlined in the State plan under section 112;

''(ii) meeting minimum standards relating to the scope and degree of service integration achieved by the center, involving the programs provided by the one-stop partners; and

''(iii) meeting minimum standards relating to how the center ensures that eligible providers meet the employment needs of local employers and participants.

''(C) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure funding authorized under subsection (h).

''(2) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop, for certification referred to in paragraph (1)(A), additional criteria or higher standards on the criteria referred to in paragraph (1)(B) to respond to local labor market and demographic conditions and trends.

''(h) ONE-STOP INFRASTRUCTURE FUNDING.—

''(1) PARTNER CONTRIBUTIONS.—

''(A) PROVISION OF FUNDS.—Notwithstanding any other provision of law, as determined under subparagraph (B), a portion of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs described in subsection (b)(2)(B), for a fiscal year shall be provided to the Governor by such partners to carry out this subsection.

''(B) DETERMINATION OF GOVERNOR.—

''(i) IN GENERAL.—Subject to subparagraph (C), the Governor, in consultation with the State board, shall determine the portion of funds to be provided under subparagraph (A) by each one-stop partner and in making such determination shall consider the proportionate use of the one-stop centers in the State by each such partner, the costs of administration for purposes not related to one-stop centers for each such partner, and other relevant factors described in paragraph (3).

''(ii) SPECIAL RULE.—In those States where the State constitution places policy-making authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and family literacy education activities authorized under title II and for postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the determination described in clause (i) with respect to the corresponding 2 programs shall be made by the Governor with the appropriate entity or official with such independent policy-making authority.

''(iii) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) and subparagraph (A) to appeal a determination regarding the portion of funds to be provided under this paragraph on the basis that such determination is inconsistent with the requirements described in the State plan for the program or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

''(C) LIMITATIONS.—

''(i) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by a one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the limitations with respect to the portion of funds under such program that may be used for administration.

''(ii) FEDERAL DIRECT SPENDING PROGRAMS.—

''(I) IN GENERAL.—A program that provides Federal direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not, for purposes of this paragraph, be required to provide more than the maximum amount determined under subclause (II).

''(II) MAXIMUM AMOUNT.—The maximum amount for the program is the amount that bears the same relationship to the costs referred to in paragraph (2) for the State as the use of the one-stop centers by such program bears to the use of such centers by all one-stop partner programs in the State.

''(2) ALLOCATION BY GOVERNOR.—From the funds provided under paragraph (1), the Governor shall allocate funds to local areas in accordance with the formula established under paragraph (3) for the purposes of assisting in paying the costs of infrastructure of one-stop centers certified under subsection (g).

''(3) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas. The formula shall include such factors as the State board determines are appropriate, which may include factors such as the number of centers in a local area that have been certified, the population served by such centers, and the performance of such centers.

''(4) COSTS OF INFRASTRUCTURE.—For purposes of this subsection, the term 'costs of infrastructure' means the nonpersonnel costs that are necessary for the general operation of a one-stop center, including the rental costs of the facilities involved, and the costs of utilities and maintenance, and equipment (including assistive technology for individuals with disabilities).

''(i) OTHER FUNDS.—

''(1) IN GENERAL.—In addition to the funds provided under subsection (h), a portion of funds made available under Federal law authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs described in subsection (b)(2)(B), or the noncash resources available under such 2 types of programs, shall be used to pay the costs relating to the operation of the one-stop delivery system that are not paid for from the funds provided under subsection (h), to the extent not inconsistent with the Federal law involved. Such portion shall be used to pay for costs including—

''(A) costs of infrastructure (as defined in subsection (h)) that are in excess of the funds provided under subsection (h);

''(B) common costs that are in addition to the costs of infrastructure (as so defined); and

''(C) the costs of the provision of work ready services applicable to each program.

''(2) DETERMINATION AND STANDARDS.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) shall be determined as part of the memorandum of understanding under subsection (c). The State board shall provide standards to facilitate the determination of appropriate allocation of the funds and noncash resources to local areas.''.

SEC. ___18. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

''SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(c)(4) to receive funds provided under section 133(b) for the provision of such training services and be included on the list of eligible providers of training services described in subsection (d).

''(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive the funds and be included on the list, the provider shall be—

''(A) a postsecondary educational institution that—

''(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(ii) provides a program that leads to a recognized postsecondary credential;

''(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

''(C) another public or private provider of a program of training services.

''(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria and procedures established under this subsection to be eligible to receive the funds and be included on the list. A provider described in paragraph (2)(B) shall be eligible to receive the funds and be included on the list with respect to programs described in paragraph (2)(B) for so long as the provider remains certified by the Secretary of Labor to carry out the programs.

''(b) CRITERIA.—

''(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

''(A) the performance of providers of training services with respect to the performance measures described in section 136, measures for other matters for which information is required under paragraph (2), and other appropriate measures of performance outcomes for those participants receiving training services under this subtitle;

''(B) whether the training programs of such providers relate to in-demand industries or occupations important to the local economy;

''(C) the need to ensure access to training services throughout the State, including in rural areas;

''(D) the ability of the providers to offer programs that lead to a recognized postsecondary credential, and the quality of such programs;

''(E) the performance of the providers as reflected in the information such providers are required to report to State agencies with respect to other Federal and State programs (other than the program carried out under this subtitle), including one-stop partner programs; and

''(F) such other factors as the Governor determines are appropriate.

''(2) INFORMATION.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

''(A) information on recognized postsecondary credentials received by such participants;

''(B) information on costs of attendance for such participants;

''(C) information on the program completion rate for such participants; and

''(D) information on the performance of the provider with respect to the performance measures described in section 136 for such participants.

''(3) RENEWAL.—The criteria established by the Governor shall also provide for a review on the criteria every 3 years and renewal of eligibility under this section for providers of training services.

''(4) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required on the criteria established by the Governor, for purposes of determining the eligibility of providers of training services under this section in the local area involved.

''(5) LIMITATION.—In carrying out the requirements of this subsection, no entity may disclose personally identifiable information regarding a student, including a Social Security number, student identification number, or other identifier, without the prior written consent of the parent or student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(c) PROCEDURES.—The procedures established under subsection (a) shall—

''(1) identify—

''(A) the application process for a provider of training services to become eligible under this section; and

''(B) the respective roles of the State and local areas in receiving and reviewing applications and in making determinations of eligibility based on the criteria established under this section; and

''(2) establish a process, for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

''(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants under chapter 5 in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined eligible under this section in the State, including information provided under subsection (b)(2) with respect to such providers, is provided to the local boards in the State and is made available to such participants and to members of the public through the one-stop delivery system in the State.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The procedures established under this section shall provide the following:

''(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider under this section shall be terminated for a period of time that is not less than 2 years.

''(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title, the eligibility of such provider under this section shall be terminated for a period of time that is not less than 10 years.

''(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such subparagraph. For purposes of subparagraph (A), that period shall be considered to be the period beginning on the date on which the inaccurate information described in subparagraph (A) was supplied, and ending on the date of the termination described in subparagraph (A).

''(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

''(f) AGREEMENTS WITH OTHER STATES.—A State may enter into an agreement with another State, on a reciprocal basis, to permit eligible providers of training services to accept career enhancement accounts provided in the other State.

''(g) RECOMMENDATIONS.—In developing the criteria (including requirements for related information) and procedures required under this section, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

''(h) OPPORTUNITY TO SUBMIT COMMENTS.—During the development of the criteria and procedures, and the list of eligible providers required under this section, the Governor shall provide an opportunity for interested members of the public to submit comments regarding such criteria, procedures, and list.

''(i) ON-THE-JOB TRAINING OR CUSTOMIZED TRAINING EXCEPTION.—

''(1) IN GENERAL.—Providers of on-the-job training or customized training shall not be

subject to the requirements of subsections (a) through (d).

''(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from on-the-job training and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible under this section, to be providers of the training services involved.''.

SEC. ____19. GENERAL AUTHORIZATION.

Chapter 5 of subtitle B of title I is amended—

(1) by striking the heading for chapter 5 and inserting the following: ''**EMPLOYMENT AND TRAINING ACTIVITIES**''; and

(2) in section 131 (29 U.S.C. 2861)—

(A) by striking ''paragraphs (1)(B) and (2)(B) of''; and

(B) by striking ''adults, and dislocated workers,'' and inserting ''individuals''.

SEC. ____20. STATE ALLOTMENTS.

Section 132 (29 U.S.C. 2862) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary shall—

''(1) reserve ½ of 1 percent of the total amount appropriated under section 137 for a fiscal year, of which—

''(A) 50 percent shall be used to provide technical assistance under section 170; and

''(B) 50 percent shall be used for evaluations under section 172;

''(2) reserve 1 percent of the total amount appropriated under section 137 for a fiscal year to make grants to, and enter into contracts or cooperative agreements with Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out employment and training activities;

''(3) reserve not more than 25 percent of the total amount appropriated under section 137 for a fiscal year to carry out the Jobs Corps program under subtitle C;

''(4) reserve not more than 3.5 percent of the total amount appropriated under section 137 for a fiscal year to—

''(A) make grants to State boards or local boards to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations; and

''(B) provide assistance to Governors of States with an area that has suffered an emergency or a major disaster (as such terms are defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) to provide disaster relief employment in the area; and

''(5) from the remaining amount appropriated under section 137 for a fiscal year (after reserving funds under paragraphs (1) through (4)), make allotments in accordance with subsection (b) of this section.''; and

(2) by amending subsection (b) to read as follows:

''(b) WORKFORCE INVESTMENT FUND.—

''(1) RESERVATION FOR OUTLYING AREAS.—

''(A) IN GENERAL.—From the amount made available under subsection (a)(5) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent to provide assistance to the outlying areas.

''(B) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this paragraph upon entering into an agreement for extension of United States educational assistance under the Compact of Free Association (approved by the Compact of Free Association Amendments Act of 2003 (Public Law 108–188) after the date of enactment of the SKILLS Act.

''(2) STATES.—

''(A) IN GENERAL.—After determining the amount to be reserved under paragraph (1), the Secretary shall allot the remainder of the amount referred to in subsection (a)(5) for a fiscal year to the States pursuant to subparagraph (B) for employment and training activities and statewide workforce investment activities.

''(B) FORMULA.—Subject to subparagraphs (C) and (D), of the remainder—

''(i) 25 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

''(ii) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States;

''(iii) 25 percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more; and

''(iv) 25 percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States.

''(C) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is less than 100 percent of the allotment percentage of the State for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is less than 90 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year involved.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Secretary shall ensure that no State shall receive an allotment under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is more than 130 percent of the allotment percentage of the State for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is more than 130 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year involved.

''(D) SMALL STATE MINIMUM ALLOTMENT.—Subject to subparagraph (C), the Secretary shall ensure that no State shall receive an allotment under this paragraph for a fiscal year that is less than ⅕ of 1 percent of the remainder described in subparagraph (A) for the fiscal year.

''(E) DEFINITIONS.—For the purpose of the formula specified in this paragraph:

''(i) ALLOTMENT PERCENTAGE.—The term 'allotment percentage'—

''(I) used with respect to fiscal year 2013, means the percentage of the amounts allotted to States under title I of this Act, title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.), sections 4103A and 4104 of title 38, United States Code, and sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as such provisions were in effect for fiscal year 2013, that is received under such provisions by the State involved for fiscal year 2013; and

''(II) used with respect to fiscal year 2017 or a succeeding fiscal year, means the percentage of the amounts allotted to States under this paragraph for the fiscal year, that is received under this paragraph by the State involved for the fiscal year.

''(ii) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term 'area of substantial unemployment' means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 7 percent for the most recent 12 months, as determined by the Secretary. For purposes of this clause, determinations of areas of substantial unemployment shall be made once each fiscal year.

''(iii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who is not less than age 16 and not more than age 24 who receives an income, or is a member of a family that receives a total family income, that in relation to family size, does not exceed the higher of—

''(I) the poverty line; or

''(II) 70 percent of the lower living standard income level.

''(iv) INDIVIDUAL.—The term 'individual' means an individual who is age 16 or older.''.

SEC. ____21. WITHIN STATE ALLOCATIONS.

Section 133 (29 U.S.C. 2863) is amended—

(1) by amending subsection (a) to read as follows:

''(a) RESERVATIONS FOR STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.—

''(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—The Governor of a State shall reserve not more than 15 percent of the total amount allotted to the State under section 132(b)(2) for a fiscal year to carry out the statewide activities described in section 134(a).

''(2) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—Of the amount reserved under paragraph (1) for a fiscal year, the Governor of the State shall reserve not more than 25 percent for statewide rapid response activities and additional assistance described in section 134(a)(4).

''(3) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—Of the amount reserved under paragraph (1) for a fiscal year, the Governor of the State shall reserve 15 percent to carry out statewide activities described in section 134(a)(5).

''(4) STATE ADMINISTRATIVE COST LIMIT.—Not more than 5 percent of the funds reserved under paragraph (1) may be used by the Governor of the State for administrative costs of carrying out the statewide activities described in section 134(a).'';

(2) by amending subsection (b) to read as follows:

''(b) WITHIN STATE ALLOCATION.—

''(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials in the local areas in the State, shall—

''(A) allocate the funds that are allotted to the State under section 132(b)(2) and not reserved under subsection (a), in accordance with paragraph (2)(A); and

''(B) award the funds that are reserved by the State under subsection (a)(3) through competitive grants to eligible entities, in accordance with section 134(a)(1)(C).

''(2) FORMULA ALLOCATIONS FOR THE WORKFORCE INVESTMENT FUND.—

''(A) ALLOCATION.—In allocating the funds described in paragraph (1)(A) to local areas, a State shall allocate—

''(i) 25 percent on the basis described in section 132(b)(2)(B)(i);

''(ii) 25 percent on the basis described in section 132(b)(2)(B)(ii);

''(iii) 25 percent on the basis described in section 132(b)(2)(B)(iii); and

''(iv) 25 percent on the basis described in section 132(b)(2)(B)(iv),

except that a reference in a section specified in any of clauses (i) through (iv) to 'each State' shall be considered to refer to each local area, and to 'all States' shall be considered to refer to all local areas.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The State shall ensure that no local area shall receive an allocation under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is less than 100 percent of the allocation percentage of the local area for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is less than 90 percent of the allocation percentage of the local area for the fiscal year preceding the fiscal year involved.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the State shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is more than 130 percent of the allocation percentage of the local area for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is more than 130 percentage of the allocation percentage of the local area for the fiscal year preceding the fiscal year involved.

''(C) DEFINITIONS.—For the purpose of the formula specified in this paragraph, the term 'allocation percentage'—

''(i) used with respect to fiscal year 2013, means the percentage of the amounts allocated to local areas under title I of this Act, title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.), sections 4103A and 4104 of title 38, United States Code, and sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as such provisions were in effect for fiscal year 2013, that is received under such provisions by the local area involved for fiscal year 2013; and

''(ii) used with respect to fiscal year 2017 or a succeeding fiscal year, means the percentage of the amounts allocated to local areas under this paragraph for the fiscal year, that is received under this paragraph by the local area involved for the fiscal year.'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under subsection (b) for employment and training activities and that are available for reallocation.'';

(B) in paragraph (2), by striking ''paragraph (2)(A) or (3) of subsection (b) for such activities'' and inserting ''subsection (b) for such activities'';

(C) by amending paragraph (3) to read as follows:

''(3) REALLOCATIONS.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(2) for such activities for such prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(2) for such activities for such prior program year.''; and

(D) in paragraph (4), by striking ''paragraph (2)(A) or (3) of''; and

(4) by adding at the end the following new subsection:

''(d) LOCAL ADMINISTRATIVE COST LIMIT.—Of the amount allocated to a local area under this section for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities in the local area under this chapter.''.

SEC. ___22. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

Section 134 (29 U.S.C. 2864) is amended—

(1) by amending subsection (a) to read as follows:

''(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

''(1) IN GENERAL.—

''(A) DISTRIBUTION OF STATEWIDE ACTIVITIES.—Funds reserved by a Governor for a State as described in section 133(a)(1) and not reserved under paragraph (2) or (3) of section 133(a)—

''(i) shall be used to carry out the statewide employment and training activities described in paragraph (2); and

''(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3).

''(B) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—Funds reserved by a Governor for a State as described in section 133(a)(2) shall be used to provide the statewide rapid response activities and additional assistance described in paragraph (4).

''(C) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—Funds reserved by a Governor for a State as described in section 133(a)(3) shall be used to award statewide grants for individuals with barriers to employment on a competitive basis, and carry out other activities, as described in paragraph (5).

''(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—A State shall use funds referred to in paragraph (1)(A) to carry out statewide employment and training activities, which shall include—

''(A) disseminating the State list of eligible providers of training services described in section 122(d), information identifying eligible providers of on-the-job training and customized training described in section 122(i), and performance information and program cost information described in section 122(b)(2);

''(B) supporting the provision of work ready services described in subsection (c)(2) in the one-stop delivery system;

''(C) implementing strategies and services that will be used in the State to assist at-risk youth and out-of-school youth in acquiring the education and skills, recognized postsecondary credentials, and employment experience to succeed in the labor market;

''(D) conducting evaluations under section 136(e) of activities authorized under this chapter in coordination with evaluations carried out by the Secretary under section 172;

''(E) providing technical assistance to local areas that fail to meet local performance measures;

''(F) operating a fiscal and management accountability system under section 136(f); and

''(G) carrying out monitoring and oversight of activities carried out under this chapter.

''(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—A State may use funds referred to in paragraph (1)(A) to carry out statewide employment and training activities which may include—

''(A) implementing innovative programs and strategies designed to meet the needs of all employers in the State, including small employers, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnership initiatives, career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

''(B) providing incentive grants to local areas—

''(i) for regional cooperation among local boards (including local boards in a designated region as described in section 116(c));

''(ii) for local coordination of activities carried out under this Act; and

''(iii) for exemplary performance by local areas on the local performance measures;

''(C) developing strategies for effectively integrating programs and services among one-stop partners;

''(D) carrying out activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

''(E) incorporating pay-for-performance contract strategies as an element in funding activities under this section and providing technical support to local areas and eligible providers in order to carry out such a strategy, which may involve providing assistance with data collection and data entry requirements;

''(F) carrying out the State option under subsection (f)(8); and

''(G) carrying out other activities authorized under this section that the State determines to be necessary to assist local areas in carrying out activities described in subsection (c) or (d) through the statewide workforce investment system.

''(4) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—A State shall use funds reserved as described in section 133(a)(2)—

''(A) to carry out statewide rapid response activities, which shall include provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and

''(B) to provide additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas.

''(5) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—

''(A) IN GENERAL.—Of the funds reserved as described in section 133(a)(3), the Governor of a State—

''(i) may reserve up to 5 percent to provide technical assistance for, and conduct evaluations as described in section 136(e) of, the programs carried out under this paragraph; and

''(ii) using the remainder, shall award grants on a competitive basis to eligible entities (that meet specific performance outcomes and criteria established by the Governor) described in subparagraph (B) to carry out employment and training programs authorized under this paragraph for individuals with barriers to employment.

''(B) ELIGIBLE ENTITY DEFINED.—For purposes of this paragraph, the term 'eligible entity' means an entity that—

''(i) is a—

''(I) local board or a consortium of local boards;

''(II) nonprofit entity, for-profit entity, or a consortium of nonprofit or for-profit entities; or

''(III) consortium of the entities described in subclauses (I) and (II);

''(ii) has a demonstrated record of placing individuals into unsubsidized employment and serving hard-to-serve individuals; and

''(iii) agrees to be reimbursed primarily on the basis of meeting specified performance outcomes and criteria established by the Governor.

''(C) GRANT PERIOD.—

''(i) IN GENERAL.—A grant under this paragraph shall be awarded for a period of 1 year.

''(ii) GRANT RENEWAL.—A Governor of a State may renew, for up to 4 additional 1-year periods, a grant awarded under this paragraph.

''(D) ELIGIBLE PARTICIPANTS.—To be eligible to participate in activities under this paragraph, an individual shall be a low-income individual age 16 or older.

''(E) USE OF FUNDS.—An eligible entity receiving a grant under this paragraph shall use the grant funds for programs of activities that are designed to assist eligible participants in obtaining employment and acquiring the education and skills necessary to succeed in the labor market. To be eligible to receive a grant under this paragraph for an employment and training program, an eligible entity shall submit an application to a State at such time, in such manner, and containing such information as the State may require, including—

''(i) a description of how the strategies and activities of the program will be aligned with the State plan submitted under section 112 and the local plan submitted under section 118, with respect to the area of the State that will be the focus of the program under this paragraph;

''(ii) a description of the educational and skills training programs and activities the eligible entity will provide to eligible participants under this paragraph;

''(iii) how the eligible entity will collaborate with State and local workforce investment systems established under this title in the provision of such programs and activities;

''(iv) a description of the programs of demonstrated effectiveness on which the provision of such educational and skills training programs and activities are based, and a description of how such programs and activities will improve education and skills training for eligible participants;

''(v) a description of the populations to be served and the skill needs of those populations, and the manner in which eligible participants will be recruited and selected as participants;

''(vi) a description of the private, public, local, and State resources that will be leveraged, with the grant funds provided, for the program under this paragraph, and how the entity will ensure the sustainability of such program after grant funds are no longer available;

''(vii) a description of the extent of the involvement of employers in such program;

''(viii) a description of the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for all individuals specified in section 136(b)(2);

''(ix) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the program provided under this paragraph; and

''(x) any other criteria the Governor may require.'';

(2) by amending subsection (b) to read as follows:

''(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—Funds allocated to a local area under section 133(b)—

''(1) shall be used to carry out employment and training activities described in subsection (c); and

''(2) may be used to carry out employment and training activities described in subsection (d).'';

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e), as subsections (c) and (d), respectively;

(5) in subsection (c) (as so redesignated)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Funds allocated to a local area under section 133(b) shall be used—

''(A) to establish a one-stop delivery system as described in section 121(e);

''(B) to provide the work ready services described in paragraph (2) through the one-stop delivery system in accordance with such paragraph; and

''(C) to provide training services described in paragraph (4) in accordance with such paragraph.'';

(B) in paragraph (2)—

(i) in the heading, by striking ''CORE SERVICES'' and inserting ''WORK READY SERVICES'';

(ii) in the matter preceding subparagraph (A)—

(I) by striking ''(1)(A)'' and inserting ''(1)'';

(II) by striking ''core services'' and inserting ''work ready services''; and

(III) by striking ''who are adults or dislocated workers'';

(iii) by redesignating subparagraph (K) as subparagraph (V);

(iv) by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively;

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

''(B) assistance in obtaining eligibility determinations under the other one-stop partner programs through activities, where appropriate and consistent with the authorizing statute of the one-stop partner program involved, such as assisting in—

''(i) the submission of applications;

''(ii) the provision of information on the results of such applications; and

''(iii) the provision of intake services and information;'';

(vi) by amending subparagraph (E), as so redesignated, to read as follows:

''(E) labor exchange services, including—

''(i) job search and placement assistance, and where appropriate, career counseling;

''(ii) appropriate recruitment services for employers, including small employers, in the local area, which may include services described in this subsection, including provision of information and referral to specialized business services not traditionally offered through the one-stop delivery system; and

''(iii) reemployment services provided to unemployment claimants, including claimants identified as in need of such services under the worker profiling system established under section 303(j) of the Social Security Act (42 U.S.C. 503(j));'';

(vii) in subparagraph (F), as so redesignated, by striking ''employment statistics'' and inserting ''workforce and labor market'';

(viii) in subparagraph (G), as so redesignated, by striking ''and eligible providers of youth activities described in section 123,'';

(ix) in subparagraph (H), as so redesignated, by inserting ''under section 136'' after ''local performance measures'';

(x) in subparagraph (J), as so redesignated, by inserting ''and information regarding the administration of the work test for the unemployment compensation system'' after ''compensation'';

(xi) by amending subparagraph (K), as so redesignated, to read as follows:

''(K) assistance in establishing eligibility for programs of financial aid assistance for education and training programs that are not funded under this Act and are available in the local area;''; and

(xii) by inserting the following new subparagraphs after subparagraph (K), as so redesignated:

''(L) the provision of information from official publications of the Internal Revenue Service regarding Federal tax credits, available to participants in employment and training activities, and relating to education, job training, and employment;

''(M) comprehensive and specialized assessments of the skill levels and service needs of workers, which may include—

''(i) diagnostic testing and use of other assessment tools; and

''(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

''(N) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant;

''(O) group counseling;

''(P) individual counseling and career planning;

''(Q) case management;

''(R) short-term pre-career services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

''(S) internships and work experience;

''(T) literacy activities relating to basic work readiness, information and communication technology literacy activities, and financial literacy activities, if the activities involved are not available to participants in the local area under programs administered under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.);

''(U) out-of-area job search assistance and relocation assistance; and'';

(C) by amending paragraph (3) to read as follows:

''(3) DELIVERY OF SERVICES.—The work ready services described in paragraph (2) shall be provided through the one-stop delivery system and may be provided through contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.''; and

(D) in paragraph (4)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Funds described in paragraph (1)(C) shall be used to provide training services to individuals who—

''(i) after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

''(I) be in need of training services to obtain or retain employment; and

''(II) have the skills and qualifications to successfully participate in the selected program of training services;

''(ii) select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the individual receiving such services are willing to commute or relocate; and

''(iii) who meet the requirements of subparagraph (B).'';

(ii) in subparagraph (B)(i), by striking ''Except'' and inserting ''Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except'';

(iii) by amending subparagraph (D) to read as follows:

''(D) TRAINING SERVICES.—Training services authorized under this paragraph may include—

''(i) occupational skills training;

''(ii) on-the-job training;

''(iii) skill upgrading and retraining;

''(iv) entrepreneurial training;

''(v) education activities leading to a regular secondary school diploma or its recognized equivalent in combination with, concurrently or subsequently, occupational skills training;

''(vi) adult education and family literacy education activities provided in conjunction with other training services authorized under this subparagraph;

''(vii) workplace training combined with related instruction;

''(viii) occupational skills training that incorporates English language acquisition;

''(ix) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training; and

''(x) training programs operated by the private sector.'';

(iv) by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(v) in subparagraph (E) (as so redesignated)—

(I) in clause (ii)—

(aa) in the matter preceding subclause (I), by striking ''subsection (c)'' and inserting ''section 121'';

(bb) in subclause (I), by striking ''section 122(e)'' and inserting ''section 122(d)'' and by striking ''section 122(h)'' and inserting ''section 122(i)''; and

(cc) in subclause (II), by striking ''subsections (e) and (h)'' and inserting ''subsections (d) and (i)''; and

(II) by striking clause (iii) and inserting the following:

''(iii) CAREER ENHANCEMENT ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a case manager, select an eligible provider of training services from the list or identifying information for providers described in clause (ii)(I). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through a career enhancement account.

''(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career enhancement accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services from (notwithstanding any provision of this title) eligible providers for those programs and sources.

''(v) ASSISTANCE.—Each local board may, through one-stop centers, assist individuals receiving career enhancement accounts in obtaining funds (in addition to the funds provided under this section) from other programs and sources that will assist the individual in obtaining training services.''; and

(vi) in subparagraph (F) (as so redesignated)—

(I) in the subparagraph heading, by striking ''INDIVIDUAL TRAINING ACCOUNTS'' and inserting ''CAREER ENHANCEMENT ACCOUNTS'';

(II) in clause (i), by striking ''individual training accounts'' and inserting ''career enhancement accounts'';

(III) in clause (ii)—

(aa) by striking ''an individual training account'' and inserting ''a career enhancement account'';

(bb) by striking ''subparagraph (F)'' and inserting ''subparagraph (E)'';

(cc) in subclause (II), by striking ''individual training accounts'' and inserting ''career enhancement accounts'';

(dd) in subclause (II), by striking ''or'' after the semicolon;

(ee) in subclause (III), by striking the period and inserting ''; or''; and

(ff) by adding at the end the following:

''(IV) the local board determines that it would be most appropriate to award a contract to a postsecondary educational institution that has been identified as a priority eligible provider under section 117(d)(5)(B) in order to facilitate the training of multiple individuals in in-demand industries or occupations important to the State or local economy, that such contract may be used to enable the expansion of programs provided by a priority eligible provider, and that such contract does not limit customer choice.'';

(IV) in clause (iii), by striking ''adult or dislocated worker'' and inserting ''individual''; and

(V) in clause (iv)—

(aa) by redesignating subclause (IV) as subclause (V); and

(bb) by inserting after subclause (III) the following:

''(IV) Individuals with disabilities.'';

(6) in subsection (d) (as so redesignated)—

(A) by amending paragraph (1) to read as follows:

''(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.—

''(A) IN GENERAL.—Funds allocated to a local area under section 133(b)(2) may be used to provide, through the one-stop delivery system—

''(i) customized screening and referral of qualified participants in training services to employers;

''(ii) customized employment-related services to employers on a fee-for-service basis;

''(iii) customer supports, including transportation and child care, to navigate among multiple services and activities for special participant populations that face multiple barriers to employment, including individuals with disabilities;

''(iv) employment and training assistance provided in coordination with child support enforcement activities of the State agency carrying out subtitle D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

''(v) incorporation of pay-for-performance contract strategies as an element in funding activities under this section;

''(vi) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology; and

''(vii) activities to carry out business services and strategies that meet the workforce investment needs of local area employers, as determined by the local board, consistent with the local plan under section 118.'';

(B) by striking paragraphs (2) and (3); and

(C) by adding at the end the following:

''(2) INCUMBENT WORKER TRAINING PROGRAMS.—

''(A) IN GENERAL.—The local board may use funds allocated to a local area under section 133(b)(2) to carry out incumbent worker training programs in accordance with this paragraph.

''(B) TRAINING ACTIVITIES.—The training programs for incumbent workers under this paragraph shall be carried out by the local area in conjunction with the employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment and avert layoffs.

''(C) EMPLOYER MATCH REQUIRED.—

''(i) IN GENERAL.—Employers participating in programs under this paragraph shall be required to pay a proportion of the costs of providing the training to the incumbent workers of the employers. The local board shall establish the required payment toward such costs, which may include in-kind contributions.

''(ii) CALCULATION OF MATCH.—The wages paid by an employer to a worker while they are attending training may be included as part of the required payment of the employer.''; and

(7) by adding at the end the following:

''(e) PRIORITY FOR PLACEMENT IN PRIVATE SECTOR JOBS.—In providing employment and training activities authorized under this section, the State board and local board shall give priority to placing participants in jobs in the private sector.

''(f) VETERAN EMPLOYMENT SPECIALIST.—

''(1) IN GENERAL.—Subject to paragraph (8), a local board shall hire and employ one or more veteran employment specialists to carry out employment, training, supportive, and placement services under this subsection in the local area served by the local board.

''(2) PRINCIPAL DUTIES.—A veteran employment specialist in a local area shall—

''(A) conduct outreach to employers in the local area to assist veterans, including disabled veterans, in gaining employment, including—

''(i) conducting seminars for employers; and

''(ii) in conjunction with employers, conducting job search workshops, and establishing job search groups; and

''(B) facilitate the furnishing of employment, training, supportive, and placement services to veterans, including disabled and homeless veterans, in the local area.

''(3) HIRING PREFERENCE FOR VETERANS AND INDIVIDUALS WITH EXPERTISE IN SERVING VETERANS.—Subject to paragraph (8), a local board shall, to the maximum extent practicable, employ veterans or individuals with expertise in serving veterans to carry out the services described in paragraph (2) in the local area served by the local board. In hiring an individual to serve as a veteran employment specialist, a local board shall give preference to veterans and other individuals in the following order:

''(A) To service-connected disabled veterans.

''(B) If no veteran described in subparagraph (A) is available, to veterans.

''(C) If no veteran described in subparagraph (A) or (B) is available, to any member of the Armed Forces transitioning out of military service.

''(D) If no veteran or member described in subparagraph (A), (B), or (C) is available, to any spouse of a veteran or a spouse of a member of the Armed Forces transitioning out of military service.

''(E) If no veteran or member described in subparagraph (A), (B), or (C) is available and no spouse described in paragraph (D) is available, to any other individuals with expertise in serving veterans.

''(4) ADMINISTRATION AND REPORTING.—

''(A) IN GENERAL.—Each veteran employment specialist shall be administratively responsible to the one-stop operator of the one-stop center in the local area and shall provide, at a minimum, quarterly reports to the one-stop operator of such center and to the Assistant Secretary for Veterans' Employment and Training for the State on the specialist's performance, and compliance by the specialist with Federal law (including regulations), with respect to the—

''(i) principal duties (including facilitating the furnishing of services) for veterans described in paragraph (2); and

''(ii) hiring preferences described in paragraph (3) for veterans and other individuals.

''(B) REPORT TO SECRETARY.—Each State shall submit to the Secretary an annual report on the qualifications used by each local

board in the State in making hiring determinations for a veteran employment specialist and the salary structure under which such specialist is compensated.

''(C) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Education and the Workforce and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Veterans' Affairs of the Senate an annual report summarizing the reports submitted under subparagraph (B), and including summaries of outcomes achieved by participating veterans, disaggregated by local areas.

''(5) PART-TIME EMPLOYEES.—A part-time veteran employment specialist shall perform the functions of a veteran employment specialist under this subsection on a halftime basis.

''(6) TRAINING REQUIREMENTS.—Each veteran employment specialist described in paragraph (2) shall satisfactorily complete training provided by the National Veterans' Employment and Training Institute during the 3-year period that begins on the date on which the employee is so assigned.

''(7) SPECIALIST'S DUTIES.—A full-time veteran employment specialist shall perform only duties related to employment, training, supportive, and placement services under this subsection, and shall not perform other non-veteran-related duties if such duties detract from the specialist's ability to perform the specialist's duties related to employment, training, supportive, and placement services under this subsection.

''(8) STATE OPTION.—At the request of a local board, a State may opt to assume the duties assigned to the local board under paragraphs (1) and (3), including the hiring and employment of one or more veteran employment specialists for placement in the local area served by the local board.''.

SEC. ___23. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 136 (29 U.S.C. 2871) is amended—

(1) in subsection (b)—

(A) by amending paragraphs (1) and (2) to read as follows:

''(1) IN GENERAL.—For each State, the State performance measures shall consist of—

''(A)(i) the core indicators of performance described in paragraph (2)(A); and

''(ii) additional indicators of performance (if any) identified by the State under paragraph (2)(B); and

''(B) a State adjusted level of performance for each indicator described in subparagraph (A).

''(2) INDICATORS OF PERFORMANCE.—

''(A) CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—The core indicators of performance for the program of employment and training activities authorized under sections 132(a)(2) and 134, the program of adult education and family literacy education activities authorized under title II, and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of the following indicators of performance (with performance determined in the aggregate and as disaggregated by the populations identified in the State and local plan in each case):

''(I) The percentage and number of program participants who are in unsubsidized employment during the second full calendar quarter after exit from the program.

''(II) The percentage and number of program participants who are in unsubsidized employment during the fourth full calendar quarter after exit from the program.

''(III) The difference in the median earnings of program participants who are in unsubsidized employment during the second full calendar quarter after exit from the program, compared to the median earnings of such participants prior to participation in such program.

''(IV) The percentage and number of program participants who obtain a recognized postsecondary credential (such as an industry-recognized credential or a certificate from a registered apprenticeship program), or a regular secondary school diploma or its recognized equivalent (subject to clause (ii)), during participation in or within 1 year after exit from the program.

''(V) The percentage and number of program participants who, during a program year—

''(aa) are in an education or training program that leads to a recognized postsecondary credential (such as an industry-recognized credential or a certificate from a registered apprenticeship program), a certificate from an on-the-job training program, a regular secondary school diploma or its recognized equivalent, or unsubsidized employment; and

''(bb) are achieving measurable basic skill gains toward such a credential, certificate, diploma, or employment.

''(VI) The percentage and number of program participants who obtain unsubsidized employment in the field relating to the training services described in section 134(c)(4) that such participants received.

''(ii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), program participants who obtain a regular secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants (in addition to obtaining such diploma or its recognized equivalent), within 1 year after exit from the program, have obtained or retained employment, have been removed from public assistance, or have begun an education or training program leading to a recognized postsecondary credential.

''(B) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities authorized under this subtitle.''; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the heading, by striking ''AND CUSTOMER SATISFACTION INDICATOR'';

(II) in clause (i), by striking ''and the customer satisfaction indicator described in paragraph (2)(B)'';

(III) in clause (ii), by striking ''and the customer satisfaction indicator of performance, for the first 3'' and inserting '', for all 3'';

(IV) in clause (iii)—

(aa) in the heading, by striking ''FOR FIRST 3 YEARS''; and

(bb) by striking ''and the customer satisfaction indicator of performance, for the first 3 program years'' and inserting ''for all 3 program years'';

(V) in clause (iv)—

(aa) by striking ''or (v)'';

(bb) by striking subclause (I) and redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(cc) in subclause (I) (as so redesignated)—

(AA) by inserting '', such as unemployment rates and job losses or gains in particular industries'' after ''economic conditions''; and

(BB) by inserting '', such as indicators of poor work experience, dislocation from high-wage employment, low levels of literacy or English proficiency, disability status (including disability status among veterans), and welfare dependency,'' after ''program'';

(VI) by striking clause (v) and redesignating clause (vi) as clause (v); and

(VII) in clause (v) (as so redesignated)—

(aa) by striking ''described in clause (iv)(II)'' and inserting ''described in clause (iv)(I)''; and

(bb) by striking ''or (v)''; and

(ii) in subparagraph (B), by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(B)'';

(2) in subsection (c)—

(A) by amending clause (i) of paragraph (1)(A) to read as follows:

''(i) the core indicators of performance described in subsection (b)(2)(A) for activities described in such subsection, other than statewide workforce investment activities; and'';

(B) in clause (ii) of paragraph (1)(A), by striking ''(b)(2)(C)'' and inserting ''(b)(2)(B)''; and

(C) by amending paragraph (3) to read as follows:

''(3) DETERMINATIONS.—In determining such local levels of performance, the local board, the chief elected official, and the Governor shall ensure such levels are adjusted based on the specific economic conditions (such as unemployment rates and job losses or gains in particular industries), or demographic characteristics or other characteristics of the population to be served, in the local area.'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''127 or'';

(ii) by striking ''and the customer satisfaction indicator'' each place it appears; and

(iii) in the last sentence, by inserting before the period the following: '', and on the amount and percentage of the State's annual allotment under section 132 the State spends on administrative costs and on the amount and percentage of its annual allocation under section 133 each local area in the State spends on administrative costs'';

(B) in paragraph (2)—

(i) by striking subparagraphs (A), (B), and (D);

(ii) by redesignating subparagraph (C) as subparagraph (A);

(iii) by redesignating subparagraph (E) as subparagraph (B);

(iv) in subparagraph (B), as so redesignated—

(I) by striking ''(excluding participants who received only self-service and informational activities)''; and

(II) by striking ''and'' at the end;

(v) by striking subparagraph (F); and

(vi) by adding at the end the following:

''(C) with respect to each local area in the State—

''(i) the number of individuals who received work ready services described in section 134(c)(2) and the number of individuals who received training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services, and the amount of funds spent on each of the 2 types of services during the most recent program year and fiscal year, and the preceding 5 fiscal years;

''(ii) the number of individuals who successfully exited out of work ready services described in section 134(c)(2) and the number of individuals who exited out of training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received

training services) by the type of entity that provided the training services; and

''(iii) the average cost per participant of those individuals who received work ready services described in section 134(c)(2) and the average cost per participant of those individuals who received training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services; and

''(D) the amount of funds spent on training services and discretionary activities described in section 134(d), disaggregated by the populations identified under section 112(b)(16)(A)(iv) and section 118(b)(10).'';

(C) in paragraph (3)(A), by striking ''through publication'' and inserting ''through electronic means''; and

(D) by adding at the end the following:

''(4) DATA VALIDATION.—In preparing the reports described in this subsection, each State shall establish procedures, consistent with guidelines issued by the Secretary, to ensure the information contained in the reports is valid and reliable.

''(5) STATE AND LOCAL POLICIES.—

''(A) STATE POLICIES.—Each State that receives an allotment under section 132 shall maintain a central repository of policies related to access, eligibility, availability of services, and other matters, and plans approved by the State board and make such repository available to the public, including by electronic means.

''(B) LOCAL POLICIES.—Each local area that receives an allotment under section 133 shall maintain a central repository of policies related to access, eligibility, availability of services, and other matters, and plans approved by the local board and make such repository available to the public, including by electronic means.'';

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or (B)''; and

(ii) in subparagraph (B), by striking ''may reduce by not more than 5 percent,'' and inserting ''shall reduce''; and

(B) by striking paragraph (2) and inserting the following:

''(2) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary shall return to the Treasury the amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B).'';

(5) in subsection (h)—

(A) in paragraph (1), by striking ''or (B)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by amending the matter preceding clause (i) to read as follows:

''(A) IN GENERAL.—If such failure continues for a second consecutive year, the Governor shall take corrective actions, including the development of a reorganization plan. Such plan shall—'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A), the following:

''(B) REDUCTION IN THE AMOUNT OF GRANT.—If such failure continues for a third consecutive year, the Governor shall reduce the amount of the grant that would (in the absence of this subparagraph) be payable to the local area under such program for the program year after such third consecutive year. Such penalty shall be based on the degree of failure to meet local levels of performance.'';

(iv) in subparagraph (C)(i) (as so redesignated), by striking ''a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan'' and inserting ''corrective action under subparagraph (A) or (B) may, not later than 30 days after receiving notice of the action, appeal to the Governor to rescind or revise such action''; and

(v) in subparagraph (D) (as so redesignated), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)'';

(6) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''subsection (b)(2)(C)'' and inserting ''subsection (b)(2)(B)''; and

(ii) in subparagraph (C), by striking ''(b)(3)(A)(vi)'' and inserting ''(b)(3)(A)(v)'';

(B) in paragraph (2), by striking ''the activities described in section 502 concerning''; and

(C) in paragraph (3), by striking ''described in paragraph (1) and in the activities described in section 502'' and inserting ''and activities described in this subsection''; and

(7) by adding at the end the following new subsections:

''(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—Consistent with the requirements of the applicable authorizing laws, the Secretary shall use the core indicators of performance described in subsection (b)(2)(A) to assess the effectiveness of the programs described in section 121(b)(1)(B) (in addition to the programs carried out under chapter 5) that are carried out by the Secretary.

''(k) ESTABLISHING PAY-FOR-PERFORMANCE INCENTIVES.—

''(1) IN GENERAL.—At the discretion of the Governor of a State, a State may establish an incentive system for local boards to implement pay-for-performance contract strategies for the delivery of employment and training activities in the local areas served by the local boards.

''(2) IMPLEMENTATION.—A State that establishes a pay-for-performance incentive system shall reserve not more than 10 percent of the total amount allotted to the State under section 132(b)(2) for a fiscal year to provide funds to local areas in the State whose local boards have implemented a pay-for-performance contract strategy.

''(3) EVALUATIONS.—A State described in paragraph (2) shall use funds reserved by the State under section 133(a)(1) to evaluate the return on investment of pay-for-performance contract strategies implemented by local boards in the State.''.

SEC. ___24. AUTHORIZATION OF APPROPRIATIONS.

Section 137 (29 U.S.C. 2872) is amended to read as follows:

''SEC. 137. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out the activities described in section 132, $5,945,639,000 for fiscal year 2015 and each of the 6 succeeding fiscal years.''.

CHAPTER 3—JOB CORPS

SEC. ___26. JOB CORPS PURPOSES.

Paragraph (1) of section 141 (29 U.S.C. 2881(1)) is amended to read as follows:

''(1) to maintain a national Job Corps program for at-risk youth, carried out in partnership with States and communities, to assist eligible youth to connect to the workforce by providing them with intensive academic, career and technical education, and service-learning opportunities, in residential and nonresidential centers, in order for such youth to obtain regular secondary school diplomas and recognized postsecondary credentials leading to successful careers in in-demand industries that will result in opportunities for advancement;''.

SEC. ___27. JOB CORPS DEFINITIONS.

Section 142 (29 U.S.C. 2882) is amended—

(1) in paragraph (2)—

(A) in the paragraph heading, by striking ''APPLICABLE ONE-STOP'' and inserting ''ONE-STOP'';

(B) by striking ''applicable'';

(C) by striking ''customer service''; and

(D) by striking ''intake'' and inserting ''assessment'';

(2) in paragraph (4), by striking ''before completing the requirements'' and all that follows and inserting ''prior to becoming a graduate.''; and

(3) in paragraph (5), by striking ''has completed the requirements'' and all that follows and inserting the following: ''who, as a result of participation in the Job Corps program, has received a regular secondary school diploma, completed the requirements of a career and technical education and training program, or received, or is making satisfactory progress (as defined under section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c))) toward receiving, a recognized postsecondary credential (including an industry-recognized credential) that prepares individuals for employment leading to economic self-sufficiency.''.

SEC. ___28. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

Section 144 (29 U.S.C. 2884) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) not less than age 16 and not more than age 24 on the date of enrollment;'';

(2) in paragraph (3)(B), by inserting ''secondary'' before ''school''; and

(3) in paragraph (3)(E), by striking ''vocational'' and inserting ''career and technical education and''.

SEC. ___29. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.

Section 145 (29 U.S.C. 2885) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C)(i) by striking ''vocational'' and inserting ''career and technical education and training''; and

(B) in paragraph (3)—

(i) by striking ''To the extent practicable, the'' and inserting ''The'';

(ii) in subparagraph (A)—

(I) by striking ''applicable''; and

(II) by inserting ''and'' after the semicolon;

(iii) by striking subparagraphs (B) and (C); and

(iv) by adding at the end the following:

''(B) organizations that have a demonstrated record of effectiveness in placing at-risk youth into employment.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and agrees to such rules'' after ''failure to observe the rules''; and

(ii) by amending subparagraph (C) to read as follows:

''(C) the individual has passed a background check conducted in accordance with procedures established by the Secretary, which shall include—

''(i) a search of the State criminal registry or repository in the State where the individual resides and each State where the individual previously resided;

''(ii) a search of State-based child abuse and neglect registries and databases in the State where the individual resides and each State where the individual previously resided;

''(iii) a search of the National Crime Information Center;

''(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(v) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).''; and

(B) by adding at the end the following new paragraph:

''(3) INDIVIDUALS CONVICTED OF A CRIME.—An individual shall be ineligible for enrollment if the individual—

''(A) makes a false statement in connection with the criminal background check described in paragraph (1)(C);

''(B) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(C) has been convicted of a felony consisting of—

''(i) homicide;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) a crime involving rape or sexual assault; or

''(v) physical assault, battery, or a drug-related offense, committed within the past 5 years.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''2 years'' and inserting ''year''; and

(ii) by striking ''an assignment'' and inserting ''a''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking '', every 2 years,'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C)—

(I) by inserting ''the education and training'' after ''including''; and

(II) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the performance of the Job Corps center relating to the indicators described in paragraphs (1) and (2) in section 159(c), and whether any actions have been taken with respect to such center pursuant to section 159(f).''; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''is closest to the home of the enrollee, except that the'' and inserting ''offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) in paragraph (2), by inserting ''that offers the career and technical education and training desired by'' after ''home of the enrollee''.

SEC. ___30. JOB CORPS CENTERS.

Section 147 (29 U.S.C. 2887) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''vocational'' both places it appears and inserting ''career and technical''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''subsections (c) and (d) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253)'' and inserting ''subsections (a) and (b) of section 3304 of title 41, United States Code''; and

(II) by striking ''industry council'' and inserting ''workforce council'';

(ii) in subparagraph (B)(i)—

(I) by amending subclause (II) to read as follows:

''(II) the ability of the entity to offer career and technical education and training that the workforce council proposes under section 154(c);'';

(II) in subclause (III), by striking ''is familiar with the surrounding communities, applicable'' and inserting ''demonstrates relationships with the surrounding communities, employers, workforce boards,'' and by striking ''and'' at the end;

(III) by amending subclause (IV) to read as follows:

''(IV) the performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center, including the entity's demonstrated effectiveness in assisting individuals in achieving the primary and secondary indicators of performance described in paragraphs (1) and (2) of section 159(c); and''; and

(IV) by adding at the end the following new subclause:

''(V) the ability of the entity to demonstrate a record of successfully assisting at-risk youth to connect to the workforce, including by providing them with intensive academic, and career and technical education and training.''; and

(iii) in subparagraph (B)(ii)—

(I) by striking '', as appropriate''; and

(II) by striking ''through (IV)'' and inserting ''through (V)'';

(2) in subsection (b), by striking ''In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.'';

(3) by amending subsection (c) to read as follows:

''(c) CIVILIAN CONSERVATION CENTERS.—

''(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall adhere to all the provisions of this subtitle, and shall provide, in addition to education, career and technical education and training, and workforce preparation skills training described in section 148, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

''(2) SELECTION PROCESS.—The Secretary shall select an entity that submits an application under subsection (d) to operate a Civilian Conservation Center on a competitive basis, as provided in subsection (a).''; and

(4) by striking subsection (d) and inserting the following:

''(d) APPLICATION.—To be eligible to operate a Job Corps center under this subtitle, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the program activities that will be offered at the center, including how the career and technical education and training reflect State and local employment opportunities, including in in-demand industries;

''(2) a description of the counseling, placement, and support activities that will be offered at the center, including a description of the strategies and procedures the entity will use to place graduates into unsubsidized employment upon completion of the program;

''(3) a description of the demonstrated record of effectiveness that the entity has in placing at-risk youth into employment, including past performance of operating a Job Corps center under this subtitle;

''(4) a description of the relationships that the entity has developed with State and local workforce boards, employers, State and local educational agencies, and the surrounding communities in an effort to promote a comprehensive statewide workforce investment system;

''(5) a description of the strong fiscal controls the entity has in place to ensure proper accounting of Federal funds, and a description of how the entity will meet the requirements of section 159(a);

''(6) a description of the strategies and policies the entity will utilize to reduce participant costs;

''(7) a description of the steps taken to control costs in accordance with section 159(a)(3);

''(8) a detailed budget of the activities that will be supported using funds under this subtitle;

''(9) a detailed budget of the activities that will be supported using funds from non-Federal resources;

''(10) an assurance the entity will comply with the administrative cost limitation included in section 151(c);

''(11) an assurance the entity is licensed to operate in the State in which the center is located; and

''(12) an assurance the entity will comply with and meet basic health and safety codes, including those measures described in section 152(b).

''(e) LENGTH OF AGREEMENT.—The agreement described in subsection (a)(1)(A) shall be for not longer than a 2-year period. The Secretary may renew the agreement for 3 1-year periods if the entity meets the requirements of subsection (f).

''(f) RENEWAL.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may renew the terms of an agreement described in subsection (a)(1)(A) for an entity to operate a Job Corps center if the center meets or exceeds each of the indicators of performance described in section 159(c)(1).

''(2) RECOMPETITION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall not renew the terms of the agreement for an entity to operate a Job Corps center if such center is ranked in the bottom quintile of centers described in section 159(f)(2) for any program year. Such entity may submit a new application under subsection (d) only if such center has shown significant improvement on the indicators of performance described in section 159(c)(1) over the last program year.

''(B) VIOLATIONS.—The Secretary shall not select an entity to operate a Job Corps center if such entity or such center has been found to have a systemic or substantial material failure that involves—

''(i) a threat to the health, safety, or civil rights of program participants or staff;

''(ii) the misuse of funds received under this subtitle;

''(iii) loss of legal status or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds;

''(iv) failure to meet any other Federal or State requirement that the entity has shown an unwillingness or inability to correct, after notice from the Secretary, within the period specified; or

''(v) an unresolved area of noncompliance.

''(g) CURRENT GRANTEES.—Not later than 60 days after the date of enactment of the SKILLS Act and notwithstanding any previous grant award or renewals of such award under this subtitle, the Secretary shall require all entities operating a Job Corps center under this subtitle to submit an application under subsection (d) to carry out the requirements of this section.''.

SEC. ___31. PROGRAM ACTIVITIES.

Section 148 (29 U.S.C. 2888) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ACTIVITIES PROVIDED THROUGH JOB CORPS CENTERS.—

''(1) IN GENERAL.—Each Job Corps center shall provide enrollees with an intensive, well-organized, and supervised program of education, career and technical education and training, work experience, recreational activities, physical rehabilitation and development, and counseling. Each Job Corps center shall provide enrollees assigned to the center with access to work ready services described in section 134(c)(2).

''(2) RELATIONSHIP TO OPPORTUNITIES.—

''(A) IN GENERAL.—The activities provided under this subsection shall be targeted to helping enrollees, on completion of their enrollment—

''(i) secure and maintain meaningful unsubsidized employment;

''(ii) complete secondary education and obtain a regular secondary school diploma;

''(iii) enroll in and complete postsecondary education or training programs, including obtaining recognized postsecondary credentials (such as industry-recognized credentials and certificates from registered apprenticeship programs); or

''(iv) satisfy Armed Forces requirements.

''(B) LINK TO EMPLOYMENT OPPORTUNITIES.—The career and technical education and training provided shall be linked to the employment opportunities in in-demand industries in the State in which the Job Corps center is located.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''EDUCATION AND VOCATIONAL'' and inserting ''ACADEMIC AND CAREER AND TECHNICAL EDUCATION AND'';

(B) by striking ''may'' after ''The Secretary'' and inserting ''shall''; and

(C) by striking ''vocational'' each place it appears and inserting ''career and technical''; and

(3) by amending paragraph (3) of subsection (c) to read as follows:

''(3) DEMONSTRATION.—Each year, any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate, before the operator may carry out such additional enrollment, that—

''(A) participants in such program have achieved a satisfactory rate of completion and placement in training-related jobs; and

''(B) such operator has met or exceeded the indicators of performance described in paragraphs (1) and (2) of section 159(c) for the previous year.''.

SEC. ___32. COUNSELING AND JOB PLACEMENT.

Section 149 (29 U.S.C. 2889) is amended—

(1) in subsection (a), by striking ''vocational'' and inserting ''career and technical education and'';

(2) in subsection (b)—

(A) by striking ''make every effort to arrange to''; and

(B) by striking ''to assist'' and inserting ''assist''; and

(3) by striking subsection (d).

SEC. ___33. SUPPORT.

Subsection (b) of section 150 (29 U.S.C. 2890) is amended to read as follows:

''(b) TRANSITION ALLOWANCES AND SUPPORT FOR GRADUATES.—The Secretary shall arrange for a transition allowance to be paid to graduates. The transition allowance shall be incentive-based to reflect a graduate's completion of academic, career and technical education or training, and attainment of a recognized postsecondary credential, including an industry-recognized credential.''.

SEC. ___34. OPERATIONS.

Section 151 (29 U.S.C. 2891) is amended—

(1) in the header, by striking ''**OPERATING PLAN**.'' and inserting ''**OPERATIONS**.'';

(2) in subsection (a), by striking ''IN GENERAL.—'' and inserting ''OPERATING PLAN.—'';

(3) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(4) by amending subsection (b) (as so redesignated)—

(A) in the heading by inserting ''OF OPERATING PLAN'' after ''AVAILABILITY''; and

(B) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''; and

(5) by adding at the end the following new subsection:

''(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds allotted under section 147 to an entity selected to operate a Job Corps center may be used by the entity for administrative costs under this subtitle.''.

SEC. ___35. COMMUNITY PARTICIPATION.

Section 153 (29 U.S.C. 2893) is amended to read as follows:

''SEC. 153. COMMUNITY PARTICIPATION.

''The director of each Job Corps center shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job Corps centers in the State and nearby communities. Such activities may include the use of any local workforce development boards established under section 117 to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest.''.

SEC. ___36. WORKFORCE COUNCILS.

Section 154 (29 U.S.C. 2894) is amended to read as follows:

''SEC. 154. WORKFORCE COUNCILS.

''(a) IN GENERAL.—Each Job Corps center shall have a workforce council appointed by the Governor of the State in which the Job Corps center is located.

''(b) WORKFORCE COUNCIL COMPOSITION.—

''(1) IN GENERAL.—A workforce council shall be comprised of—

''(A) business members of the State board described in section 111(b)(1)(B)(i);

''(B) business members of the local boards described in section 117(b)(2)(A) located in the State;

''(C) a representative of the State board described in section 111(f); and

''(D) such other representatives and State agency officials as the Governor may designate.

''(2) MAJORITY.—A ⅔ majority of the members of the workforce council shall be representatives described in paragraph (1)(A).

''(c) RESPONSIBILITIES.—The responsibilities of the workforce council shall be—

''(1) to review all the relevant labor market information, including related information in the State plan described in section 112, to—

''(A) determine the in-demand industries in the State in which enrollees intend to seek employment after graduation;

''(B) determine the skills and education that are necessary to obtain the employment opportunities described in subparagraph (A); and

''(C) determine the type or types of career and technical education and training that will be implemented at the center to enable the enrollees to obtain the employment opportunities; and

''(2) to meet at least once a year to reevaluate the labor market information, and other relevant information, to determine any necessary changes in the career and technical education and training provided at the center.''.

SEC. ___37. TECHNICAL ASSISTANCE.

Section 156 (29 U.S.C. 2896) is amended to read as follows:

''SEC. 156. TECHNICAL ASSISTANCE TO CENTERS.

''(a) IN GENERAL.—From the funds reserved under section 132(a)(3), the Secretary shall provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance and training for the Job Corps program for the purposes of improving program quality.

''(b) ACTIVITIES.—In providing training and technical assistance and for allocating resources for such assistance, the Secretary shall—

''(1) assist entities, including those entities not currently operating a Job Corps center, in developing the application described in section 147(d);

''(2) assist Job Corps centers and programs in correcting deficiencies and violations under this subtitle;

''(3) assist Job Corps centers and programs in meeting or exceeding the indicators of performance described in paragraphs (1) and (2) of section 159(c); and

''(4) assist Job Corps centers and programs in the development of sound management practices, including financial management procedures.''.

SEC. ___38. SPECIAL PROVISIONS.

Section 158(c)(1) (29 U.S.C. 2989(c)(1)) is amended by striking ''title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)'' and inserting ''chapter 5 of title 40, United States Code,''.

SEC. ___39. PERFORMANCE ACCOUNTABILITY MANAGEMENT.

Section 159 (29 U.S.C. 2899) is amended—

(1) in the section heading, by striking ''**MANAGEMENT INFORMATION**'' and inserting ''**PERFORMANCE ACCOUNTABILITY AND MANAGEMENT**'';

(2) in subsection (a)(3), by inserting before the period at the end the following: '', or operating costs for such centers result in a budgetary shortfall'';

(3) by striking subsections (c) through (g); and

(4) by inserting after subsection (b) the following:

''(c) INDICATORS OF PERFORMANCE.—

''(1) PRIMARY INDICATORS.—The annual primary indicators of performance for Job Corps centers shall include—

''(A) the percentage and number of enrollees who graduate from the Job Corps center;

''(B) the percentage and number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps center, except that such calculation shall not include enrollment in education, the military, or volunteer service;

''(C) the percentage and number of graduates who obtained a recognized postsecondary credential, including an industry-recognized credential or a certificate from a registered apprenticeship program; and

''(D) the cost per successful performance outcome, which is calculated by comparing the number of graduates who were placed in unsubsidized employment or obtained a recognized postsecondary credential, including an industry-recognized credential, to total program costs, including all operations, construction, and administration costs at each Job Corps center.

''(2) SECONDARY INDICATORS.—The annual secondary indicators of performance for Job Corps centers shall include—

''(A) the percentage and number of graduates who entered unsubsidized employment not related to the career and technical education and training received through the Job Corps center;

''(B) the percentage and number of graduates who entered into postsecondary education;

''(C) the percentage and number of graduates who entered into the military;

''(D) the average wage of graduates who are in unsubsidized employment—

''(i) on the first day of employment; and

''(ii) 6 months after the first day;

''(E) the number and percentage of graduates who entered unsubsidized employment and were retained in the unsubsidized employment—

''(i) 6 months after the first day of employment; and

''(ii) 12 months after the first day of employment;

''(F) the percentage and number of enrollees compared to the percentage and number of enrollees the Secretary has established as targets in section 145(c)(1);

''(G) the cost per training slot, which is calculated by comparing the program's maximum number of enrollees that can be enrolled in a Job Corps center at any given time during the program year to the number of enrollees in the same program year; and

''(H) the number and percentage of former enrollees, including the number dismissed under the zero tolerance policy described in section 152(b).

''(3) INDICATORS OF PERFORMANCE FOR RECRUITERS.—The annual indicators of performance for recruiters shall include the measurements described in subparagraph (A) of paragraph (1) and subparagraphs (F), (G), and (H) of paragraph (2).

''(4) INDICATORS OF PERFORMANCE OF CAREER TRANSITION SERVICE PROVIDERS.—The annual indicators of performance of career transition service providers shall include the measurements described in subparagraphs (B) and (C) of paragraph (1) and subparagraphs, (B), (C), (D), and (E) of paragraph (2).

''(d) ADDITIONAL INFORMATION.—The Secretary shall collect, and submit in the report described in subsection (f), information on the performance of each Job Corps center, and the Job Corps program, regarding—

''(1) the number and percentage of former enrollees who obtained a regular secondary school diploma;

''(2) the number and percentage of former enrollees who entered unsubsidized employment;

''(3) the number and percentage of former enrollees who obtained a recognized postsecondary credential, including an industry-recognized credential;

''(4) the number and percentage of former enrollees who entered into military service; and

''(5) any additional information required by the Secretary.

''(e) METHODS.—The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 136(f)(2) and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

''(f) TRANSPARENCY AND ACCOUNTABILITY.—

''(1) REPORT.—The Secretary shall collect and annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and make available to the public by electronic means, a report containing—

''(A) information on the performance of each Job Corps center, and the Job Corps program, on the performance indicators described in paragraphs (1) and (2) of subsection (c);

''(B) a comparison of each Job Corps center, by rank, on the performance indicators described in paragraphs (1) and (2) of subsection (c);

''(C) a comparison of each Job Corps center, by rank, on the average performance of all primary indicators described in paragraph (1) of subsection (c);

''(D) information on the performance of the service providers described in paragraphs (3) and (4) of subsection (c) on the performance indicators established under such paragraphs; and

''(E) a comparison of each service provider, by rank, on the performance of all service providers described in paragraphs (3) and (4) of subsection (c) on the performance indicators established under such paragraphs.

''(2) ASSESSMENT.—The Secretary shall conduct an annual assessment of the performance of each Job Corps center which shall include information on the Job Corps centers that—

''(A) are ranked in the bottom 10 percent on the performance indicator described in paragraph (1)(C); or

''(B) have failed a safety and health code review described in subsection (g).

''(3) PERFORMANCE IMPROVEMENT.—With respect to a Job Corps center that is identified under paragraph (2) or reports less than 50 percent on the performance indicators described in subparagraph (A), (B), or (C) of subsection (c)(1), the Secretary shall develop and implement a 1 year performance improvement plan. Such a plan shall require action including—

''(A) providing technical assistance to the center;

''(B) changing the management staff of the center;

''(C) replacing the operator of the center;

''(D) reducing the capacity of the center; or

''(E) closing the center.

''(4) CLOSURE OF JOB CORPS CENTERS.—Job Corps centers that have been identified under paragraph (2) for more than 4 consecutive years shall be closed. The Secretary shall ensure—

''(A) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register and other appropriate means; and

''(B) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary.

''(g) PARTICIPANT HEALTH AND SAFETY.—The Secretary shall enter into an agreement with the General Services Administration or the appropriate State agency responsible for inspecting public buildings and safeguarding the health of disadvantaged students, to conduct an in-person review of the physical condition and health-related activities of each Job Corps center annually. Such review shall include a passing rate of occupancy under Federal and State ordinances.''.

CHAPTER 4—NATIONAL PROGRAMS

SEC. ___41. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) by striking subsection (b);

(2) by striking:

''(a) GENERAL TECHNICAL ASSISTANCE.—'';

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c) respectively, and moving such subsections 2 ems to the left, and conforming the casing style of the headings of such subsections to the casing style of the heading of subsection (d), as added by paragraph (7) of this section;

(4) in subsection (a) (as so redesignated)—

(A) by inserting ''the training of staff providing rapid response services and additional assistance, the training of other staff of recipients of funds under this title, assistance regarding accounting and program operation practices (when such assistance would not be duplicative to assistance provided by the State), technical assistance to States that do not meet State performance measures described in section 136,'' after ''localities,''; and

(B) by striking ''from carrying out activities'' and all that follows up to the period and inserting ''to implement the amendments made by the SKILLS Act'';

(5) in subsection (b) (as so redesignated)—

(A) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(B) by striking '', or recipient of financial assistance under any of sections 166 through 169,''; and

(C) by striking ''or grant recipient'';

(6) in subsection (c) (as so redesignated), by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(7) by inserting, after subsection (c) (as so redesignated), the following:

''(d) BEST PRACTICES COORDINATION.—The Secretary shall—

''(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act; and

''(2) evaluate and disseminate information regarding best practices and identify knowledge gaps.''.

SEC. ___42. EVALUATIONS.

Section 172 (29 U.S.C. 2917) is amended—

(1) in subsection (a), by striking ''the Secretary shall provide for the continuing evaluation of the programs and activities, including those programs and activities carried out under section 171'' and inserting ''the Secretary, through grants, contracts, or cooperative agreements, shall conduct, at least once every 5 years, an independent evaluation of the programs and activities funded under this Act'';

(2) by amending subsection (a)(4) to read as follows:

''(4) the impact of receiving services and not receiving services under such programs and activities on the community, businesses, and individuals;'';

(3) by amending subsection (c) to read as follows:

''(c) TECHNIQUES.—Evaluations conducted under this section shall utilize appropriate and rigorous methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies, quasi-experimental methods, impact analysis and the use of administrative data. The Secretary shall conduct an impact analysis, as described in subsection (a)(4), of the formula grant program under subtitle B not later than 2016, and thereafter shall conduct such an analysis not less than once every 4 years.'';

(4) in subsection (e), by striking ''the Committee on Labor and Human Resources of the Senate'' and inserting ''the Committee on Health, Education, Labor, and Pensions of the Senate'';

(5) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

''(f) REDUCTION OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR LATE REPORTING.—If a report required to be transmitted to Congress under this section is not transmitted on or before the time period specified for that report, amounts authorized to be appropriated under this title shall be reduced by 10 percent for the fiscal year that begins after the date on which the final report required under this section is required to be transmitted and reduced by an additional 10 percent each subsequent fiscal year until each such report is transmitted to Congress.''; and

(6) by adding at the end, the following:

''(h) PUBLIC AVAILABILITY.—The results of the evaluations conducted under this section shall be made publicly available, including by posting such results on the Department's website.''.

CHAPTER 5—ADMINISTRATION

SEC. ___46. REQUIREMENTS AND RESTRICTIONS.

Section 181 (29 U.S.C. 2931) is amended—

(1) in subsection (b)(6), by striking '', including representatives of businesses and of labor organizations,'';

(2) in subsection (c)(2)(A), in the matter preceding clause (i), by striking ''shall'' and inserting ''may'';

(3) in subsection (e)—

(A) by striking ''training for'' and inserting ''the entry into employment, retention in employment, or increases in earnings of''; and

(B) by striking ''subtitle B'' and inserting ''this Act'';

(4) in subsection (f)(4), by striking ''134(a)(3)(B)'' and inserting ''133(a)(4)''; and

(5) by adding at the end the following:

''(g) SALARY AND BONUS LIMITATION.—

''(1) IN GENERAL.—No funds provided under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the rate prescribed in level II of the Executive Schedule under section 5315 of title 5, United States Code.

''(2) VENDORS.—The limitation described in paragraph (1) shall not apply to vendors providing goods and services as defined in OMB Circular A–133.

''(3) LOWER LIMIT.—In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in paragraph (1) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.

''(h) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Employment and Training Administration of the Department of Labor (referred to in this Act as the 'Administration') shall administer all programs authorized under title I and the Wagner-Peyser Act (29 U.S.C. 49 et seq.). The Administration shall be headed by an Assistant Secretary appointed by the President by and with the advice and consent of the Senate. Except for title II and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Administration shall be the principal agency, and the Assistant Secretary shall be the principal officer, of such Department for carrying out this Act.

''(2) QUALIFICATIONS.—The Assistant Secretary shall be an individual with substantial experience in workforce development and in workforce development management. The Assistant Secretary shall also, to the maximum extent possible, possess knowledge and have worked in or with the State or local workforce investment system or have been a member of the business community.

''(3) FUNCTIONS.—In the performance of the functions of the office, the Assistant Secretary shall be directly responsible to the Secretary or the Deputy Secretary of Labor, as determined by the Secretary. The functions of the Assistant Secretary shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Assistant Secretary. Any reference in this Act to duties to be carried out by the Assistant Secretary shall be considered to be a reference to duties to be carried out by the Secretary acting through the Assistant Secretary.''.

SEC. ___47. PROMPT ALLOCATION OF FUNDS.

Section 182 (29 U.S.C. 2932) is amended—

(1) in subsection (c)—

(A) by striking ''127 or''; and

(B) by striking '', except that'' and all that follows and inserting a period; and

(2) in subsection (e)—

(A) by striking ''sections 128 and 133'' and inserting ''section 133''; and

(B) by striking ''127 or''.

SEC. ___48. FISCAL CONTROLS; SANCTIONS.

Section 184(a)(2) (29 U.S.C. 2934(a)(2)) is amended—

(1) by striking ''(A)'' and all that follows through ''Each'' and inserting ''Each''; and

(2) by striking subparagraph (B).

SEC. ___49. REPORTS TO CONGRESS.

Section 185 (29 U.S.C. 2935) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

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

(C) by adding at the end the following:

''(4) shall have the option to submit or disseminate electronically any reports, records, plans, or other data that are required to be collected or disseminated under this title.''; and

(2) in subsection (e)(2), by inserting ''and the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate,'' after ''Secretary,''.

SEC. ___50. ADMINISTRATIVE PROVISIONS.

Section 189 (29 U.S.C. 2939) is amended—

(1) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on October 1 in the fiscal year for which the appropriation is made.''; and

(B) in paragraph (2)—

(i) in the first sentence, by striking ''each State'' and inserting ''each recipient (except as otherwise provided in this paragraph)''; and

(ii) in the second sentence, by striking ''171 or'';

(2) in subsection (i)—

(A) by striking paragraphs (2) and (3);

(B) by redesignating paragraph (4) as paragraph (2);

(C) by amending paragraph (2)(A), as so redesignated—

(i) in clause (i), by striking ''; and'' and inserting a period at the end;

(ii) by striking ''requirements of subparagraph (B)'' and all that follows through ''any of the statutory or regulatory requirements of subtitle B'' and inserting ''requirements of subparagraph (B) or (D), any of the statutory or regulatory requirements of subtitle B''; and

(iii) by striking clause (ii); and

(D) by adding at the end the following:

''(D) EXPEDITED PROCESS FOR EXTENDING APPROVED WAIVERS TO ADDITIONAL STATES.—The Secretary may establish an expedited procedure for the purpose of extending to additional States the waiver of statutory or regulatory requirements that have been approved for a State pursuant to a request under subparagraph (B), in lieu of requiring the additional States to meet the requirements of subparagraphs (B) and (C). Such procedure shall ensure that the extension of such a waiver to additional States is accompanied by appropriate conditions relating to the implementation of such waiver.

''(E) EXTERNAL CONDITIONS.—The Secretary shall not require or impose new or additional requirements, that are not specified under this Act, on a State in exchange for providing a waiver to the State or a local area in the State under this paragraph.''.

SEC. ___51. STATE LEGISLATIVE AUTHORITY.

Section 191(a) (29 U.S.C. 2941(a)) is amended—

(1) by striking ''consistent with the provisions of this title'' and inserting ''consistent with State law and the provisions of this title''; and

(2) by striking ''consistent with the terms and conditions required under this title'' and inserting ''consistent with State law and the terms and conditions required under this title''.

SEC. ___52. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended—

(1) in paragraph (7), by inserting at the end the following:

''(D) Funds received under a program by a public or private nonprofit entity that are not described in subparagraph (B), such as funds privately raised from philanthropic foundations, businesses, or other private entities, shall not be considered to be income under this title and shall not be subject to the requirements of this paragraph.'';

(2) by striking paragraph (9);

(3) by redesignating paragraphs (10) through (13) as paragraphs (9) through (12), respectively; and

(4) by adding at the end the following new paragraphs:

''(13) Funds provided under this title shall not be used to establish or operate standalone fee-for-service enterprises that compete with private sector employment agencies within the meaning of section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)), except that for purposes of this paragraph, such an enterprise does not include a one-stop center.

''(14) Any report required to be submitted to Congress, or to a Committee of Congress, under this title shall be submitted to both the chairmen and ranking minority members of the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. ___53. FEDERAL AGENCY STAFF AND RESTRICTIONS ON POLITICAL AND LOBBYING ACTIVITIES.

Subtitle E of title I (29 U.S.C. 2931 et seq.) is amended by adding at the end the following new sections:

''SEC. 196. FEDERAL AGENCY STAFF.

''The Director of the Office of Management and Budget shall—

''(1) not later than 60 days after the date of the enactment of the SKILLS Act—

''(A) identify the number of Federal government employees who, on the day before the date of enactment of the SKILLS Act, worked on or administered each of the programs and activities that were authorized under this Act or were authorized under a provision listed in section ___71 of the SKILLS Act; and

''(B) identify the number of full-time equivalent employees who on the day before that date of enactment, worked on or administered each of the programs and activities described in subparagraph (A), on functions for which the authorizing provision has been repealed, or for which an amount has been consolidated (if such employee is in a duplicate position), on or after such date of enactment;

''(2) not later than 90 after such date of enactment, publish the information described in paragraph (1) on the Office of Management and Budget website; and

''(3) not later than 1 year after such date of enactment—

''(A) reduce the workforce of the Federal Government by the number of full-time equivalent employees identified under paragraph (1)(B); and

''(B) submit to Congress a report on how the Director carried out the requirements of subparagraph (A).

''SEC. 197. RESTRICTIONS ON LOBBYING AND POLITICAL ACTIVITIES.

''(a) LOBBYING RESTRICTIONS.—

''(1) PUBLICITY RESTRICTIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), no funds provided under this Act shall be used or proposed for use, for—

''(i) publicity or propaganda purposes; or

''(ii) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to—

''(i) normal and recognized executive-legislative relationships;

''(ii) the preparation, distribution, or use of the materials described in subparagraph (A)(ii) in presentation to the Congress or any State or local legislature or legislative body (except that this subparagraph does not apply with respect to such preparation, distribution, or use in presentation to the executive branch of any State or local government); or

''(iii) such preparation, distribution, or use of such materials, that are designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.

''(2) SALARY PAYMENT RESTRICTION.—No funds provided under this Act shall be used, or proposed for use, to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before the Congress or any State government, or a State or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

''(b) POLITICAL RESTRICTIONS.—

''(1) IN GENERAL.—No funds received by a participant of a program or activity under this Act shall be used for—

''(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or

''(B) any activity to provide voters with transportation to the polls or similar assistance in connection with any such election.

''(2) RESTRICTION ON VOTER REGISTRATION ACTIVITIES.—No funds under this Act shall be used to conduct voter registration activities.

''(3) DEFINITION.—For the purposes of this subsection, the term 'participant' includes any State, local area, or government, nonprofit, or for-profit entity receiving funds under this Act.''.

CHAPTER 6—STATE UNIFIED PLAN

SEC. ___56. STATE UNIFIED PLAN.

Section 501 (20 U.S.C. 9271) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL AUTHORITY.—The Secretary shall receive and approve State unified plans developed and submitted in accordance with this section.'';

(2) by amending subsection (b) to read as follows:

''(b) STATE UNIFIED PLAN.—

''(1) IN GENERAL.—A State may develop and submit to the Secretary a State unified plan for 2 or more of the activities or programs set forth in paragraph (2). The State unified plan shall cover one or more of the activities or programs set forth in subparagraphs (A) and (B) of paragraph (2) and shall cover one or more of the activities or programs set forth in subparagraphs (C) through (N) of paragraph (2).

''(2) ACTIVITIES AND PROGRAMS.—For purposes of paragraph (1), the term 'activity or program' means any 1 of the following 14 activities or programs:

''(A) Activities and programs authorized under title I.

''(B) Activities and programs authorized under title II.

''(C) Programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 710 et seq.).

''(D) Secondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(E) Postsecondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006.

''(F) Activities and programs authorized under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

''(G) Programs and activities authorized under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

''(H) Programs authorized under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

''(I) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(J) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

''(K) Work programs authorized under section 6(o) of the Food and Nutrition Act of 1977 (7 U.S.C. 2015(o)).

''(L) Activities and programs authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(M) Activities and programs authorized under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

''(N) Activities authorized under chapter 41 of title 38, United States Code.'';

(3) by amending subsection (d) to read as follows:

''(d) APPROVAL.—

''(1) JURISDICTION.—In approving a State unified plan under this section, the Secretary shall—

''(A) submit the portion of the State unified plan covering an activity or program described in subsection (b)(2) to the head of the Federal agency who exercises administrative authority over the activity or program for the approval of such portion by such Federal agency head; or

''(B) coordinate approval of the portion of the State unified plan covering an activity or program described in subsection (b)(2) with the head of the Federal agency who exercises administrative authority over the activity or program.

''(2) TIMELINE.—A State unified plan shall be considered to be approved by the Secretary at the end of the 90-day period beginning on the day the Secretary receives the plan, unless the Secretary makes a written determination, during the 90-day period, that details how the plan is not consistent with the requirements of the Federal statute authorizing an activity or program described in subsection (b)(2) and covered under the plan or how the plan is not consistent with the requirements of subsection (c)(3).

''(3) SCOPE OF PORTION.—For purposes of paragraph (1), the portion of the State unified plan covering an activity or program shall be considered to include the plan described in subsection (c)(3) and any proposal described in subsection (e)(2), as that part and proposal relate to the activity or program.''; and

(4) by adding at the end the following:

''(e) ADDITIONAL EMPLOYMENT AND TRAINING FUNDS.—

''(1) PURPOSE.—It is the purpose of this subsection to reduce inefficiencies in the administration of federally funded State and local employment and training programs.

''(2) IN GENERAL.—In developing a State unified plan for the activities or programs described in subsection (b)(2), and subject to paragraph (4) and to the State plan approval process under subsection (d), a State may propose to consolidate the amount, in whole or part, provided for the activities or programs covered by the plan into the Workforce Investment Fund under section 132(b) to improve the administration of State and local employment and training programs.

''(3) REQUIREMENTS.—A State that has a State unified plan approved under subsection (d) with a proposal for consolidation under paragraph (2), and that is carrying out such consolidation, shall—

''(A) in providing an activity or program for which an amount is consolidated into the Workforce Investment Fund—

''(i) continue to meet the program requirements, limitations, and prohibitions of any Federal statute authorizing the activity or program; and

''(ii) meet the intent and purpose for the activity or program; and

''(B) continue to make reservations and allotments under subsections (a) and (b) of section 133.

''(4) EXCEPTIONS.—A State may not consolidate an amount under paragraph (2) that is allocated to the State under—

''(A) the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.); or

''(B) title I of the Rehabilitation Act of 1973 (29 U.S.C. 710 et seq.).''.

Subtitle B—Adult Education and Family Literacy Education

SEC. ___61. AMENDMENT.

Title II (20 U.S.C. 9201 et seq.) is amended to read as follows:

''TITLE II—ADULT EDUCATION AND FAMILY LITERACY EDUCATION

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Adult Education and Family Literacy Education Act'.

''SEC. 202. PURPOSE.

''It is the purpose of this title to provide instructional opportunities for adults seeking to improve their literacy skills, including their basic reading, writing, speaking, and mathematics skills, and support States and local communities in providing, on a voluntary basis, adult education and family literacy education programs, in order to—

''(1) increase the literacy of adults, including the basic reading, writing, speaking, and mathematics skills, to a level of proficiency necessary for adults to obtain employment and self-sufficiency and to successfully advance in the workforce;

''(2) assist adults in the completion of a secondary school education (or its equivalent) and the transition to a postsecondary educational institution;

''(3) assist adults who are parents to enable them to support the educational development of their children and make informed choices regarding their children's education including, through instruction in basic reading, writing, speaking, and mathematics skills; and

''(4) assist adults who are not proficient in English in improving their reading, writing, speaking, listening, comprehension, and mathematics skills.

''SEC. 203. DEFINITIONS.

''In this title:

''(1) ADULT EDUCATION AND FAMILY LITERACY EDUCATION PROGRAMS.—The term

'adult education and family literacy education programs' means a sequence of academic instruction and educational services below the postsecondary level that increase an individual's ability to read, write, and speak English and perform mathematical computations leading to a level of proficiency equivalent to at least a secondary school completion that is provided for individuals—

''(A) who are at least 16 years of age;

''(B) who are not enrolled or required to be enrolled in secondary school under State law; and

''(C) who—

''(i) lack sufficient mastery of basic reading, writing, speaking, and mathematics skills to enable the individuals to function effectively in society;

''(ii) do not have a secondary school diploma or its equivalent and have not achieved an equivalent level of education; or

''(iii) are English learners.

''(2) ELIGIBLE AGENCY.—The term 'eligible agency'—

''(A) means the primary entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and family literacy education programs in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively; and

''(B) may be the State educational agency, the State agency responsible for administering workforce investment activities, or the State agency responsible for administering community or technical colleges.

''(3) ELIGIBLE PROVIDER.—The term 'eligible provider' means an organization of demonstrated effectiveness that is—

''(A) a local educational agency;

''(B) a community-based or faith-based organization;

''(C) a volunteer literacy organization;

''(D) an institution of higher education;

''(E) a public or private educational agency;

''(F) a library;

''(G) a public housing authority;

''(H) an institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education, basic skills, and family literacy education programs to adults and families; or

''(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

''(4) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term 'English language acquisition program' means a program of instruction—

''(A) designed to help English learners achieve competence in reading, writing, speaking, and comprehension of the English language; and

''(B) that may lead to—

''(i) attainment of a secondary school diploma or its recognized equivalent;

''(ii) transition to success in postsecondary education and training; and

''(iii) employment or career advancement.

''(5) FAMILY LITERACY EDUCATION PROGRAM.—The term 'family literacy education program' means an educational program that—

''(A) assists parents and students, on a voluntary basis, in achieving the purpose of this title as described in section 202; and

''(B) is of sufficient intensity in terms of hours and of sufficient quality to make sustainable changes in a family, is evidence-based, and, for the purpose of substantially increasing the ability of parents and children to read, write, and speak English, integrates—

''(i) interactive literacy activities between parents and their children;

''(ii) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

''(iii) parent literacy training that leads to economic self-sufficiency; and

''(iv) an age-appropriate education to prepare children for success in school and life experiences.

''(6) GOVERNOR.—The term 'Governor' means the chief executive officer of a State or outlying area.

''(7) INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990).

''(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.

''(8) ENGLISH LEARNER.—The term 'English learner' means an adult or out-of-school youth who has limited ability in reading, writing, speaking, or understanding the English language, and—

''(A) whose native language is a language other than English; or

''(B) who lives in a family or community environment where a language other than English is the dominant language.

''(9) INTEGRATED EDUCATION AND TRAINING.—The term 'integrated education and training' means services that provide adult education and literacy activities contextually and concurrently with workforce preparation activities and workforce training for a specific occupation or occupational cluster. Such services may include offering adult education services concurrent with postsecondary education and training, including through co-instruction.

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

''(11) LITERACY.—The term 'literacy' means an individual's ability to read, write, and speak in English, compute, and solve problems at a level of proficiency necessary to obtain employment and to successfully make the transition to postsecondary education.

''(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(13) OUTLYING AREA.—The term 'outlying area' has the meaning given the term in section 101 of this Act.

''(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' means—

''(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

''(B) a tribally controlled community college; or

''(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(16) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(17) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(18) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program that is offered in collaboration between eligible providers and employers or employee organizations for the purpose of improving the productivity of the workforce through the improvement of reading, writing, speaking, and mathematics skills.

"SEC. 204. HOME SCHOOLS.

''Nothing in this title shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in adult education and family literacy education activities under this title.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title, $606,294,933 for fiscal year 2015 and for each of the 6 succeeding fiscal years.

"Subtitle A—Federal Provisions

"SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

''(a) RESERVATION OF FUNDS.—From the sums appropriated under section 205 for a fiscal year, the Secretary shall reserve 2.0 percent to carry out section 242.

''(b) GRANTS TO ELIGIBLE AGENCIES.—

''(1) IN GENERAL.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g).

''(2) PURPOSE OF GRANTS.—The Secretary may award a grant under paragraph (1) only if the eligible agency involved agrees to expend the grant in accordance with the provisions of this title.

''(c) ALLOTMENTS.—

''(1) INITIAL ALLOTMENTS.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224—

''(A) $100,000, in the case of an eligible agency serving an outlying area; and

''(B) $250,000, in the case of any other eligible agency.

''(2) ADDITIONAL ALLOTMENTS.—From the sums appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sums as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

''(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

''(1) is at least 16 years of age;

''(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

''(3) does not have a secondary school diploma or its recognized equivalent; and

''(4) is not enrolled in secondary school.

''(e) SPECIAL RULE.—

''(1) IN GENERAL.—From amounts made available under subsection (c) for the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title as determined by the Secretary.

''(2) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this title until an agreement for

the extension of United States education assistance under the Compact of Free Association for the Republic of Palau becomes effective.

''(f) HOLD-HARMLESS PROVISIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraph (2), for—

''(A) fiscal year 2015, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for fiscal year 2012 under this title; and

''(B) fiscal year 2016 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

''(2) RATABLE REDUCTION.—If, for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratable reduce the payments to all eligible agencies, as necessary.

''(g) REALLOTMENT.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

"SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

''Programs and activities authorized under this title are subject to the performance accountability provisions described in paragraphs (2)(A) and (3) of section 136(b) and may, at a State's discretion, include additional indicators identified in the State plan approved under section 224.

"Subtitle B—State Provisions

"SEC. 221. STATE ADMINISTRATION.

''Each eligible agency shall be responsible for the following activities under this title:

''(1) The development, submission, implementation, and monitoring of the State plan.

''(2) Consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title.

''(3) Coordination and avoidance of duplication with other Federal and State education, training, corrections, public housing, and social service programs.

"SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

''(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under this title for a fiscal year—

''(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of such amount shall be available to carry out section 225;

''(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

''(3) shall use not more than 5 percent of the grant funds, or $65,000, whichever is greater, for the administrative expenses of the eligible agency.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b), each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and family literacy education programs for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

''(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and family literacy education programs in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

''(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and family literacy education programs in the State.

''(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and family literacy education programs in a manner that is consistent with the purpose of this title.

"SEC. 223. STATE LEADERSHIP ACTIVITIES.

''(a) IN GENERAL.—Each eligible agency may use funds made available under section 222(a)(2) for any of the following adult education and family literacy education programs:

''(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b).

''(2) The provision of technical assistance to eligible providers of adult education and family literacy education programs, including for the development and dissemination of evidence based research instructional practices in reading, writing, speaking, mathematics, and English language acquisition programs.

''(3) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this title.

''(4) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.

''(5) The provision of technology assistance, including staff training, to eligible providers of adult education and family literacy education programs, including distance education activities, to enable the eligible providers to improve the quality of such activities.

''(6) The development and implementation of technology applications or distance education, including professional development to support the use of instructional technology.

''(7) Coordination with other public programs, including programs under title I of this Act, and other welfare-to-work, workforce development, and job training programs.

''(8) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and family literacy education programs, for adults enrolled in such activities.

''(9) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education.

''(10) Activities to promote workplace literacy programs.

''(11) Other activities of statewide significance, including assisting eligible providers in achieving progress in improving the skill levels of adults who participate in programs under this title.

''(12) Integration of literacy, instructional, and occupational skill training and promotion of linkages with employees.

''(b) COORDINATION.—In carrying out this section, eligible agencies shall coordinate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

''(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

"SEC. 224. STATE PLAN.

''(a) 3-YEAR PLANS.—

''(1) IN GENERAL.—Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 3-year State plan.

''(2) STATE UNIFIED PLAN.—The eligible agency may submit the State plan as part of a State unified plan described in section 501.

''(b) PLAN CONTENTS.—The eligible agency shall include in the State plan or any revisions to the State plan—

''(1) an objective assessment of the needs of individuals in the State or outlying area for adult education and family literacy education programs, including individuals most in need or hardest to serve;

''(2) a description of the adult education and family literacy education programs that will be carried out with funds received under this title;

''(3) an assurance that the funds received under this title will not be expended for any purpose other than for activities under this title;

''(4) a description of how the eligible agency will annually evaluate and measure the effectiveness and improvement of the adult education and family literacy education programs funded under this title using the indicators of performance described in section 136, including how the eligible agency will conduct such annual evaluations and measures for each grant received under this title;

''(5) a description of how the eligible agency will fund local activities in accordance with the measurable goals described in section 231(d);

''(6) an assurance that the eligible agency will expend the funds under this title only in a manner consistent with fiscal requirements in section 241;

''(7) a description of the process that will be used for public participation and comment with respect to the State plan, which—

''(A) shall include consultation with the State workforce investment board, the State board responsible for administering community or technical colleges, the Governor, the State educational agency, the State board or agency responsible for administering block grants for temporary assistance to needy families under title IV of the Social Security Act, the State council on disabilities, the State vocational rehabilitation agency, and other State agencies that promote the improvement of adult education and family literacy education programs, and direct providers of such programs; and

''(B) may include consultation with the State agency on higher education, institutions responsible for professional development of adult education and family literacy education programs instructors, representatives of business and industry, refugee assistance programs, and faith-based organizations;

''(8) a description of the eligible agency's strategies for serving populations that include, at a minimum—

''(A) low-income individuals;

''(B) individuals with disabilities;

''(C) the unemployed;

''(D) the underemployed; and

''(E) individuals with multiple barriers to educational enhancement, including English learners;

''(9) a description of how the adult education and family literacy education programs that will be carried out with any funds received under this title will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency;

''(10) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1), including—

''(A) how the State will build the capacity of community-based and faith-based organizations to provide adult education and family literacy education programs; and

''(B) how the State will increase the participation of business and industry in adult education and family literacy education programs;

''(11) an assessment of the adequacy of the system of the State or outlying area to ensure teacher quality and a description of how the State or outlying area will use funds received under this subtitle to improve teacher quality, including evidence-based professional development to improve instruction; and

''(12) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education that prepares students to enter postsecondary education without the need for remediation upon completion of secondary school equivalency programs.

''(c) PLAN REVISIONS.—When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions of the State plan to the Secretary.

''(d) CONSULTATION.—The eligible agency shall—

''(1) submit the State plan, and any revisions to the State plan, to the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, or outlying area for review and comment; and

''(2) ensure that any comments regarding the State plan by the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, and any revision to the State plan, are submitted to the Secretary.

''(e) PLAN APPROVAL.—The Secretary shall—

''(1) approve a State plan within 90 days after receiving the plan unless the Secretary makes a written determination within 30 days after receiving the plan that the plan does not meet the requirements of this section or is inconsistent with specific provisions of this subtitle; and

''(2) not finally disapprove of a State plan before offering the eligible agency the opportunity, prior to the expiration of the 30-day period beginning on the date on which the eligible agency received the written determination described in paragraph (1), to review the plan and providing technical assistance in order to assist the eligible agency in meeting the requirements of this subtitle.

''SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

''(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

''(1) basic skills education;

''(2) special education programs as determined by the eligible agency;

''(3) reading, writing, speaking, and mathematics programs;

''(4) secondary school credit or diploma programs or their recognized equivalent; and

''(5) integrated education and training.

''(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

''(d) DEFINITIONS.—In this section:

''(1) CORRECTIONAL INSTITUTION.—The term 'correctional institution' means any—

''(A) prison;

''(B) jail;

''(C) reformatory;

''(D) work farm;

''(E) detention center; or

''(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

''(2) CRIMINAL OFFENDER.—The term 'criminal offender' means any individual who is charged with, or convicted of, any criminal offense.

''Subtitle C—Local Provisions

''SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

''(a) GRANTS AND CONTRACTS.—From grant funds made available under section 222(a)(1), each eligible agency shall award multi-year grants or contracts, on a competitive basis, to eligible providers within the State or outlying area that meet the conditions and requirements of this title to enable the eligible providers to develop, implement, and improve adult education and family literacy education programs within the State.

''(b) LOCAL ACTIVITIES.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to establish or operate—

''(1) programs that provide adult education and literacy activities;

''(2) programs that provide integrated education and training activities; or

''(3) credit-bearing postsecondary coursework.

''(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

''(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and

''(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

''(d) MEASURABLE GOALS.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to demonstrate—

''(1) the eligible provider's measurable goals for participant outcomes to be achieved annually on the core indicators of performance described in section 136(b)(2)(A);

''(2) the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, the success of the eligible provider receiving funding under this title in exceeding its performance goals in the prior year;

''(3) the commitment of the eligible provider to serve individuals in the community who are the most in need of basic academic skills instruction services, including individuals with disabilities and individuals who are low-income or have minimal reading, writing, speaking, and mathematics skills, or are English learners;

''(4) the program is of sufficient intensity and quality for participants to achieve substantial learning gains;

''(5) educational practices are evidence-based;

''(6) the activities of the eligible provider effectively employ advances in technology, and delivery systems including distance education;

''(7) the activities provide instruction in real-life contexts, including integrated education and training when appropriate, to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

''(8) the activities are staffed by well-trained instructors, counselors, and administrators who meet minimum qualifications established by the State;

''(9) the activities are coordinated with other available resources in the community, such as through strong links with elementary schools and secondary schools, postsecondary educational institutions, local workforce investment boards, one-stop centers, job training programs, community-based and faith-based organizations, and social service agencies;

''(10) the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

''(11) the activities include a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 136) and to monitor program performance;

''(12) the local communities have a demonstrated need for additional English language acquisition programs, and integrated education and training programs;

''(13) the capacity of the eligible provider to produce valid information on performance results, including enrollments and measurable participant outcomes;

''(14) adult education and family literacy education programs offer rigorous reading, writing, speaking, and mathematics content that are evidence based; and

''(15) applications of technology, and services to be provided by the eligible providers, are of sufficient intensity and duration to increase the amount and quality of learning and lead to measurable learning gains within specified time periods.

''(e) SPECIAL RULE.—Eligible providers may use grant funds under this title to serve children participating in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.

''SEC. 232. LOCAL APPLICATION.

''Each eligible provider desiring a grant or contract under this title shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

''(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

''(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and family literacy education programs; and

''(3) each of the demonstrations required by section 231(d).

''SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

''(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

''(1) at least 95 percent shall be expended for carrying out adult education and family literacy education programs; and

''(2) the remaining amount shall be used for planning, administration, personnel and professional development, development of measurable goals in reading, writing, speaking, and mathematics, and interagency coordination.

''(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider may negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

''Subtitle D—General Provisions

''SEC. 241. ADMINISTRATIVE PROVISIONS.

''Funds made available for adult education and family literacy education programs under this title shall supplement and not supplant other State or local public funds expended for adult education and family literacy education programs.

''SEC. 242. NATIONAL ACTIVITIES.

''The Secretary shall establish and carry out a program of national activities that may include the following:

''(1) Providing technical assistance to eligible entities, on request, to—

''(A) improve their fiscal management, research-based instruction, and reporting requirements to carry out the requirements of this title;

''(B) improve its performance on the core indicators of performance described in section 136;

''(C) provide adult education professional development; and

''(D) use distance education and improve the application of technology in the classroom, including instruction in English language acquisition for English learners.

''(2) Providing for the conduct of research on national literacy basic skill acquisition levels among adults, including the number of adult English learners functioning at different levels of reading proficiency.

''(3) Improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, State, and local levels.

''(4) Determining how participation in adult education, English language acquisition, and family literacy education programs prepares individuals for entry into and success in postsecondary education and employment, and in the case of prison-based services, the effect on recidivism.

''(5) Evaluating how different types of providers, including community and faith-based organizations or private for-profit agencies measurably improve the skills of participants in adult education, English language acquisition, and family literacy education programs.

''(6) Identifying model integrated basic and workplace skills education programs, including programs for English learners coordinated literacy and employment services, and effective strategies for serving adults with disabilities.

''(7) Initiating other activities designed to improve the measurable quality and effectiveness of adult education, English language acquisition, and family literacy education programs nationwide.''.

Subtitle C—Amendments to the Wagner-Peyser Act

SEC. ____66. AMENDMENTS TO THE WAGNER-PEYSER ACT.

Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended to read as follows:

''SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

''(a) SYSTEM CONTENT.—

''(1) IN GENERAL.—The Secretary of Labor (referred to in this section as the 'Secretary'), in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

''(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

''(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

''(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

''(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

''(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

''(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

''(i) shall be current and comprehensive;

''(ii) shall meet the needs identified through the consultations described in subparagraphs (C) and (D) of subsection (e)(1); and

''(iii) shall meet the needs for the information identified in section 121(e)(1)(E) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)(1)(E));

''(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

''(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

''(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

''(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

''(i) national, State, and local policymaking;

''(ii) implementation of Federal policies (including allocation formulas);

''(iii) program planning and evaluation; and

''(iv) researching labor market dynamics;

''(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

''(H) programs of—

''(i) training for effective data dissemination;

''(ii) research and demonstration; and

''(iii) programs and technical assistance.

''(2) INFORMATION TO BE CONFIDENTIAL.—

''(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

''(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

''(ii) disclose to the public any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning an individual subject to be reasonably inferred by either direct or indirect means; or

''(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i),

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

''(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

''(b) SYSTEM RESPONSIBILITIES.—

''(1) IN GENERAL.—The workforce and labor market information system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

''(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

''(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

''(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

''(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

''(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

''(E) Establish procedures for the system to ensure that—

''(i) such data and information are timely;

''(ii) paperwork and reporting for the system are reduced to a minimum; and

''(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels.

''(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary is authorized to assist in the development of national electronic tools that may be used to facilitate the delivery of work ready services described in section 134(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)(2)) and to provide workforce and labor market information to individuals through the one-stop delivery systems described in section 121 and through other appropriate delivery systems.

''(d) COORDINATION WITH THE STATES.—

''(1) IN GENERAL.—The Secretary, working through the Bureau of Labor Statistics and the Employment and Training Administration, shall regularly consult with representatives of State agencies carrying out workforce information activities regarding strategies for improving the workforce and labor market information system.

''(2) FORMAL CONSULTATIONS.—At least twice each year, the Secretary, working through the Bureau of Labor Statistics, shall conduct formal consultations regarding programs carried out by the Bureau of Labor Statistics with representatives of each of the Federal regions of the Bureau of Labor Statistics, elected (pursuant to a process established by the Secretary) from the State directors affiliated with State agencies that perform the duties described in subsection (e)(1).

''(e) STATE RESPONSIBILITIES.—

''(1) IN GENERAL.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

''(A) be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system;

''(B) establish a process for the oversight of such system;

''(C) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

''(D) consult with State educational agencies and local educational agencies concerning the provision of workforce and labor market information in order to meet the needs of secondary school and postsecondary school students who seek such information;

''(E) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

''(F) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

''(G) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

''(H) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

''(I) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;

''(J) participate in the development of, and submit to the Secretary, an annual plan to carry out the requirements and authorities of this subsection; and

''(K) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(f)(2)) to assist the State and other States in measuring State progress on State performance measures.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a Governor to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

''(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $60,153,000 for fiscal year 2015 and each of the 6 succeeding fiscal years.''.

Subtitle D—Repeals and Conforming Amendments

SEC. ___71. REPEALS.

The following provisions are repealed:

(1) Chapter 4 of subtitle B of title I, and sections 123, 155, 166, 167, 168, 169, 171, 173, 173A, 174, 192, 194, 502, 503, and 506 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of the SKILLS Act.

(2) Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(3) Sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(4) The Twenty-First Century Workforce Commission Act (29 U.S.C. 2701 note).

(5) Public Law 91–378, 16 U.S.C. 1701 et seq. (popularly known as the ''Youth Conservation Corps Act of 1970'').

(6) Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151).

(7) The Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.).

(8) Sections 4103A and 4104 of title 38, United States Code.

SEC. ___72. AMENDMENTS TO OTHER LAWS.

(a) AMENDMENTS TO THE FOOD AND NUTRITION ACT OF 2008.—

(1) DEFINITION.—Section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)) is amended—

(A) by striking ''means (1) the agency'' and inserting the following: ''means—

''(A) the agency'';

(B) by striking ''programs, and (2) the tribal'' and inserting the following: ''programs;

''(B) the tribal''; and

(C) by striking ''this Act.'' and inserting the following: ''this Act; and

''(C) in the context of employment and training activities under section 6(d)(4), a State board as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).''.

(2) ELIGIBLE HOUSEHOLDS.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (d)(14) by striking ''section 6(d)(4)(I)'' and inserting ''section 6(d)(4)(C)'', and

(B) in subsection (g)(3), in the first sentence, by striking ''constitutes adequate participation in an employment and training program under section 6(d)'' and inserting ''allows the individual to participate in employment and training activities under section 6(d)(4)''.

(3) ELIGIBILITY DISQUALIFICATIONS.—Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended to read as follows:

''(D) EMPLOYMENT AND TRAINING.—

''(i) IMPLEMENTATION.—Each State agency shall provide employment and training services authorized under section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864) to eligible members of households participating in the supplemental nutrition assistance program in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

''(ii) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—Consistent with subparagraph (A), employment and training services shall be provided through the statewide workforce development system, including the one-stop delivery system authorized by the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(iii) REIMBURSEMENTS.—

''(I) ACTUAL COSTS.—The State agency shall provide payments or reimbursement to participants served under this paragraph for—

''(aa) the actual costs of transportation and other actual costs (other than dependent care costs) that are reasonably necessary and directly related to the individual participating in employment and training activities; and

''(bb) the actual costs of such dependent care expenses as are determined by the State agency to be necessary for the individual to participate in employment and training activities (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of that Act is in operation), except that no such payment or reimbursement shall exceed the applicable local market rate.

''(II) SERVICE CONTRACTS AND VOUCHERS.—In lieu of providing reimbursements or payments for dependent care expenses under clause (i), a State agency may, at the option of the State agency, arrange for dependent care through providers by the use of purchase of service contracts or vouchers or by providing vouchers to the household.

''(III) VALUE OF REIMBURSEMENTS.—The value of any dependent care services provided for or arranged under clause (ii), or any amount received as a payment or reimbursement under clause (i), shall—

''(aa) not be treated as income for the purposes of any other Federal or federally assisted program that bases eligibility for, or the amount of benefits on, need; and

''(bb) not be claimed as an employment-related expense for the purposes of the credit provided under section 21 of the Internal Revenue Code of 1986 (26 U.S.C. 21).''.

(4) ADMINISTRATION.—Section 11(e)(19) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(11) is amended to read as follows:

''(S) the plans of the State agency for providing employment and training services under section 6(d)(4);''.

(5) ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''carry out employment and training programs'' and inserting ''provide employment and training services to eligible households under section 6(d)(4)''; and

(ii) in subparagraph (D), by striking ''operating an employment and training program'' and inserting ''providing employment and training services consistent with section 6(d)(4)'';

(B) in paragraph (3)—

(i) by striking ''participation in an employment and training program'' and inserting ''the individual participating in employment and training activities''; and

(ii) by striking ''section 6(d)(4)(I)(i)(II)'' and inserting ''section 6(d)(4)(C)(i)(II)'';

(C) in paragraph (4), by striking ''for operating an employment and training program'' and inserting ''to provide employment and training services''; and

(D) by striking paragraph (5) and inserting the following:

''(E) MONITORING.—

''(i) IN GENERAL.—The Secretary, in conjunction with the Secretary of Labor, shall monitor each State agency responsible for administering employment and training services under section 6(d)(4) to ensure funds are being spent effectively and efficiently.

''(ii) ACCOUNTABILITY.—Each program of employment and training receiving funds under section 6(d)(4) shall be subject to the requirements of the performance accountability system, including having to meet the State performance measures described in section 136 of the Workforce Investment Act (29 U.S.C. 2871).''.

(6) RESEARCH, DEMONSTRATION, AND EVALUATIONS.—Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B)(iv)(III)(dd), by striking '', (4)(F)(i), or (4)(K)'' and inserting ''or (4)''; and

(ii) by striking paragraph (3); and

(B) in subsection (g), in the first sentence in the matter preceding paragraph (1)—

(i) by striking ''programs established'' and inserting ''activities provided to eligible households''; and

(ii) by inserting '', in conjunction with the Secretary of Labor,'' after ''Secretary''.

(7) MINNESOTA FAMILY INVESTMENT PROJECT.—Section 22(b)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(b)(4)) is amended by striking ''equivalent to those offered under the employment and training program''.

(b) AMENDMENTS TO SECTION 412 OF THE IMMIGRATION AND NATIONALITY ACT.—

(1) CONDITIONS AND CONSIDERATIONS.—Section 412(a) of the Immigration and Nationality Act (8 U.S.C. 1522(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by striking ''make available sufficient resources for employment training and placement'' and inserting ''provide refugees with the opportunity to access employment and training services, including job placement,''; and

(ii) in subparagraph (B)(ii), by striking ''services;'' and inserting ''services provided through the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);'';

(B) in paragraph (2)(C)(iii)(II), by inserting ''and training'' after ''employment'';

(C) in paragraph (6)(A)(ii)—

(i) by striking ''insure'' and inserting ''ensure'';

(ii) by inserting ''and training'' after ''employment''; and

(iii) by inserting after ''available'' the following: ''through the one-stop delivery system under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841)''; and

(D) in paragraph (9), by inserting ''the Secretary of Labor,'' after ''Education,''.

(2) PROGRAM OF INITIAL RESETTLEMENT.—Section 412(b)(2) of such Act (8 U.S.C. 1522(b)(2)) is amended—

(A) by striking ''orientation, instruction'' and inserting ''orientation and instruction''; and

(B) by striking '', and job training for refugees, and such other education and training of refugees, as facilitates'' and inserting ''for refugees to facilitate''.

(3) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—Section 412(c) of such Act (8 U.S.C. 1522(c)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by inserting ''and training'' after ''employment''; and

(ii) by striking subparagraph (C);

(B) in paragraph (2)(B), by striking ''paragraph—'' and all that follows through ''in a manner'' and inserting ''paragraph in a manner''; and

(C) by adding at the end the following:

''(C) In carrying out this section, the Director shall ensure that employment and training services are provided through the statewide workforce development system, as appropriate, authorized by the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.). Such action may include—

''(i) making employment and training activities described in section 134 of such Act (29 U.S.C. 2864) available to refugees; and

''(ii) providing refugees with access to a one-stop delivery system established under section 121 of such Act (29 U.S.C. 2841).''.

(4) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.—Section 412(e) of such Act (8 U.S.C. 1522(e)) is amended—

(A) in paragraph (2)(A)(i), by inserting ''and training'' after ''providing employment''; and

(B) in paragraph (3), by striking ''The'' and inserting ''Consistent with subsection (c)(3), the''.

(c) AMENDMENTS RELATING TO THE SECOND CHANCE ACT OF 2007.—

(1) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (42 U.S.C. 17541) is amended—

(A) in subsection (a)(1)(E)—

(i) by inserting ''the Department of Labor and'' before ''other Federal agencies''; and

(ii) by inserting ''State and local workforce investment boards,'' after ''community-based organizations,'';

(B) in subsection (c)—

(i) in paragraph (2), by striking at the end ''and'';

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

(iii) by adding at the end the following new paragraph:

''(D) to coordinate reentry programs with the employment and training services provided through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.).''; and

(C) in subsection (d), by adding at the end the following new paragraph:

''(F) INTERACTION WITH THE WORKFORCE INVESTMENT SYSTEM.—

''(i) IN GENERAL.—In carrying out this section, the Director shall ensure that employment and training services, including such employment and services offered through reentry programs, are provided, as appropriate, through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), which may include—

''(I) making employment and training services available to prisoners prior to and immediately following the release of such prisoners; or

''(II) providing prisoners with access by remote means to a one-stop delivery system under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841) in the State in which the prison involved is located.

''(ii) SERVICE DEFINED.—In this paragraph, the term 'employment and training services' means those services described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864) offered by the Bureau of Prisons, including—

''(I) the skills assessment described in subsection (a)(1)(A);

''(II) the skills development plan described in subsection (a)(1)(B); and

''(III) the enhancement, development, and implementation of reentry and skills development programs.''.

(2) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(A) by redesignating subparagraphs (D) and (E), as added by section 231(d)(1)(C) of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 685), as paragraphs (6) and (7), respectively, and adjusting the margin accordingly;

(B) in paragraph (6), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the margin accordingly;

(C) in paragraph (7), as so redesignated—

(i) in clause (ii), by striking ''Employment'' and inserting ''Employment and training services (as defined in paragraph (6) of section 231(d) of the Second Chance Act of 2007), including basic skills attainment, consistent with such paragraph''; and

(ii) by striking clause (iii); and

(D) by redesignating clauses (i), (ii), (iv), (v), (vi), and (vii) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively, and adjusting the margin accordingly.

(d) AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''vocational'' and inserting ''career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and training'';

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

''(D) coordinating employment and training services provided through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), including a one-stop delivery system under section 121 of such Act (29 U.S.C. 2841), for offenders upon release from prison, jail, or a juvenile facility, as appropriate;'';

(2) in subsection (d)(2), by inserting '', including local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832),'' after ''nonprofit organizations'';

(3) in subsection (e)—

(A) in paragraph (3), by striking ''victims services, and employment services'' and inserting ''and victim services'';

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

''(D) provides employment and training services through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), including a one-stop delivery system under section 121 of such Act (29 U.S.C. 2841);''; and

(4) in subsection (k)—

(A) in paragraph (1)(A), by inserting '', in accordance with paragraph (2)'' after ''under this section'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph:

''(B) EMPLOYMENT AND TRAINING.—The Attorney General shall require each grantee under this section to measure the core indicators of performance as described in section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)) with respect to the program of such grantee funded with a grant under this section.''.

(e) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended—

(1) in section 3672(d)(1), by striking ''disabled veterans' outreach program specialists under section 4103A'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998'';

(2) in the table of sections at the beginning of chapter 41, by striking the items relating to sections 4103A and 4104;

(3) in section 4102A—

(A) in subsection (b)—

(i) by striking paragraphs (5), (6), and (7); and

(ii) by redesignating paragraph (8) as paragraph (5);

(B) by striking subsections (c) and (h);

(C) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f); and

(D) in subsection (e)(1) (as so redesignated)—

(i) by striking '', including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State''; and

(ii) by striking ''for purposes of subsection (c)'';

(4) in section 4104A—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(i) the appropriate veteran employment specialist (in carrying out the functions described in section 134(f) of the Workforce Investment Act of 1998);''; and

(B) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

''(i) collaborate with the appropriate veteran employment specialist (as described in section 134(f)) and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));'';

(5) in section 4109—

(A) in subsection (a), by striking ''disabled veterans' outreach program specialists and local veterans' employment representative'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(B) in subsection (d)(1), by striking ''disabled veterans' outreach program specialists and local veterans' employment representatives'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(6) in section 4112(d)—

(A) in paragraph (1), by striking ''disabled veterans' outreach program specialist'' and inserting ''veteran employment specialist appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(f) COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—Section 104(k)(6)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(6)(A)) is amended by striking ''training, research, and'' and inserting ''research and''.

SEC. ___73. CONFORMING AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1(b) is amended to read as follows:

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

''Sec. 1. Short title; table of contents.

''TITLE I—WORKFORCE INVESTMENT SYSTEMS

''Subtitle A—Workforce Investment Definitions

''Sec. 101. Definitions.

''Subtitle B—Statewide and Local Workforce Investment Systems

''Sec. 106. Purpose.

''CHAPTER 1—STATE PROVISIONS

''Sec. 111. State workforce investment boards.
''Sec. 112. State plan.

''CHAPTER 2—LOCAL PROVISIONS

''Sec. 116. Local workforce investment areas.
''Sec. 117. Local workforce investment boards.
''Sec. 118. Local plan.

''CHAPTER 3—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS

''Sec. 121. Establishment of one-stop delivery systems.
''Sec. 122. Identification of eligible providers of training services.

''CHAPTER 5—EMPLOYMENT AND TRAINING ACTIVITIES

''Sec. 131. General authorization.
''Sec. 132. State allotments.
''Sec. 133. Within State allocations.
''Sec. 134. Use of funds for employment and training activities.

''CHAPTER 6—GENERAL PROVISIONS

''Sec. 136. Performance accountability system.
''Sec. 137. Authorization of appropriations.

''Subtitle C—Job Corps

''Sec. 141. Purposes.
''Sec. 142. Definitions.
''Sec. 143. Establishment.
''Sec. 144. Individuals eligible for the Job Corps.
''Sec. 145. Recruitment, screening, selection, and assignment of enrollees.
''Sec. 146. Enrollment.
''Sec. 147. Job Corps centers.
''Sec. 148. Program activities.
''Sec. 149. Counseling and job placement.
''Sec. 150. Support.
''Sec. 151. Operations.
''Sec. 152. Standards of conduct.
''Sec. 153. Community participation.
''Sec. 154. Workforce councils.
''Sec. 156. Technical assistance to centers.
''Sec. 157. Application of provisions of Federal law.
''Sec. 158. Special provisions.
''Sec. 159. Performance accountability and management.
''Sec. 160. General provisions.
''Sec. 161. Authorization of appropriations.

''Subtitle D—National Programs

''Sec. 170. Technical assistance.
''Sec. 172. Evaluations.

''Subtitle E—Administration

''Sec. 181. Requirements and restrictions.
''Sec. 182. Prompt allocation of funds.
''Sec. 183. Monitoring.
''Sec. 184. Fiscal controls; sanctions.
''Sec. 185. Reports; recordkeeping; investigations.
''Sec. 186. Administrative adjudication.
''Sec. 187. Judicial review.
''Sec. 188. Nondiscrimination.
''Sec. 189. Administrative provisions.
''Sec. 190. References.
''Sec. 191. State legislative authority.
''Sec. 193. Transfer of Federal equity in State employment security real property to the States.
''Sec. 195. General program requirements.
''Sec. 196. Federal agency staff.
''Sec. 197. Restrictions on lobbying and political activities.

''Subtitle F—Repeals and Conforming Amendments

''Sec. 199. Repeals.
''Sec. 199A. Conforming amendments.

''TITLE II—ADULT EDUCATION AND FAMILY LITERACY EDUCATION

''Sec. 201. Short title.
''Sec. 202. Purpose.
''Sec. 203. Definitions.
''Sec. 204. Home schools.
''Sec. 205. Authorization of appropriations.

''Subtitle A—Federal Provisions

''Sec. 211. Reservation of funds; grants to eligible agencies; allotments.
''Sec. 212. Performance accountability system.

''Subtitle B—State Provisions

''Sec. 221. State administration.
''Sec. 222. State distribution of funds; matching requirement.
''Sec. 223. State leadership activities.
''Sec. 224. State plan.
''Sec. 225. Programs for corrections education and other institutionalized individuals.

''Subtitle C—Local Provisions

''Sec. 231. Grants and contracts for eligible providers.
''Sec. 232. Local application.
''Sec. 233. Local administrative cost limits.

''Subtitle D—General Provisions

''Sec. 241. Administrative provisions.
''Sec. 242. National activities.

''TITLE III—WORKFORCE INVESTMENT-RELATED ACTIVITIES

''Subtitle A—Wagner-Peyser Act

''Sec. 301. Definitions.
''Sec. 302. Functions.
''Sec. 303. Designation of State agencies.
''Sec. 304. Appropriations.
''Sec. 305. Disposition of allotted funds.
''Sec. 306. State plans.
''Sec. 307. Repeal of Federal advisory council.
''Sec. 308. Regulations.
''Sec. 309. Employment statistics.
''Sec. 310. Technical amendments.
''Sec. 311. Effective date.

''Subtitle B—Linkages With Other Programs

''Sec. 321. Trade Act of 1974.
''Sec. 322. Veterans' employment programs.
''Sec. 323. Older Americans Act of 1965.

''Subtitle D—Application of Civil Rights and Labor-Management Laws to the Smithsonian Institution

''Sec. 341. Application of civil rights and labor-management laws to the Smithsonian Institution.

''TITLE IV—REHABILITATION ACT AMENDMENTS OF 1998

''Sec. 401. Short title.
''Sec. 402. Title.
''Sec. 403. General provisions.
''Sec. 404. Vocational rehabilitation services.
''Sec. 405. Research and training.
''Sec. 406. Professional development and special projects and demonstrations.
''Sec. 407. National Council on Disability.
''Sec. 408. Rights and advocacy.
''Sec. 409. Employment opportunities for individuals with disabilities.
''Sec. 410. Independent living services and centers for independent living.
''Sec. 411. Repeal.
''Sec. 412. Helen Keller National Center Act.
''Sec. 413. President's Committee on Employment of People With Disabilities.
''Sec. 414. Conforming amendments.

''TITLE V—GENERAL PROVISIONS

''Sec. 501. State unified plan.
''Sec. 504. Privacy.
''Sec. 505. Buy-American requirements.
''Sec. 507. Effective date.''.

Subtitle E—Amendments to the Rehabilitation Act of 1973

SEC. ___76. FINDINGS.

Section 2(a) of the Rehabilitation Act of 1973 (29 U.S.C. 701(a)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(7) there is a substantial need to improve and expand services for students with disabilities under this Act.''.

SEC. ___77. REHABILITATION SERVICES ADMINISTRATION.

(a) REHABILITATION SERVICES ADMINISTRATION.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

(1) in section 3(a) (29 U.S.C. 702(a))—

(A) by striking ''Office of the Secretary'' and inserting ''Department of Education'';

(B) by striking ''President by and with the advice and consent of the Senate'' and inserting ''Secretary''; and

(C) by striking '', and the Commissioner shall be the principal officer,'';

(2) by striking ''Commissioner'' each place it appears (except in section 21) and inserting ''Director'';

(3) in section 12(c) (29 U.S.C. 709(c)), by striking ''Commissioner's'' and inserting ''Director's'';

(4) in section 21 (29 U.S.C. 718)—

(A) in subsection (b)(1)—

(i) by striking ''Commissioner'' the first place it appears and inserting ''Director of the Rehabilitation Services Administration'';

(ii) by striking ''(referred to in this subsection as the 'Director')''; and

(iii) by striking ''The Commissioner and the Director'' and inserting ''Both such Directors''; and

(B) by striking ''the Commissioner and the Director'' each place it appears and inserting ''both such Directors'';

(5) in the heading for subparagraph (B) of section 100(d)(2) (29 U.S.C. 720(d)(2)), by striking ''COMMISSIONER'' and inserting ''DIRECTOR'';

(6) in section 401(a)(1) (29 U.S.C. 781(a)(1)), by inserting ''of the National Institute on Disability and Rehabilitation Research'' after ''Director'';

(7) in the heading for section 706 (29 U.S.C. 796d–1), by striking ''**COMMISSIONER**'' and inserting ''**DIRECTOR**''; and

(8) in the heading for paragraph (3) of section 723(a) (29 U.S.C. 796f–2(a)), by striking ''COMMISSIONER'' and inserting ''DIRECTOR''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to the appointments of Directors of the Rehabilitation Services Administration made on or after the date of enactment of this Act, and the Directors so appointed.

SEC. ___78. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) by redesignating paragraphs (35) through (39) as paragraphs (36) through (40), respectively;

(2) in subparagraph (A)(ii) of paragraph (36) (as redesignated by paragraph (1)), by striking ''paragraph (36)(C)'' and inserting ''paragraph (37)(C)''; and

(3) by inserting after paragraph (34) the following:

''(35)(A) The term 'student with a disability' means an individual with a disability who—

''(i) is not younger than 16 and not older than 21;

''(ii) has been determined to be eligible under section 102(a) for assistance under this title; and

''(iii)(I) is eligible for, and is receiving, special education under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

''(II) is an individual with a disability, for purposes of section 504.

''(B) The term 'students with disabilities' means more than 1 student with a disability.''.

SEC. ___79. CARRYOVER.

Section 19(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 716(a)(1)) is amended by striking ''part B of title VI,''.

SEC. ___80. TRADITIONALLY UNDERSERVED POPULATIONS.

Section 21 of the Rehabilitation Act of 1973 (29 U.S.C. 718) is amended, in paragraphs (1) and (2)(A) of subsection (b), and in subsection (c), by striking ''VI,''.

SEC. ___81. STATE PLAN.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (10)—

(A) in subparagraph (B), by striking ''on the eligible individuals'' and all that follows and inserting ''of information necessary to assess the State's performance on the core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)).''; and

(B) in subparagraph (E)(ii), by striking '', to the extent the measures are applicable to individuals with disabilities'';

(2) in paragraph (11)—

(A) in subparagraph (D)(i), by inserting before the semicolon the following: '', which may be provided using alternative means of meeting participation (such as participation through video conferences and conference calls)''; and

(B) by adding at the end the following:

''(G) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit and the lead agency or implementing entity responsible for carrying out duties under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) have developed working relationships and coordinate their activities.'';

(3) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by adding ''and'' at the end; and

(III) by adding at the end the following:

''(IV) students with disabilities, including their need for transition services;'';

(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(iii) by inserting after clause (i) the following:

''(ii) include an assessment of the transition services provided under this Act, and coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), about the extent to which those 2 types of services meet the needs of individuals with disabilities;'';

(B) in subparagraph (B)(ii), by striking ''and under part B of title VI''; and

(C) in subparagraph (D)—

(i) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(ii) by inserting after clause (ii) the following:

''(iii) the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title or to postsecondary education or employment;''; and

(iii) in clause (v), as redesignated by clause (i) of this subparagraph, by striking ''evaluation standards'' and inserting ''performance standards'';

(4) in paragraph (22)—

(A) in the paragraph heading, by striking ''STATE PLAN SUPPLEMENT'';

(B) by striking ''carrying out part B of title VI, including''; and

(C) by striking ''that part to supplement funds made available under part B of'';

(5) in paragraph (24)—

(A) in the paragraph heading, by striking ''CONTRACTS'' and inserting ''GRANTS''; and

(B) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''CONTRACTS'' and inserting ''GRANTS''; and

(ii) by striking ''part A of title VI'' and inserting ''section 109A''; and

(6) by adding at the end the following:

''(25) COLLABORATION WITH INDUSTRY.—The State plan shall describe how the designated State agency will carry out the provisions of section 109A, including—

''(A) the criteria such agency will use to award grants under such section; and

''(B) how the activities carried out under such grants will be coordinated with other services provided under this title.

''(26) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance satisfactory to the Secretary that the State—

''(A) has developed and implemented strategies to address the needs identified in the assessments described in paragraph (15), and achieve the goals and priorities identified by the State in that paragraph, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

''(B) from funds reserved under section 110A, shall carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities that—

''(i) facilitate the transition of students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

''(ii) improve the achievement of post-school goals of students with disabilities, including improving the achievement through participation (as appropriate when career goals are discussed) in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

''(iii) provide career guidance, career exploration services, job search skills and strategies, and technical assistance to students with disabilities;

''(iv) support the provision of training and technical assistance to State and local educational agencies and designated State agency personnel responsible for the planning and provision of services to students with disabilities; and

''(v) support outreach activities to students with disabilities who are eligible for, and need, services under this title.''.

SEC. ___82. SCOPE OF SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

''(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment involved, including services described in clauses (i) through (iii) of section 101(a)(26)(B);'';

(2) in subsection (b), by striking paragraph (6) and inserting the following:

''(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.

''(ii) Training and technical assistance described in section 101(a)(26)(B)(iv).

''(B) Services for groups of individuals with disabilities who meet the requirements of clauses (i) and (iii) of section 7(35)(A), including services described in clauses (i), (ii), (iii), and (v) of section 101(a)(26)(B), to assist in the transition from school to post-school activities.''; and

(3) in subsection (b), by inserting at the end the following:

''(7) The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) to promote access to assistive technology for individuals with disabilities and employers.''.

SEC. ___83. STANDARDS AND INDICATORS.

(a) IN GENERAL.—Section 106 of the Rehabilitation Act of 1973 (29 U.S.C. 726) is amended—

(1) in the section heading, by striking ''**EVALUATION STANDARDS**'' and inserting ''**PERFORMANCE STANDARDS**'';

(2) by striking subsection (a) and inserting the following:

''(a) STANDARDS AND INDICATORS.—The performance standards and indicators for the vocational rehabilitation program carried out under this title—

''(1) shall be subject to paragraphs (2)(A) and (3) of section 136(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)); and

''(2) may, at a State's discretion, include additional indicators identified in the State plan submitted under section 101.''; and

(3) in subsection (b)(2)(B), by striking clause (i) and inserting the following:

''(i) on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Director, direct the State to make revisions to the plan to improve performance; and''.

(b) CONFORMING AMENDMENTS.—Section 107 of the Rehabilitation Act of 1973 (29 U.S.C. 727) is amended—

(1) in subsections (a)(1)(B) and (b)(2), by striking ''evaluation standards'' and inserting ''performance standards''; and

(2) in subsection (c)(1)(B), by striking ''an evaluation standard'' and inserting ''a performance standard''.

SEC. ___84. EXPENDITURE OF CERTAIN AMOUNTS.

Section 108(a) of the Rehabilitation Act of 1973 (29 U.S.C. 728(a)) is amended by striking ''under part B of title VI, or''.

SEC. ___85. COLLABORATION WITH INDUSTRY.

The Rehabilitation Act of 1973 is amended by inserting after section 109 (29 U.S.C. 728a) the following:

''SEC. 109A. COLLABORATION WITH INDUSTRY.

''(a) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term 'eligible entity' means a for-profit business, alone or in partnership with one or more of the following:

''(1) Community rehabilitation program providers.

''(2) Indian tribes.

''(3) Tribal organizations.

''(b) AUTHORITY.—A State shall use not less than one-half of one percent of the payment the State receives under section 111 for a fiscal year to award grants to eligible entities to pay for the Federal share of the cost of carrying out collaborative programs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

''(c) AWARDS.—Grants under this section shall—

''(1) be awarded for a period not to exceed 5 years; and

''(2) be awarded competitively.

''(d) APPLICATION.—To receive a grant under this section, an eligible entity shall submit an application to a designated State agency at such time, in such manner, and containing such information as such agency shall require. Such application shall include, at a minimum—

''(1) a plan for evaluating the effectiveness of the collaborative program;

''(2) a plan for collecting and reporting the data and information described under subparagraphs (A) through (C) of section 101(a)(10), as determined appropriate by the designated State agency; and

''(3) a plan for providing for the non-Federal share of the costs of the program.

''(e) ACTIVITIES.—An eligible entity receiving a grant under this section shall use the grant funds to carry out a program that provides one or more of the following:

''(1) Job development, job placement, and career advancement services for individuals with disabilities.

''(2) Training in realistic work settings in order to prepare individuals with disabilities for employment and career advancement in the competitive market.

''(3) Providing individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training.

''(f) ELIGIBILITY FOR SERVICES.—An individual shall be eligible for services provided under a program under this section if the individual is determined under section 102(a)(1) to be eligible for assistance under this title.

''(g) FEDERAL SHARE.—The Federal share for a program under this section shall not exceed 80 percent of the costs of the program.''.

SEC. ___86. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

''SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

''Each State shall reserve not less than 10 percent of the funds allotted to the State under section 110(a) to carry out programs or activities under sections 101(a)(26)(B) and 103(b)(6).''.

SEC. ___87. CLIENT ASSISTANCE PROGRAM.

Section 112(e)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 732(e)(1)) is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D) The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium under the Developmental Disabilities and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) to provide services in accordance with this section, as determined by the Secretary. The amount of such grants shall be the same as the amount provided to territories under this subsection.''.

SEC. ___88. RESEARCH.

Section 204(a)(2)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 764(a)(2)(A)) is amended by striking ''VI,''.

SEC. ___89. TITLE III AMENDMENTS.

Title III of the Rehabilitation Act of 1973 (29 U.S.C. 771 et seq.) is amended—

(1) in section 301(a) (21 U.S.C. 771(a))—

(A) in paragraph (2), by inserting ''and'' at the end;

(B) by striking paragraphs (3) and (4); and

(C) by redesignating paragraph (5) as paragraph (3);

(2) in section 302 (29 U.S.C. 772)—

(A) in subsection (g)—

(i) in the heading, by striking ''AND IN-SERVICE TRAINING''; and

(ii) by striking paragraph (3); and

(B) in subsection (h), by striking ''section 306'' and inserting ''section 304'';

(3) in section 303 (29 U.S.C. 773)—

(A) in subsection (b)(1), by striking ''section 306'' and inserting ''section 304''; and

(B) in subsection (c)—

(i) in paragraph (4)—

(I) by amending subparagraph (A)(ii) to read as follows:

''(ii) to coordinate activities and work closely with the parent training and information centers established pursuant to section 671 of the Individuals with Disabilities Education Act (20 U.S.C. 1471), the community parent resource centers established pursuant to section 672 of such Act (29 U.S.C. 1472), and the eligible entities receiving awards under section 673 of such Act (20 U.S.C. 1473); and''; and

(II) in subparagraph (C), by inserting '', and demonstrate the capacity for serving,'' after ''serve''; and

(ii) by adding at the end the following:

''(8) RESERVATION.—From the amount appropriated to carry out this subsection for a fiscal year, 20 percent of such amount or $500,000, whichever is less, shall be reserved to carry out paragraph (6).'';

(4) by striking sections 304 and 305 (29 U.S.C. 774, 775); and

(5) by redesignating section 306 (29 U.S.C. 776) as section 304.

SEC. ___90. REPEAL OF TITLE VI.

Title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq.) is repealed.

SEC. ___91. TITLE VII GENERAL PROVISIONS.

(a) PURPOSE.—Section 701(3) of the Rehabilitation Act of 1973 (29 U.S.C. 796(3)) is amended by striking ''State programs of supported employment services receiving assistance under part B of title VI,''.

(b) CHAIRPERSON.—Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

''(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.''.

SEC. ___92. AUTHORIZATIONS OF APPROPRIATIONS.

The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is further amended—

(1) in section 100 (29 U.S.C. 720)—

(A) in subsection (b)(1), by striking ''such sums as may be necessary for fiscal years 1999 through 2003'' and inserting ''$3,066,192,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''; and

(B) in subsection (d)(1)(B), by striking ''2003'' and inserting ''2021'';

(2) in section 110(c) (29 U.S.C. 730(c)), by amending paragraph (2) to read as follows:

''(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary, not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1) for each of fiscal years 2015 through 2020.'';

(3) in section 112(h) (29 U.S.C. 732(h)), by striking ''such sums as may be necessary for fiscal years 1999 through 2003'' and inserting ''$11,600,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(4) by amending subsection (a) of section 201 (29 U.S.C. 761(a)) to read as follows: ''(a) There are authorized to be appropriated $103,125,000 for fiscal year 2015 and each of the 6 succeeding fiscal years to carry out this title.'';

(5) in section 302(i) (29 U.S.C. 772(i)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$33,657,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(6) in section 303(e) (29 U.S.C. 773(e)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$5,046,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(7) in section 405 (29 U.S.C. 785), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$3,081,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(8) in section 502(j) (29 U.S.C. 792(j)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$7,013,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(9) in section 509(l) (29 U.S.C. 794e(l)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$17,088,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(10) in section 714 (29 U.S.C. 796e–3), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$22,137,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(11) in section 727 (29 U.S.C. 796f–6), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$75,772,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''; and

(12) in section 753 (29 U.S.C. 796l), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$32,239,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''.

SEC. ___93. CONFORMING AMENDMENTS.

Section 1(b) of the Rehabilitation Act of 1973 is amended—

(1) by inserting after the item relating to section 109 the following:

''Sec. 109A. Collaboration with industry.'';

(2) by inserting after the item relating to section 110 the following:

''Sec. 110A. Reservation for expanded transition services.'';

(3) by striking the item related to section 304 and inserting the following:

''Sec. 304. Measuring of project outcomes and performance.'';

(4) by striking the items related to sections 305 and 306;

(5) by striking the items related to title VI; and

(6) by striking the item related to section 706 and inserting the following:

''Sec. 706. Responsibilities of the Director.''.

Subtitle F—Studies by the Comptroller General

SEC. ___96. STUDY BY THE COMPTROLLER GENERAL ON EXHAUSTING FEDERAL PELL GRANTS BEFORE ACCESSING WIA FUNDS.

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) evaluates the effectiveness of subparagraph (B) of section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(B)) (as such subparagraph was in effect on the day before the date of enactment of this Act), including—

(A) a review of the regulations and guidance issued by the Secretary of Labor to State and local areas on how to comply with such subparagraph;

(B) a review of State policies to determine how local areas are required to comply with such subparagraph;

(C) a review of local area policies to determine how one-stop operators are required to comply with such subparagraph; and

(D) a review of a sampling of individuals receiving training services under section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)) to determine if, before receiving such training services, such individuals have exhausted funds received through the Federal Pell Grant program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(2) makes appropriate recommendations with respect to the matters evaluated under paragraph (1).

SEC. ___97. STUDY BY THE COMPTROLLER GENERAL ON ADMINISTRATIVE COST SAVINGS.

(a) STUDY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) determines the amount of administrative costs at the Federal and State levels for the most recent fiscal year for which satisfactory data are available for—

(A) each of the programs authorized under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) or repealed under section __71, as such programs were in effect for such fiscal year; and

(B) each of the programs described in subparagraph (A) that have been repealed or consolidated on or after the date of enactment of this Act;

(2) determines the amount of administrative cost savings at the Federal and State levels as a result of repealing and consolidating programs by calculating the differences in the amount of administrative costs between subparagraph (A) and subparagraph (B) of paragraph (1); and

(3) estimates the administrative cost savings at the Federal and State levels for a fiscal year as a result of States consolidating amounts under section 501(e) of the Workforce Investment Act of 1998 (20 U.S.C. 9271(e)) to reduce inefficiencies in the administration of federally-funded State and local employment and training programs.

(b) DEFINITION.—For purposes of this section, the term ''administrative costs'' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

SA 2890. Mr. INHOFE (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. THUNE, Mr. BARRASSO, Mr. BLUNT, Mr. VITTER, Mr. HOEVEN, Mr. CRAPO, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CRUZ, Mr. FLAKE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. RISCH, Mr. SCOTT, Mr. SHELBY, Mr. ENZI, Mr. COCHRAN, Mr. LEE, Mr. JOHANNS, Mr. ROBERTS, Mr. WICKER, Mr. BOOZMAN, Mr. BURR, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2149, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.

(a) FINDINGS.—Congress finds that—

(1) the Environmental Protection Agency has systematically distorted the true impact of regulations promulgated by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.) on job creation by using incomplete analyses to assess effects on employment, primarily as a result of the Environmental Protection Agency failing to take into account the cascading effects of a regulatory change across interconnected industries and markets nationwide;

(2) despite the Environmental Protection Agency finding that the impact of certain air pollution regulations will result in net job creation, implementation of the air pollution regulations will actually require billions of dollars in compliance costs, resulting in reduced business profits and millions of actual job losses;

(3)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled ''National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' (77 Fed. Reg. 9304 (Feb. 16, 2012)) estimated that implementation of the final rule would result in the creation of 46,000 temporary construction jobs and 8,000 net new permanent jobs; but

(B) a private study conducted by NERA Economic Consulting, using a ''whole economy'' model, estimated that implementation of the final rule described in subparagraph (A) would result in a negative impact on the income of workers in an amount equivalent to 180,000 to 215,000 lost jobs in 2015 and 50,000 to 85,000 lost jobs each year thereafter;

(4)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled ''Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals'' (76 Fed. Reg. 48208 (Aug. 8, 2011)) estimated that implementation of the final rule would result in the creation of 700 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rule described in subparagraph (A) would result in the elimination of a total of 34,000 jobs during the period beginning in calendar year 2013 and ending in calendar year 2037;

(5)(A) the analysis of the Environmental Protection Agency of the final rules of the Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters''(76 Fed. Reg. 15608 (March 21, 2011)) and ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'' (76 Fed. Reg. 15554 (March 21, 2011)) estimated that implementation of the final rules would result in the creation of 2,200 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rules described in subparagraph (A) would result in the elimination of 28,000 jobs per year during the period beginning in calendar year 2013 and ending in calendar year 2037;

(6) implementation of certain air pollution rules of the Environmental Protection Agency that have not been reviewed, updated, or finalized as of the date of enactment of this Act, such as regulations on greenhouse gas emissions and the update or review of national ambient air quality standards, are predicted to result in significant and negative employment impacts, but the Agency has not yet fully studied or disclosed the full impacts of existing Agency regulations;

(7) in reviewing, developing, or updating any regulations promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of this Act, the Environmental Protection Agency must be required to accurately disclose the adverse impact the existing regulations of the Agency will have on jobs and employment levels across

the economy in the United States and disclose those impacts to the American people before issuing a final rule; and

(8) although since 1977, section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)) has required the Administrator of the Environmental Protection Agency to ''conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of [the Clean Air Act] and applicable implementation plans, including where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement'', the Environmental Protection Agency has failed to undertake that analysis or conduct a comprehensive study that considers the impact of programs carried out under the Clean Air Act (42 U.S.C. 7401 et seq.) on jobs and changes in employment.

(b) PROHIBITION.—The Administrator of the Environmental Protection Agency shall not propose or finalize any major rule (as defined in section 804 of title 5, United States Code) under the Clean Air Act (42 U.S.C. 7401 et seq.) until after the date on which the Administrator—

(1) completes an economy-wide analysis capturing the costs and cascading effects across industry sectors and markets in the United States of the implementation of major rules promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) establishes a process to update that analysis not less frequently than semiannually, so as to provide for the continuing evaluation of potential loss or shifts in employment, pursuant to section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), that may result from the implementation of major rules under the Clean Air Act (42 U.S.C. 7401 et seq.).

SA 2891. Mr. HOEVEN (for himself, Mr. BARRASSO, Ms. MURKOWSKI, Mr. INHOFE, Mr. VITTER, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 13. KEYSTONE XL PERMIT APPROVAL.

(a) IN GENERAL.—In accordance with clause 3 of section 8 of article I of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on May 4, 2012.

(b) PRESIDENTIAL PERMIT NOT REQUIRED.—Notwithstanding Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, and any other Executive order or provision of law, no presidential permit shall be required for the facilities described in subsection (a).

(c) ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on August 26, 2011, the Final Evaluation Report issued by the Nebraska Department of Environmental Quality on January 3, 2013, and the Final Supplemental Environmental Impact Statement for the Keystone XL Project issued in January 2014, regarding the crude oil pipeline and appurtenant facilities associated with the facilities described in subsection (a), shall be considered to satisfy—

(1) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) any other provision of law that requires Federal agency consultation or review with respect to the facilities described in subsection (a) and the related facilities in the United States.

(d) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the facilities described in subsection (a), and the related facilities in the United States shall remain in effect.

(e) FEDERAL JUDICIAL REVIEW.—The facilities described in subsection (a), and the related facilities in the United States, that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

SEC. 14. EXPEDITED APPROVAL OF EXPORTATION OF NATURAL GAS TO UKRAINE AND NORTH ATLANTIC TREATY ORGANIZATION MEMBER COUNTRIES AND JAPAN.

(a) IN GENERAL.—In accordance with clause 3 of section 8 of article I of the Constitution of the United States (delegating to Congress the power to regulate commerce with foreign nations), Congress finds that exports of natural gas produced in the United States to Ukraine, member countries of the North Atlantic Treaty Organization, and Japan is—

(1) necessary for the protection of the essential security interests of the United States; and

(2) in the public interest pursuant to section 3 of the Natural Gas Act (15 U.S.C. 717b).

(b) EXPEDITED APPROVAL.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended by inserting '', to Ukraine, to a member country of the North Atlantic Treaty Organization, or to Japan'' after ''trade in natural gas''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of the enactment of this Act.

SA 2892. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

"SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

''(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment.''.

SEC. ___. REGULATIONS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

"SEC. 1459. REGULATIONS.

''(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

''(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

''(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

''(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

''(c) REGULATIONS.—

''(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified regulation unless the head of the applicable Federal department or agency determines—

''(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

''(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

''(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of this paragraph that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of this Act).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

''(2) ACTION BY COURT.—

''(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

''(B) DAMAGES.—The court shall not order money damages.

''(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

''(A) the court shall not consider any evidence outside of the record that was before the agency; and

''(B) the standard of review shall be de novo.''.

SA 2893. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROHIBITION ON CERTAIN TAXES, FEES, AND PENALTIES ENACTED UNDER THE AFFORDABLE CARE ACT.

No tax, fee, or penalty imposed or enacted under the Patient Protection and Affordable Care Act shall be implemented, administered, or enforced unless there has been a certification by the Joint Committee on Taxation that such provision would not have a direct or indirect economic impact on individuals with an annual income of less than $200,000 or families with an annual income of less than $250,000.

SA 2894. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION B—DOMESTIC ENERGY AND JOBS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Domestic Energy and Jobs Act''.

TITLE I—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

SEC. 2101. SHORT TITLE.

This title may be cited as the ''Gasoline Regulations Act of 2013''.

SEC. 2102. TRANSPORTATION FUELS REGULATORY COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a committee, to be known as the Transportation Fuels Regulatory Committee (referred to in this title as the ''Committee''), to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 2103 and 2104.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Energy, who shall serve as the Chair of the Committee.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Secretary of Agriculture, acting through the Chief Economist.

(7) The Administrator of the Environmental Protection Agency.

(8) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(9) The Administrator of the Energy Information Administration.

(c) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Committee, the Chair shall consult with the other members of the Committee.

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

(e) TERMINATION.—The Committee shall terminate on the date that is 60 days after the date of submission of the final report of the Committee pursuant to section 2104(c).

SEC. 2103. ANALYSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term ''covered action'' means any action, to the extent that the action affects facilities involved in the production, transportation, or distribution of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 66496 (December 15, 2009)).

(2) COVERED RULE.—The term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(A) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(B) ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(C) ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98.

(D) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) applicable to petroleum refineries.

(E) Any rule proposed after March 15, 2012, to implement any portion of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(F) Any rule proposed after March 15, 2012, revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) SCOPE.—The Committee shall conduct analyses, for each of calendar years 2016 and 2020, of the prospective cumulative impact of all covered rules and covered actions.

(c) CONTENTS.—The Committee shall include in each analysis conducted under this section—

(1) estimates of the cumulative impacts of the covered rules and covered actions relating to—

(A) any resulting change in the national, State, or regional price of gasoline, diesel fuel, or natural gas;

(B) required capital investments and projected costs for operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures; and

(F) any other matters affecting the growth, stability, and sustainability of the oil and gas industries of the United States, particularly relative to that of other nations;

(2) an analysis of key uncertainties and assumptions associated with each estimate under paragraph (1);

(3) a sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline, diesel fuel, or natural gas; and

(4) an analysis and, if feasible, an assessment of—

(A) the cumulative impact of the covered rules and covered actions on—

(i) consumers;

(ii) small businesses;

(iii) regional economies;

(iv) State, local, and tribal governments;

(v) low-income communities;

(vi) public health; and

(vii) local and industry-specific labor markets; and

(B) key uncertainties associated with each topic described in subparagraph (A).

(d) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(e) DATA.—In conducting analyses under this section, the Committee shall not be required to create data or to use data that is not readily accessible.

SEC. 2104. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 2103.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 2103, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

SEC. 2105. NO FINAL ACTION ON CERTAIN RULES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the date on which the Committee submits the final report under section 2104(c):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) OTHER RULES NOT AFFECTED.—Subsection (a) shall not affect the finalization of any rule other than the rules described in subsection (a).

SEC. 2106. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

SEC. 2107. FUEL REQUIREMENTS WAIVER AND STUDY.

(a) WAIVER OF FUEL REQUIREMENTS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''a problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: ''(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)'';

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

''(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be waived for the period of time requested.''.

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel,''; and

(B) in paragraph (2)(G), by striking ''Tier II'' and inserting ''Tier III''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

TITLE II—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

SEC. 2201. SHORT TITLE.

This title may be cited as the ''Planning for American Energy Act of 2013''.

SEC. 2202. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

''(a) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(2) STRATEGIC AND CRITICAL ENERGY MINERALS.—The term 'strategic and critical energy minerals' means—

''(A) minerals that are necessary for the energy infrastructure of the United States, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production; and

''(B) minerals that are necessary to support domestic manufacturing, including materials used in energy generation, production, and transportation.

''(3) STRATEGY.—The term 'Strategy' means the Quadrennial Federal Onshore Energy Production Strategy required under this section.

''(b) STRATEGY.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture with regard to land administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy.

''(2) ENERGY SECURITY.—The Strategy shall direct Federal land energy development and department resource allocation to promote the energy security of the United States.

''(c) PURPOSES.—

''(1) IN GENERAL.—In developing a Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on—

''(A) the projected energy demands of the United States for the 30-year period beginning on the date of initiation of the Strategy; and

''(B) how energy derived from Federal onshore land can place the United States on a trajectory to meet that demand during the 4-year period beginning on the date of initiation of the Strategy.

''(2) ENERGY SECURITY.—The Secretary shall consider how Federal land will contribute to ensuring national energy security, with a goal of increasing energy independence and production, during the 4-year period beginning on the date of initiation of the Strategy.

''(d) OBJECTIVES.—The Secretary shall establish a domestic strategic production objective for the development of energy resources from Federal onshore land that is based on commercial and scientific data relating to the expected increase in—

''(1) domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on land held by the Bureau of Land Management and the Forest Service;

''(2) domestic coal production from Federal land;

''(3) domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

''(4) megawatts for electricity production from each of wind, solar, biomass, hydropower, and geothermal energy produced on Federal land administered by the Bureau of Land Management and the Forest Service;

''(5) unconventional energy production, such as oil shale;

''(6) domestic production of oil, natural gas, coal, and other renewable sources from tribal land for any federally recognized Indian tribe that elects to participate in facilitating energy production on the land of the Indian tribe; and

''(7) domestic production of geothermal, solar, wind, or other renewable energy sources on land defined as available lands under section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 109, chapter 42), and any other land considered by the Territory or State of Hawaii, as the case may be, to be available lands.

''(e) METHODOLOGY.—The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at the estimates made by the Secretary to carry out this section.

''(f) EXPANSION OF PLAN.—The Secretary may expand a Strategy to include other energy production technology sources or advancements in energy production on Federal land.

''(g) TRIBAL OBJECTIVES.—

''(1) IN GENERAL.—It is the sense of Congress that federally recognized Indian tribes may elect to set the production objectives of the Indian tribes as part of a Strategy under this section.

''(2) COOPERATION.—The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving the strategic energy objectives of the Indian tribe under this subsection.

''(h) EXECUTION OF STRATEGY.—

''(1) DEFINITION OF SECRETARY CONCERNED.—In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(2) ADDITIONAL LAND.—The Secretary concerned may make determinations regarding which additional land under the jurisdiction of the Secretary concerned will be made available in order to meet the energy production objectives established by a Strategy.

''(3) ACTIONS.—The Secretary concerned shall take all necessary actions to achieve the energy production objectives established under this section unless the President determines that it is not in the national security and economic interests of the United States—

''(A) to increase Federal domestic energy production; and

''(B) to decrease dependence on foreign sources of energy.

''(4) LEASING.—In carrying out this subsection, the Secretary concerned shall only consider leasing Federal land available for leasing at the time the lease sale occurs.

''(i) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing a Strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

''(j) ANNUAL REPORTS.—

''(1) IN GENERAL.—The Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report describing the progress made in meeting the production goals of a Strategy.

''(2) CONTENTS.—In a report required under this subsection, the Secretary shall—

''(A) make projections for production and capacity installations;

''(B) describe any problems with leasing, permitting, siting, or production that will prevent meeting the production goals of a Strategy; and

''(C) make recommendations to help meet any shortfalls in meeting the production goals.

''(k) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement for carrying out this section.

''(2) COMPLIANCE.—The programmatic environmental impact statement shall be considered sufficient to comply with all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for all necessary resource management and land use plans associated with the implementation of a Strategy.

''(l) CONGRESSIONAL REVIEW.—

''(1) IN GENERAL.—Not later than 60 days before publishing a proposed Strategy under this section, the Secretary shall submit to Congress and the President the proposed Strategy, together with any comments received from States, federally recognized Indian tribes, and local governments.

''(2) RECOMMENDATIONS.—The submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.

''(m) ADMINISTRATION.—Nothing in this section modifies or affects any multiuse plan.

''(n) FIRST STRATEGY.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to Congress the first Strategy.''.

TITLE III—ONSHORE OIL AND GAS LEASING CERTAINTY

SEC. 2301. SHORT TITLE.

This title may be cited as the ''Providing Leasing Certainty for American Energy Act of 2013''.

SEC. 2302. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) by striking ''SEC. 17. (a) All lands'' and inserting the following:

''SEC. 17. LEASE OF OIL AND GAS LAND.

''(a) AUTHORITY.—

''(1) IN GENERAL.—All land''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.—

''(A) IN GENERAL.—In conducting lease sales under this section, each year, the Secretary shall offer for sale not less than 25 percent of the annual nominated acreage not previously made available for lease.

''(B) REVIEW.—The offering of acreage offered for lease under this paragraph shall not be subject to review.

''(C) CATEGORICAL EXCLUSIONS.—Acreage offered for lease under this paragraph shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that extraordinary circumstances shall not be required for a categorical exclusion under this paragraph.

''(D) LEASING.—In carrying out this subsection, the Secretary shall only consider leasing of Federal land that is available for leasing at the time the lease sale occurs.''.

SEC. 2303. LEASING CERTAINTY AND CONSISTENCY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 2302) is amended by adding at the end the following:

''(3) LEASING CERTAINTY.—

''(A) IN GENERAL.—The Secretary shall not withdraw approval of any covered energy project involving a lease under this Act without finding a violation of the terms of the lease by the lessee.

''(B) DELAY.—The Secretary shall not infringe on lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights-of-way for activities under a lease.

''(C) AVAILABILITY OF NOMINATED AREAS.—Not later than 18 months after an area is designated as open under the applicable land use plan, the Secretary shall make available nominated areas for lease under paragraph (2).

''(D) ISSUANCE OF LEASES.—Notwithstanding any other provision of law, the Secretary shall issue all leases sold under this Act not later than 60 days after the last payment is made.

''(E) CANCELLATION OR WITHDRAWAL OF LEASE PARCELS.—The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

''(F) APPEALS.—

''(i) IN GENERAL.—The Secretary shall complete the review of any appeal of a lease sale under this Act not later than 60 days after the receipt of the appeal.

''(ii) CONSTRUCTIVE APPROVAL.—If the review of an appeal is not conducted in accordance with clause (i), the appeal shall be considered approved.

''(G) ADDITIONAL STIPULATIONS.—The Secretary may not add any additional lease stipulation for a parcel after the parcel is sold unless the Secretary—

''(i) consults with the lessee and obtains the approval of the lessee; or

''(ii) determines that the stipulation is an emergency action that is necessary to conserve the resources of the United States.

''(4) LEASING CONSISTENCY.—A Federal land manager shall comply with applicable resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until a new record of decision is signed.''.

SEC. 2304. REDUCTION OF REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

TITLE IV—STREAMLINED ENERGY PERMITTING

SEC. 2401. SHORT TITLE.

This title may be cited as the ''Streamlining Permitting of American Energy Act of 2013''.

Subtitle A—Application for Permits To Drill Process Reform

SEC. 2411. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall decide whether to issue a permit to drill not later than 30 days after the date on which the application for the permit is received by the Secretary.

''(B) EXTENSIONS.—

''(i) IN GENERAL.—The Secretary may extend the period described in subparagraph (A) for up to 2 periods of 15 days each, if the Secretary gives written notice of the delay to the applicant.

''(ii) NOTICE.—The notice shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the names and positions of the persons processing the application;

''(bb) the specific reasons for the delay; and

''(cc) a specific date on which a final decision on the application is expected.

''(C) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) a written notice that provides—

''(I) clear and comprehensive reasons why the application was not accepted; and

''(II) detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(D) APPLICATION CONSIDERED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application for the permit is received by the Secretary, the application shall be considered approved unless applicable reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

''(E) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill under this paragraph, the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(F) FEE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii) and notwithstanding any other provision of law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under this paragraph.

''(ii) RESUBMITTED APPLICATIONS.—The fee described in clause (i) shall not apply to any resubmitted application.

''(iii) TREATMENT OF PERMIT PROCESSING FEE.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall be transferred to the field office where the fees are collected and used to process leases, permits, and appeals under this Act.''.

SEC. 2412. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation—

(1) by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development; and

(2) at the option of the Secretary of the Interior, by the United States Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management land.

Subtitle B—Administrative Appeal Documentation Reform

SEC. 2421. ADMINISTRATIVE APPEAL DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

''(4) APPEAL FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each appeal of an action on a lease, right-of-way, or application for permit to drill.

''(B) TREATMENT OF FEES.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall remain in the field office where the fees are collected and used to process appeals.''.

Subtitle C—Permit Streamlining

SEC. 2431. FEDERAL ENERGY PERMIT COORDINATION.

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECTS.—The term ''energy projects'' means oil, coal, natural gas, and renewable energy projects.

(2) PROJECT.—The term ''Project'' means the Federal Permit Streamlining Project established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ESTABLISHMENT.—The Secretary shall establish a Federal Permit Streamlining Project in each Bureau of Land Management field office with responsibility for issuing permits for energy projects on Federal land.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding to carry out this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any State with energy projects on Federal land to be a signatory to the memorandum of understanding.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the home office of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified under subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple-use requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Funding for the additional personnel shall be derived from the Department of the Interior reforms made by sections 2411, 2412, and 2421 and the amendments made by those sections.

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

SEC. 2432. ADMINISTRATION OF CURRENT LAW.

Notwithstanding any other provision of law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

Subtitle D—Judicial Review

SEC. 2441. DEFINITIONS.

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any disputes between the parties to a lease regarding the obligations under the lease, including regarding any alleged breach of the lease.

SEC. 2442. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the United States district court for the district in which the project or leases exist or are proposed.

SEC. 2443. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action shall be filed not later than 90 days after the date of the final Federal agency action to which the covered civil action relates.

SEC. 2444. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

SEC. 2445. STANDARD OF REVIEW.

In any judicial review of a covered civil action—

(1) administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct; and

(2) the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 2446. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

(a) IN GENERAL.—In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct the violation.

(b) PRELIMINARY INJUNCTIONS.—

(1) IN GENERAL.—A court shall limit the duration of a preliminary injunction to halt a covered energy project to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) EXTENSIONS.—Extensions under paragraph (1) shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

SEC. 2447. LIMITATION ON ATTORNEYS' FEES.

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to a covered civil action.

(b) ATTORNEY'S FEES AND COURT COSTS.—A party in a covered civil action shall not receive payment from the Federal Government for attorney's fees, expenses, or other court costs.

SEC. 2448. LEGAL STANDING.

A challenger filing an appeal with the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

TITLE V—EXPEDITIOUS OIL AND GAS LEASING PROGRAM IN NATIONAL PETROLEUM RESERVE IN ALASKA

SEC. 2501. SHORT TITLE.

This title may be cited as the ''National Petroleum Reserve Alaska Access Act''.

SEC. 2502. SENSE OF CONGRESS REAFFIRMING NATIONAL POLICY REGARDING NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in the State of Alaska (referred to in this title as the ''Reserve'') remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

SEC. 2503. COMPETITIVE LEASING OF OIL AND GAS.

Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended by striking subsection (a) and inserting the following:

''(a) COMPETITIVE LEASING.—

''(1) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve in accordance with this Act.

''(2) INCLUSIONS.—The program under this subsection shall include at least 1 lease sale annually in each area of the Reserve that is most likely to produce commercial quantities of oil and natural gas for each of calendar years 2013 through 2023.''.

SEC. 2504. PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary—

(1) to develop and bring into production any areas within the Reserve that are subject to oil and gas leases; and

(2) to transport oil and gas from and through the Reserve to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINES.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timelines:

(1) EXISTING LEASES.—Each permit for construction relating to the transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary of the Interior has issued a permit to drill shall be approved by not later than 60 days after the date of enactment of this Act.

(2) REQUESTED PERMITS.—Each permit for construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved by not later than 180 days after the date of submission to the Secretary of a request for a permit to drill.

(c) PLAN.—To ensure timely future development of the Reserve, not later than 270 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure to ensure that all leasable tracts in the Reserve are located within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

SEC. 2505. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the Reserve.

(b) DEADLINES.—At a minimum, the regulations promulgated pursuant to this section shall—

(1) require the Secretary of the Interior to respond, acknowledging receipt of any permit application for development, by not later than 5 business days after the date of receipt of the application; and

(2) establish a timeline for the processing of each such application that—

(A) specifies deadlines for decisions and actions regarding permit applications; and

(B) provides that the period for issuing each permit after the date of submission of the application shall not exceed 60 days, absent the concurrence of the applicant.

(c) ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.—If the Secretary of the Interior fails to comply with any deadline described in subsection (b) with respect to a permit application, the Secretary shall notify the applicant not less frequently than once every 5 days with specific information regarding—

(1) the reasons for the permit delay;

(2) the name of each specific office of the Department of the Interior responsible for—

(A) issuing the permit; or

(B) monitoring the permit delay; and

(3) an estimate of the date on which the permit will be issued.

(d) ADDITIONAL INFRASTRUCTURE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, after consultation with the State of Alaska and after providing notice and an opportunity for public comment, shall approve right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

SEC. 2506. UPDATED RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the Reserve, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The resource assessment under subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) TIMING.—The resource assessment under subsection (a) shall be completed by not later than 2 years after the date of enactment of this Act.

(d) FUNDING.—In carrying out this section, the United States Geological Survey may cooperatively use resources and funds provided by the State of Alaska.

SEC. 2507. COLVILLE RIVER DELTA DESIGNATION.

The designation by the Environmental Protection Agency of the Colville River Delta as an aquatic resource of national importance shall have no force or effect on this title or an amendment made by this title.

TITLE VI—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

SEC. 2601. SHORT TITLE.

This title may be cited as the ''BLM Live Internet Auctions Act''.

SEC. 2602. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by striking ''Lease sales'' and inserting ''Except as provided in subparagraph (C), lease sales''; and

(2) by adding at the end the following:

''(C) In order to diversify and expand the United States onshore leasing program to ensure the best return to Federal taxpayers, to reduce fraud, and to secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods, each of which shall be completed by not later than 7 days after the date of initiation of the sale.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted pursuant to subparagraph (C) of section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the Secretary of the Interior shall conduct, and submit to Congress a report describing the results of, an analysis of the first 10 such lease sales, including—

(1) estimates of increases or decreases in the lease sales, as compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of the bids;

(C) the highest amount of the bids; and

(D) the lowest amount of the bids;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of the sales, as compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales, which may—

(A) provide an opportunity to better maximize bidder participation;

(B) ensure the highest return to Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

(D) ensure the security and integrity of the leasing process.

TITLE VII—ADVANCING OFFSHORE WIND PRODUCTION

SEC. 2701. SHORT TITLE.

This title may be cited at the ''Advancing Offshore Wind Production Act''.

SEC. 2702. OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECTS.

(a) DEFINITION OF OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECT.—In this section, the term ''offshore meteorological site testing and monitoring project'' means a project carried out on or in the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) and administered by the Department of the Interior to test or monitor weather (including energy provided by weather, such as wind, tidal, current, and solar energy) using towers, buoys, or other temporary ocean infrastructure, that—

(1) causes—

(A) less than 1 acre of surface or seafloor disruption at the location of each meteorological tower or other device; and

(B) not more than 5 acres of surface or seafloor disruption within the proposed area affected by the project (including hazards to navigation);

(2) is decommissioned not more than 5 years after the date of commencement of the project, including—

(A) removal of towers, buoys, or other temporary ocean infrastructure from the project site; and

(B) restoration of the project site to approximately the original condition of the site; and

(3) provides meteorological information obtained by the project to the Secretary of the Interior.

(b) OFFSHORE METEOROLOGICAL PROJECT PERMITTING.—

(1) IN GENERAL.—The Secretary of the Interior shall require, by regulation, that any applicant seeking to conduct an offshore meteorological site testing and monitoring project shall obtain a permit and right-of-way for the project in accordance with this subsection.

(2) PERMIT AND RIGHT-OF-WAY TIMELINE AND CONDITIONS.—

(A) DEADLINE FOR APPROVAL.—The Secretary shall decide whether to issue a permit and right-of-way for an offshore meteorological site testing and monitoring project by not later than 30 days after the date of receipt of a relevant application.

(B) PUBLIC COMMENT AND CONSULTATION.—During the 30-day period referred to in subparagraph (A) with respect to an application for a permit and right-of-way under this subsection, the Secretary shall—

(i) provide an opportunity for submission of comments regarding the application by the public; and

(ii) consult with the Secretary of Defense, the Commandant of the Coast Guard, and the heads of other Federal, State, and local agencies that would be affected by the issuance of the permit and right-of-way.

(C) DENIAL OF PERMIT; OPPORTUNITY TO REMEDY DEFICIENCIES.—If an application is denied under this subsection, the Secretary shall provide to the applicant—

(i) in writing—

(I) a list of clear and comprehensive reasons why the application was denied; and

(II) detailed information concerning any deficiencies in the application; and

(ii) an opportunity to remedy those deficiencies.

(c) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to an offshore meteorological site testing and monitoring project.

(d) PROTECTION OF INFORMATION.—Any information provided to the Secretary of the Interior under subsection (a)(3) shall be—

(1) treated by the Secretary as proprietary information; and

(2) protected against disclosure.

TITLE VIII—CRITICAL MINERALS

SEC. 2801. DEFINITIONS.

In this title:

(1) APPLICABLE COMMITTEES.—The term ''applicable committees'' means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Natural Resources of the House of Representatives;

(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Science, Space, and Technology of the House of Representatives.

(2) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy that—

(A) reduces the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, storing, or transporting energy with greater effectiveness in or through the infrastructure of the United States;

(B) diversifies the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(C) contributes to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related greenhouse gas emissions.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term ''critical mineral'' means any mineral designated as a critical mineral pursuant to section 2802.

(B) EXCLUSIONS.—The term ''critical mineral'' does not include coal, oil, natural gas, or any other fossil fuels.

(4) CRITICAL MINERAL MANUFACTURING.—The term ''critical mineral manufacturing'' means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of clean energy technologies (including technologies related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, batteries, and other energy storage devices), military equipment, and consumer electronics, or components necessary for applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) MILITARY EQUIPMENT.—The term ''military equipment'' means equipment used directly by the Armed Forces to carry out military operations.

(7) RARE EARTH ELEMENT.—

(A) IN GENERAL.—The term ''rare earth element'' means the chemical elements in the periodic table from lanthanum (atomic number 57) up to and including lutetium (atomic number 71).

(B) INCLUSIONS.—The term ''rare earth element'' includes the similar chemical elements yttrium (atomic number 39) and scandium (atomic number 21).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey; and

(B) in consultation with (as appropriate)—

(i) the Secretary of Energy;

(ii) the Secretary of Defense;

(iii) the Secretary of Commerce;

(iv) the Secretary of State;

(v) the Secretary of Agriculture;

(vi) the United States Trade Representative; and

(vii) the heads of other applicable Federal agencies.

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

(C) any other territory or possession of the United States.

(10) VALUE-ADDED.—The term ''value-added'' means, with respect to an activity, an activity that changes the form, fit, or function of a product, service, raw material, or physical good so that the resultant market price is greater than the cost of making the changes.

(11) WORKING GROUP.—The term ''Working Group'' means the Critical Minerals Working Group established under section 2805(a).

SEC. 2802. DESIGNATIONS.

(a) DRAFT METHODOLOGY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, and anti-competitive or protectionist behaviors); and

(2) important in use (including clean energy technology-, defense-, agriculture-, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, the Secretary shall enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering to obtain, not later than 120 days after the date of enactment of this Act—

(1) a review of the methodology; and

(2) recommendations for improving the methodology.

(d) FINAL METHODOLOGY.—After reviewing the recommendations under subsection (c), not later than 150 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(e) DESIGNATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of minerals designated as critical, pursuant to the final methodology under subsection (d), for purposes of carrying out this title.

(f) SUBSEQUENT REVIEW.—The methodology and designations developed under subsections (d) and (e) shall be updated at least every 5 years, or in more regular intervals if considered appropriate by the Secretary.

(g) NOTICE.—On finalization of the methodology under subsection (d), the list under subsection (e), or any update to the list under subsection (f), the Secretary shall submit to the applicable committees written notice of the action.

SEC. 2803. POLICY.

(a) POLICY.—It is the policy of the United States to promote an adequate, reliable, domestic, and stable supply of critical minerals, produced in an environmentally responsible manner, in order to strengthen and sustain the economic security, and the manufacturing, industrial, energy, technological, and competitive stature, of the United States.

(b) COORDINATION.—The President, acting through the Executive Office of the President, shall coordinate the actions of Federal agencies under this and other Acts—

(1) to encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national critical minerals needs;

(2) to minimize duplication, needless paperwork, and delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct and operate critical mineral manufacturing facilities in an environmentally responsible manner;

(3) to promote the development of economically stable and environmentally responsible domestic critical mineral production and manufacturing;

(4) to establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other market dynamics relevant to policy formulation so that informed actions may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;

(5) to strengthen educational and research capabilities and workforce training;

(6) to bolster international cooperation through technology transfer, information sharing, and other means;

(7) to promote the efficient production, use, and recycling of critical minerals;

(8) to develop alternatives to critical minerals; and

(9) to establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

SEC. 2804. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories;

(2) estimates the cost of production of the critical mineral resources identified and quantified under this section, using all available public and private information and datasets, including exploration histories;

(3) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories;

(4) provides qualitative information on the environmental attributes of the critical mineral resources identified under this section; and

(5) pays particular attention to the identification and quantification of critical mineral resources on Federal land that is open to location and entry for exploration, development, and other uses.

(b) FIELD WORK.—If existing information and datasets prove insufficient to complete the assessment under this section and there is no reasonable opportunity to obtain the information and datasets from nongovernmental entities, the Secretary may carry out

field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals on—

(1) Federal land that is open to location and entry for exploration, development, and other uses;

(2) tribal land, at the request and with the written permission of the Indian tribe with jurisdiction over the land; and

(3) State land, at the request and with the written permission of the Governor of the State.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) FINANCIAL ASSISTANCE.—The Secretary may make grants to State governments, or Indian tribes and economic development entities of Indian tribes, to cover the costs associated with assessments of critical mineral resources on State or tribal land, as applicable.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing the results of the assessment conducted under this section.

(f) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical materials considered to be most critical under the methodology established pursuant to section 2802 are completed first.

(2) REPORTING.—If the Secretary sequences the completion of resource assessments for each critical material, the Secretary shall submit a report under subsection (e) on an iterative basis over the 4-year period beginning on the date of enactment of this Act.

(g) UPDATES.—The Secretary shall periodically update the assessment conducted under this section based on—

(1) the generation of new information or datasets by the Federal Government; or

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other entities or individuals.

SEC. 2805. PERMITTING.

(a) CRITICAL MINERALS WORKING GROUP.—

(1) IN GENERAL.—There is established within the Department of the Interior a working group to be known as the ''Critical Minerals Working Group'', which shall report to the President and the applicable committees through the Secretary.

(2) COMPOSITION.—The Working Group shall be composed of the following:

(A) The Secretary of the Interior (or a designee), who shall serve as chair of the Working Group.

(B) A Presidential designee from the Executive Office of the President, who shall serve as vice-chair of the Working Group.

(C) The Secretary of Energy (or a designee).

(D) The Secretary of Agriculture (or a designee).

(E) The Secretary of Defense (or a designee).

(F) The Secretary of Commerce (or a designee).

(G) The Secretary of State (or a designee).

(H) The United States Trade Representative (or a designee).

(I) The Administrator of the Environmental Protection Agency (or a designee).

(J) The Chief of Engineers of the Corps of Engineers (or a designee).

(b) CONSULTATION.—The Working Group shall operate in consultation with private sector, academic, and other applicable stakeholders with experience related to—

(1) critical minerals exploration;

(2) critical minerals permitting;

(3) critical minerals production; and

(4) critical minerals manufacturing.

(c) DUTIES.—The Working Group shall—

(1) facilitate Federal agency efforts to optimize efficiencies associated with the permitting of activities that will increase exploration and development of domestic critical minerals, while maintaining environmental standards;

(2) facilitate Federal agency review of laws (including regulations) and policies that discourage investment in exploration and development of domestic critical minerals;

(3) assess whether Federal policies adversely impact the global competitiveness of the domestic critical minerals exploration and development sector (including taxes, fees, regulatory burdens, and access restrictions);

(4) evaluate the sufficiency of existing mechanisms for the provision of tenure on Federal land and the role of the mechanisms in attracting capital investment for the exploration and development of domestic critical minerals; and

(5) generate such other information and take such other actions as the Working Group considers appropriate to achieve the policy described in section 2803(a).

(d) REPORT.—Not later than 300 days after the date of enactment of this Act, the Working Group shall submit to the applicable committees a report that—

(1) describes the results of actions taken under subsection (c);

(2) evaluates the amount of time typically required (including the range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch of the Federal Government, such as judicial review, applicant decisions, or State and local government involvement) associated with the processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric developed and finalized under subsections (e) and (f), respectively;

(3) identifies measures (including regulatory changes and legislative proposals) that would optimize efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(4) identifies options (including cost recovery paid by applicants) for ensuring adequate staffing of divisions, field offices, or other entities responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land.

(e) DRAFT PERFORMANCE METRIC.—Not later than 330 days after the date of enactment of this Act, and on completion of the report required under subsection (d), the Working Group shall publish in the Federal Register for public comment a draft description of a performance metric for evaluating the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals.

(f) FINAL PERFORMANCE METRIC.—Not later than 1 year after the date of enactment of this Act, and after consideration of any public comments received under subsection (e), the Working Group shall publish in the Federal Register a description of the final performance metric.

(g) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, using the final performance metric under subsection (f), the Working Group shall submit to the applicable committees, as part of the budget request of the Department of the Interior for each fiscal year, each report that—

(1) describes the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(2) compares the United States to other countries in terms of permitting efficiency, environmental standards, and other criteria relevant to a globally competitive economic sector.

(h) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees a report that assesses the performance of Federal agencies in—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the ''Regulatory Flexibility Act''), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section affects any judicial review of an agency action under any other provision of law.

(2) CONSTRUCTION.—This section—

(A) is intended to improve the internal management of the Federal Government; and

(B) does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States (including an agency, instrumentality, officer, or employee) or any other person.

SEC. 2806. RECYCLING AND ALTERNATIVES.

(a) ESTABLISHMENT.—The Secretary of Energy shall conduct a program of research and development to promote the efficient production, use, and recycling of, and alternatives to, critical minerals.

(b) COOPERATION.—In carrying out the program, the Secretary of Energy shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral manufacturers;

(4) trade associations;

(5) academic institutions;

(6) small businesses; and

(7) other relevant entities or individuals.

(c) ACTIVITIES.—Under the program, the Secretary of Energy shall carry out activities that include the identification and development of—

(1) advanced critical mineral production or processing technologies that decrease the environmental impact, and costs of production, of such activities;

(2) techniques and practices that minimize or lead to more efficient use of critical minerals;

(3) techniques and practices that facilitate the recycling of critical minerals, including

options for improving the rates of collection of post-consumer products containing critical minerals;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts; and

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act and every 5 years thereafter, the Secretaries shall submit to the applicable committees a report summarizing the activities, findings, and progress of the program.

SEC. 2807. ANALYSIS AND FORECASTING.

(a) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with academic institutions, the Energy Information Administration, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of applicable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the ''Annual Critical Minerals Outlook'', of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) market price projections for each critical mineral, to the maximum extent practicable and based on the best available information;

(D) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(E) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(F) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(G) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

SEC. 2808. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary of the Interior, the Director of the National Science Foundation, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policy described in section 2803(a); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, and manufacturing;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, and manufacturing;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, and manufacturing; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the grant program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the National Science Foundation shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in critical mineral programs; and

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

SEC. 2809. INTERNATIONAL COOPERATION.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary, shall carry out a program to promote international cooperation on critical mineral supply chain issues with allies of the United States.

(b) ACTIVITIES.—Under the program, the Secretary of State may work with allies of the United States—

(1) to increase the global, responsible production of critical minerals, if a determination is made by the Secretary of State that there is no viable production capacity for the critical minerals within the United States;

(2) to improve the efficiency and environmental performance of extraction techniques;

(3) to increase the recycling of, and deployment of alternatives to, critical minerals;

(4) to assist in the development and transfer of critical mineral extraction, processing, and manufacturing technologies that would have a beneficial impact on world commodity markets and the environment;

(5) to strengthen and maintain intellectual property protections; and

(6) to facilitate the collection of information necessary for analyses and forecasts conducted pursuant to section 2807.

SEC. 2810. REPEAL, AUTHORIZATION, AND OFFSET.

(a) REPEAL.—

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking '', with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title and the amendments made by this title $30,000,000.

(c) AUTHORIZATION OFFSET.—Section 207(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17022(c)) is amended by inserting before the period at the end the following: '', except that the amount authorized to be appropriated to carry out this section not appropriated as of the date of enactment of the Domestic Energy and Jobs Act shall be reduced by $30,000,000''.

TITLE IX—MISCELLANEOUS

SEC. 2901. LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE SOLID MINERALS LEASING PROGRAM.

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed on the day before the date of enactment of this Act under the solid minerals leasing program of the Department of the Interior, including—

(1) any function under—

(A) sections 2318 through 2352 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 21 et seq.);

(B) the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.);

(C) the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(2) any function relating to management of mineral development on Federal land and acquired land under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732); and

(3) any function performed under the mining law administration program of the Bureau of Land Management.

SEC. 2902. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking ''2055'' and inserting ''2025, and shall not exceed $750,000,000 for each of fiscal years 2026 through 2055''.

SEC. 2903. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

(1) as soon as practicable after, but not later than 10 days after, the date of enactment of this Act, revise the proposed outer Continental Shelf oil and gas leasing program for the 2012–2017 period to include in the program Lease Sale 220 off the coast of Virginia; and

(2) include the outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012–2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the outer Continental Shelf oil and gas leasing program and the domestic energy resources produced under that program are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section—

(A) to preserve the ability of the Armed Forces to maintain an optimum state of readiness through their continued use of energy resources of the outer Continental Shelf; and

(B) to allow effective exploration, development, and production of the oil, gas, and renewable energy resources of the United States.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with—

(A) the agreement entitled ''Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf'' signed July 20, 1983; and

(B) any revision to, or replacement of, the agreement described in subparagraph (A) that is agreed to by the Secretary of Defense and the Secretary of the Interior after July 20, 1983, but before the date of issuance of the lease under which the exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the outer Continental Shelf under section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

SEC. 2904. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS MODIFYING THE STREAM ZONE BUFFER RULE.

The Secretary of the Interior may not, before December 31, 2013, issue a regulation modifying the final rule entitled ''Excess Spoil, Coal Mine Waste, and Buffers for Perennial and Intermittent Streams'' (73 Fed. Reg. 75814 (December 12, 2008)).

SA 2895. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. CONGRESSIONAL APPROVAL OF EPA REGULATIONS WITH HIGH COMPLIANCE COSTS.

Notwithstanding any other provision of law, if the cost of compliance with a regulation of the Administrator of the Environmental Protection Agency exceeds $50,000,000 per year, the regulation shall not take effect unless Congress enacts a law that approves the regulation.

SA 2896. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STUDY OF REGULATIONS THAT LIMIT GREENHOUSE GAS EMISSIONS FROM NEW AND EXISTING POWER PLANTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the effect that regulations limiting greenhouse gas emissions from new and existing power plants would have on jobs and energy prices.

(b) DETERMINATION.—If, based on the study conducted under subsection (a), the Secretary of Energy determines that the regulations described in that subsection would directly or indirectly destroy jobs or raise energy prices, the Administrator of the Environmental Protection Agency shall not finalize the regulations.

SA 2897. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike line 1 and all that follows through page 3, line 2, and insert the following:

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''January 1, 2014'' and inserting ''September 1, 2014''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (J), by inserting ''and'' at the end; and

(3) by inserting after subparagraph (J) the following:

''(K) the amendment made by section 2(a) of the Emergency Unemployment Compensation Extension Act of 2014;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SA 2898. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PERMISSIBLE USES OF UNEMPLOYMENT FUND MONEYS FOR PROGRAM INTEGRITY PURPOSES.

(a) WITHDRAWAL STANDARD IN THE INTERNAL REVENUE CODE.—Section 3304(a)(4) of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (F), by striking ''and'' at the end; and

(2) by inserting after subparagraph (G) the following new subparagraphs:

''(H) of those payments of benefits from a State's unemployment fund that are determined to have been made in error and are subsequently recovered by the State, the State may, immediately following receipt of such recovered amount, deposit a percent of such recovered amount, as specified in State law (but not to exceed 5 percent), in a fund from which moneys may be withdrawn for—

''(i) the payment of costs of deterring, detecting, and collecting erroneous payments to individuals;

''(ii) purposes relating to the misclassification of employees as independent contractors, implementation of provisions of State law implementing section 303(k) of the Social Security Act, or other provisions of State law relating to employer fraud or evasion of contributions; or

''(iii) payment to the Secretary of the Treasury to the credit of the State's account in the Unemployment Trust Fund; and

''(I) of those payments of contributions (or payments in lieu of contributions) that are collected as a result of an investigation and assessment by the State agency, the State may, immediately following receipt of such payments, deposit a percentage of such payments, as specified in State law (but not to exceed 5 percent), in a fund (which may be the same fund described in subparagraph (H)) from which moneys may be withdrawn for the purposes described in clauses (i) through (iii) of subparagraph (H);''.

(b) DEFINITION OF UNEMPLOYMENT FUND.—Section 3306(f) of the Internal Revenue Code of 1986 is amended by striking all that follows ''(exclusive of expenses of administration)'' and inserting '', except as otherwise provided in section 3304(a)(4) of the Social Security Act or any other provision of Federal law.''.

(c) WITHDRAWAL STANDARD IN SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act (42 U.S.C. 503(a)(5)) is amended by striking all that follows ''payment of unemployment compensation, exclusive of expenses of administration,'' and inserting ''except as otherwise provided in this section, section 3304(a)(4) of the Internal Revenue Code of 1986, or any other provision of Federal law; and''.

(d) IMMEDIATE DEPOSIT REQUIREMENTS.—

(1) INTERNAL REVENUE CODE REQUIREMENT.—Paragraph (3) of section 3304(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) all money received in the unemployment fund of the State shall immediately upon such receipt be paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund established by section 904 of the Social Security Act (42 U.S.C. 1104), except for—

''(A) refunds of sums erroneously paid into the unemployment fund of the State;

''(B) refunds paid in accordance with the provisions of section 3305(b); and

''(C) amounts deposited in a State fund pursuant to subparagraph (H) or (I) of paragraph (4);''.

(2) SOCIAL SECURITY ACT REQUIREMENT.—Section 303(a)(4) of the Social Security Act (42 U.S.C. 503(a)(4)) is amended by striking ''(except for refunds'' and all that follows through ''Federal Unemployment Tax Act'' and inserting ''(except as otherwise provided in this section, section 3304(a)(3) of the Internal Revenue Code of 1986, or any other provision of Federal law)''.

(e) APPLICATION TO FEDERAL PAYMENTS.—

(1) IN GENERAL.—As a condition for administering any unemployment compensation program of the United States (as defined in paragraph (2)) as an agent of the United States, a State shall, with respect to erroneous payments made under such programs by the State, use the authority provided under subparagraph (H) of section 3304(a)(4) of the Internal Revenue Code of 1986, as added by subsection (a), in the same manner as such authority is used with respect to erroneous payments made under the State unemployment compensation law. With respect to erroneous Federal payments recovered consistent with the authority under such subparagraph (H), the State shall immediately deposit the same percentage of the recovered payments into the same State fund as provided in the State law implementing such section 3304(a)(4).

(2) DEFINITION.—For purposes of this subsection, the term ''unemployment compensation program of the United States'' means—

(A) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

(B) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code;

(C) trade readjustment allowances under sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291-2294);

(D) disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a));

(E) any Federal temporary extension of unemployment compensation;

(F) any Federal program which increases the weekly amount of unemployment compensation payable to individuals; and

(G) any other Federal program providing for the payment of unemployment compensation.

SEC. ___. DELAY IN APPLICATION OF INDIVIDUAL HEALTH INSURANCE MANDATE.

(a) IN GENERAL.—Section 5000A(a) of the Internal Revenue Code of 1986 is amended by striking ''2013'' and inserting ''2014''.

(b) CONFORMING AMENDMENTS.—

(1) Section 5000A(c)(2)(B) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2014'' in clause (i) and inserting ''2015'', and

(B) by striking ''2015'' in clauses (ii) and (iii) and inserting ''2016''.

(2) Section 5000A(c)(3)(B) of such Code is amended—

(A) by striking ''2014'' and inserting ''2015'', and

(B) by striking ''2015.'' (prior to amendment by subparagraph (A)) and inserting ''2016.''.

(3) Section 5000A(c)(3)(D) of such Code is amended—

(A) by striking ''2016'' and inserting ''2017'', and

(B) by striking ''2015'' and inserting ''2016''.

(4) Section 5000A(e)(1)(D) of such Code is amended—

(A) by striking ''2014'' and inserting ''2015'', and

(B) by striking ''2013'' and inserting ''2014''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1501 of the Patient Protection and Affordable Care Act.

SA 2899. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. LONG-TERM UNEMPLOYED INDIVIDUALS NOT TAKEN INTO ACCOUNT FOR EMPLOYER HEALTH CARE COVERAGE MANDATE.

(a) IN GENERAL.—Paragraph (4) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—

''(i) IN GENERAL.—The term 'full-time employee' shall not include any individual who is a long-term unemployed individual with respect to such employer.

''(ii) LONG-TERM UNEMPLOYED INDIVIDUAL.—For purposes of this subparagraph, the term 'long-term unemployed individual' means, with respect to any employer, an individual who—

''(I) begins employment with such employer after the date of the enactment of this subparagraph, and

''(II) has been unemployed for 27 weeks or longer, as determined by the Secretary of Labor, immediately before the date such employment begins.''.

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

SA 2900. Mr. COATS (for himself, Ms. AYOTTE, Mr. TOOMEY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 9 of the amendment, strike line 21 and all that follows through page 10, line 20, and insert the following:

SEC. 8. REQUIREMENT THAT INDIVIDUALS RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION BE ACTIVELY ENGAGED IN A SYSTEMATIC AND SUSTAINED EFFORT TO OBTAIN SUITABLE WORK.

(a) IN GENERAL.—Subsection (h) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended to read as follows:

''(h) ACTIVELY SEEKING WORK.—

''(1) IN GENERAL.—For purposes of subsection (b)(4), payment of emergency unemployment compensation shall not be made to any individual for any week of unemployment—

''(A) during which the individual fails to accept any offer of suitable work (as defined in paragraph (3)) or fails to apply for any suitable work to which the individual was referred by the State agency; or

''(B) during which the individual fails to actively engage in seeking work, unless such individual is not actively engaged in seeking work because such individual is, as determined in accordance with State law—

''(i) before any court of the United States or any State pursuant to a lawfully issued

summons to appear for jury duty (as such term may be defined by the Secretary); or

''(ii) hospitalized for treatment of an emergency or a life-threatening condition (as such term may be defined by the Secretary),

if such exemptions in clauses (i) and (ii) apply to recipients of regular benefits, and the State chooses to apply such exemptions for recipients of emergency unemployment benefits.

''(2) PERIOD OF INELIGIBILITY.—If any individual is ineligible for emergency unemployment compensation for any week by reason of a failure described in subparagraph (A) or (B) of paragraph (1), the individual shall be ineligible to receive emergency unemployment compensation for any week which begins during a period which—

''(A) begins with the week following the week in which such failure occurs; and

''(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount for the individual's benefit year.

''(3) SUITABLE WORK.—For purposes of this subsection, the term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities, except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

''(4) EXCEPTION.—Extended compensation shall not be denied under subparagraph (A) of paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

''(A) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

''(i) the individual's average weekly benefit amount for his benefit year, plus

''(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986) payable to such individual for such week;

''(B) if the position was not offered to such individual in writing and was not listed with the State employment service;

''(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraphs (3) and (5); or

''(D) if the position pays wages less than the higher of—

''(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

''(ii) any applicable State or local minimum wage.

''(5) ACTIVELY ENGAGED IN SEEKING WORK.—For purposes of this subsection, an individual shall be treated as actively engaged in seeking work during any week if—

''(A) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

''(B) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

''(6) REFERRAL.—The State agency shall provide for referring applicants for emergency unemployment benefits to any suitable work to which paragraph (4) would not apply.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 2901. Mr. INHOFE (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. THUNE, Mr. BARRASSO, Mr. BLUNT, Mr. VITTER, Mr. CRAPO, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CRUZ, Mr. FLAKE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. RISCH, Mr. SCOTT, Mr. SHELBY, Mr. ENZI, Mr. COCHRAN, Mr. LEE, Mr. JOHANNS, Mr. ROBERTS, Mr. WICKER, Mr. BOOZMAN, Mr. BURR, Mr. GRAHAM, and Mr. HOEVEN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. _____. ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.

(a) FINDINGS.—Congress finds that—

(1) the Environmental Protection Agency has systematically distorted the true impact of regulations promulgated by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.) on job creation by using incomplete analyses to assess effects on employment, primarily as a result of the Environmental Protection Agency failing to take into account the cascading effects of a regulatory change across interconnected industries and markets nationwide;

(2) despite the Environmental Protection Agency finding that the impact of certain air pollution regulations will result in net job creation, implementation of the air pollution regulations will actually require billions of dollars in compliance costs, resulting in reduced business profits and millions of actual job losses;

(3)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled ''National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' (77 Fed. Reg. 9304 (Feb. 16, 2012)) estimated that implementation of the final rule would result in the creation of 46,000 temporary construction jobs and 8,000 net new permanent jobs; but

(B) a private study conducted by NERA Economic Consulting, using a ''whole economy'' model, estimated that implementation of the final rule described in subparagraph (A) would result in a negative impact on the income of workers in an amount equivalent to 180,000 to 215,000 lost jobs in 2015 and 50,000 to 85,000 lost jobs each year thereafter;

(4)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled ''Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals'' (76 Fed. Reg. 48208 (Aug. 8, 2011)) estimated that implementation of the final rule would result in the creation of 700 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rule described in subparagraph (A) would result in the elimination of a total of 34,000 jobs during the period beginning in calendar year 2013 and ending in calendar year 2037;

(5)(A) the analysis of the Environmental Protection Agency of the final rules of the Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters''(76 Fed. Reg. 15608 (March 21, 2011)) and ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'' (76 Fed. Reg. 15554 (March 21, 2011)) estimated that implementation of the final rules would result in the creation of 2,200 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rules described in subparagraph (A) would result in the elimination of 28,000 jobs per year during the period beginning in calendar year 2013 and ending in calendar year 2037;

(6) implementation of certain air pollution rules of the Environmental Protection Agency that have not been reviewed, updated, or finalized as of the date of enactment of this Act, such as regulations on greenhouse gas emissions and the update or review of national ambient air quality standards, are predicted to result in significant and negative employment impacts, but the Agency has not yet fully studied or disclosed the full impacts of existing Agency regulations;

(7) in reviewing, developing, or updating any regulations promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of this Act, the Environmental Protection Agency must be required to accurately disclose the adverse impact the existing regulations of the Agency will have on jobs and employment levels across the economy in the United States and disclose those impacts to the American people before issuing a final rule; and

(8) although since 1977, section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)) has required the Administrator of the Environmental Protection Agency to ''conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of [the Clean Air Act] and applicable implementation plans, including where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement'', the Environmental Protection Agency has failed to undertake that analysis or conduct a comprehensive study that considers the impact of programs carried out under the Clean Air Act (42 U.S.C. 7401 et seq.) on jobs and changes in employment.

(b) PROHIBITION.—The Administrator of the Environmental Protection Agency shall not propose or finalize any major rule (as defined in section 804 of title 5, United States Code) under the Clean Air Act (42 U.S.C. 7401 et seq.) until after the date on which the Administrator—

(1) completes an economy-wide analysis capturing the costs and cascading effects across industry sectors and markets in the United States of the implementation of major rules promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) establishes a process to update that analysis not less frequently than semiannually, so as to provide for the continuing evaluation of potential loss or shifts in employment, pursuant to section 321(a) of the Clean

Air Act (42 U.S.C. 7621(a)), that may result from the implementation of major rules under the Clean Air Act (42 U.S.C. 7401 et seq.).

SA 2902. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WORK ACTIVITY REQUIREMENT.

(a) IN GENERAL.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) have satisfied the requirements under subsection (k) with respect to such week.''; and

(2) by adding at the end the following new subsection:

''(k) WORK ACTIVITIES AND GENERAL EDUCATIONAL DEVELOPMENT CLASSES.—

''(1) IN GENERAL.—Subject to paragraph (3), as a condition of continuing eligibility for emergency unemployment compensation for any week, an individual shall—

''(A) in the case of an individual who certifies that they are the primary care giver for a child that has not attained 1 year of age, be exempt from any requirements under this subsection;

''(B) in the case of an individual who certifies that they are the primary care giver for a child that has attained 1 year of age but not attained 6 years of age, complete not less than 20 hours of any activities described in paragraph (2)(A);

''(C) in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) who is not described in subparagraphs (A) or (B), complete not less than 30 hours of any activities described in paragraph (2)(A); or

''(D) in the case of any individual not described in subparagraphs (A), (B), or (C), complete not less than 40 hours of any activities described in paragraph (2)(A).

''(2) WORK ACTIVITIES.—

''(A) IN GENERAL.—The activities described in this paragraph shall consist of the following:

''(i) Actively seeking work (as described in subsection (h)(1)).

''(ii) Reemployment services and in-person reemployment and eligibility assessment activities (as described in subsection (i)(2)).

''(iii) Work activities described in section 407(d) of the Social Security Act, as administered by the State agency responsible for administration and supervision the program referred to in section 402(a)(1) of such Act.

''(iv) In the case of an individual described in subparagraph (B), attending classes described in such subparagraph.

''(B) GENERAL EDUCATIONAL DEVELOPMENT.—In the case of an individual who has not attained 30 years of age and has not obtained a secondary school diploma or its recognized equivalent, such individual, as a condition of continuing eligibility for emergency unemployment compensation for any week, shall enroll in a program of study that leads to the recognized equivalent of a secondary school diploma, and, subsequent to enrollment, shall attend classes connected to such program.

''(3) EXCEPTION.—The requirements under this subsection shall not apply to an individual if the State agency responsible for the administration of State unemployment compensation law determines that there is justifiable cause for failure to participate or to complete participating in the activities described in paragraph (2)(A), as determined in accordance with guidance to be issued by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits for weeks beginning after the date of the enactment of this Act.

SA 2903. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STATE CERTIFICATION REGARDING RETROACTIVE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(k) CERTIFICATION REGARDING RETROACTIVE PAYMENTS.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State if, not later than 30 days after the date of the enactment of the Emergency Unemployment Compensation Extension Act of 2014, the State fails to certify to the Secretary that retroactive payment of emergency unemployment compensation pursuant to such Act will not result in increased levels of fraud or overpayment with respect to such State.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to benefits paid for weeks beginning after the date of the enactment of this Act.

SA 2904. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 2 of the amendment, strike line 20 and all that follows through page 3, line 2, and insert the following: ''this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.''.

SA 2905. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROTECT JOB CREATION.

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 2906. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.

(c) CLERICAL AMENDMENT.—The table of subchapter for chapter 32 of such Code is amended by striking the item related to subchapter E.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2012.

SA 2907. Mr. BLUNT (for himself, Mr. MCCONNELL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

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

SA 2908. Mr. COBURN (for himself, Mr. FLAKE, Mr. KING, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROHIBITION ON PAYMENT OF BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by inserting after section 224 the following new section:

''PROHIBITION ON PAYMENT OF BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION

''SEC. 224A. (a) If for any month prior to the month in which an individual attains retirement age (as defined in section 216(l)(1))—

''(1) such individual is entitled to benefits under section 223, and

''(2) such individual is entitled for such month to unemployment compensation,

the total of the individual's benefits under section 223 for such month and of any benefits under subsections (b) through (h) of section 202 for such month based on the individual's wages and self-employment income shall be reduced to zero.

''(b)(1) Notwithstanding any other provision of law, the head of any Federal agency shall provide such information within its possession as the Commissioner may require for purposes of making a timely determination under this section for reduction of benefits payable under this title, or verifying other information necessary in carrying out the provisions of this section.

''(2) The Commissioner is authorized to enter into agreements with States, political subdivisions, and other organizations that administer unemployment compensation, in order to obtain such information as the Commissioner may require to carry out the provisions of this section.

''(3) Any determination by the Commissioner pursuant to this section shall be subject to the requirements described in section 205(b)(1), including provision of reasonable notice and opportunity for a hearing.

''(c) For purposes of this section, the term 'unemployment compensation' has the meaning given that term in section 85(b) of the Internal Revenue Code of 1986.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to benefits payable for months beginning after 180 days after the date of enactment of this Act.

SA 2909. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROHIBITING FEDERAL PAYMENTS TO STATES FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION WITH RESPECT TO COSTS FOR OFFICE FURNISHINGS AND MURALS, PORTRAITS, AND OTHER ARTWORK.

(a) IN GENERAL.—Section 302 of the Social Security Act (42 U.S.C. 501) is amended by adding at the end the following new subsection:

''(d) No portion of the cost of office furnishings or murals, portraits, or other artwork shall be treated as being a cost for the proper and efficient administration of the State unemployment compensation law.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to costs incurred on or after the date of the enactment of this Act.

SA 2910. Mr. MCCONNELL (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking ''::Provided, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

SA 2911. Mr. MORAN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUPPORTING NEW BUSINESSES.

(a) SHORT TITLE.—This section may be cited as the ''Startup Act 3.0''.

(b) FINDINGS.—Congress makes the following findings:

(1) Achieving economic recovery will require the formation and growth of new companies.

(2) Between 1980 and 2005, companies less than 5 years old accounted for nearly all net job creation in the United States.

(3) New firms in the United States create an average of 3,000,000 jobs per year.

(4) To get Americans back to work, entrepreneurs must be free to innovate, create new companies, and hire employees.

(c) CONDITIONAL PERMANENT RESIDENT STATUS FOR IMMIGRANTS WITH AN ADVANCED DEGREE IN A STEM FIELD.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 216A the following:

''SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS FOR ALIENS WITH AN ADVANCED DEGREE IN A STEM FIELD.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security may adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree at an institution of higher education in a STEM field to that of an alien conditionally admitted for permanent residence and authorize each alien granted such adjustment of status to remain in the United States—

''(1) for up to 1 year after the expiration of the alien's student visa under section 101(a)(15)(F)(i) if the alien is diligently searching for an opportunity to become actively engaged in a STEM field; and

''(2) indefinitely if the alien remains actively engaged in a STEM field.

''(b) APPLICATION FOR CONDITIONAL PERMANENT RESIDENT STATUS.—Every alien applying for a conditional permanent resident status under this section shall submit an application to the Secretary of Homeland Security before the expiration of the alien's student visa in such form and manner as the Secretary shall prescribe by regulation.

''(c) INELIGIBILITY FOR FEDERAL GOVERNMENT ASSISTANCE.—An alien granted conditional permanent resident status under this section shall not be eligible, while in such status, for—

''(1) any unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986); or

''(2) any Federal means-tested public benefit (as that term is used in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)).

''(d) EFFECT ON NATURALIZATION RESIDENCY REQUIREMENT.—An alien granted conditional permanent resident status under this section shall be deemed to have been lawfully admitted for permanent residence for purposes of meeting the 5-year residency requirement set forth in section 316(a)(1).

''(e) REMOVAL OF CONDITION.—The Secretary of Homeland Security shall remove the conditional basis of an alien's conditional permanent resident status under this section on the date that is 5 years after the date such status was granted if the alien maintained his or her eligibility for such status during the entire 5-year period.

''(f) DEFINITIONS.—In this section:

''(1) ACTIVELY ENGAGED IN A STEM FIELD.—The term 'actively engaged in a STEM field'—

''(A) means—

''(i) gainfully employed in a for-profit business or nonprofit organization in the United States in a STEM field;

''(ii) teaching 1 or more STEM field courses at an institution of higher education; or

''(iii) employed by a Federal, State, or local government entity; and

''(B) includes any period of up to 6 months during which the alien does not meet the requirement under subparagraph (A) if such period was immediately preceded by a 1-year period during which the alien met the requirement under subparagraph (A).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(3) STEM FIELD.—The term 'STEM field' means any field of study or occupation included on the most recent STEM-Designated Degree Program List published in the Federal Register by the Department of Homeland Security (as described in section 214.2(f)(11)(i)(C)(2) of title 8, Code of Federal Regulations).''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 216A the following:

''Sec. 216B. Conditional permanent resident status for aliens with an advanced degree in a STEM field.''.

(d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the alien college graduates granted immigrant status under section 216B of the Immigration and Nationality Act, as added by subsection (c).

(2) CONTENTS.—The report described in paragraph (1) shall include—

(A) the number of aliens described in paragraph (1) who have earned a master's degree, broken down by the number of such degrees in science, technology, engineering, and mathematics;

(B) the number of aliens described in paragraph (1) who have earned a doctorate degree, broken down by the number of such degrees in science, technology, engineering, and mathematics;

(C) the number of aliens described in paragraph (1) who have founded a business in the United States in a STEM field;

(D) the number of aliens described in paragraph (1) who are employed in the United States in a STEM field, broken down by employment sector (for profit, nonprofit, or government); and

(E) the number of aliens described in paragraph (1) who are employed by an institution of higher education.

(3) DEFINITIONS.—In this subsection, the terms ''institution of higher education'' and ''STEM field'' have the meanings given such terms in section 216B(f) of the Immigration and Nationality Act, as added by subsection (c).

(e) IMMIGRANT ENTREPRENEURS.—

(1) QUALIFIED ALIEN ENTREPRENEURS.—

(A) ADMISSION AS IMMIGRANTS.—Chapter 1 of title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding at the end the following:

''SEC. 210A. QUALIFIED ALIEN ENTREPRENEURS.

''(a) ADMISSION AS IMMIGRANTS.—The Secretary of Homeland Security, in accordance with the provisions of this section and section 216A, may issue a conditional immigrant visa to not more than 75,000 qualified alien entrepreneurs.

''(b) APPLICATION FOR CONDITIONAL PERMANENT RESIDENT STATUS.—Every alien applying for a conditional immigrant visa under this section shall submit an application to the Secretary of Homeland Security in such form and manner as the Secretary shall prescribe by regulation.

''(c) REVOCATION.—If, during the 4-year period beginning on the date that an alien is granted a visa under this section, the Secretary of Homeland Security determines that such alien is no longer a qualified alien entrepreneur, the Secretary shall—

''(1) revoke such visa; and

''(2) notify the alien that the alien—

''(A) may voluntarily depart from the United States in accordance to section 240B; or

''(B) will be subject to removal proceedings under section 240 if the alien does not depart from the United States not later than 6 months after receiving such notification.

''(d) REMOVAL OF CONDITIONAL BASIS.—The Secretary of Homeland Security shall remove the conditional basis of the status of an alien issued an immigrant visa under this section on that date that is 4 years after the date on which such visa was issued if such visa was not revoked pursuant to subsection (c).

''(e) DEFINITIONS.—In this section:

''(1) FULL-TIME EMPLOYEE.—The term 'full-time employee' means a United States citizen or legal permanent resident who is paid by the new business entity registered by a qualified alien entrepreneur at a rate that is comparable to the median income of employees in the region.

''(2) QUALIFIED ALIEN ENTREPRENEUR.—The term 'qualified alien entrepreneur' means an alien who—

''(A) at the time the alien applies for an immigrant visa under this section—

''(i) is lawfully present in the United States; and

''(ii)(I) holds a nonimmigrant visa pursuant to section 101(a)(15)(H)(i)(b); or

''(II) holds a nonimmigrant visa pursuant to section 101(a)(15)(F)(i);

''(B) during the 1-year period beginning on the date the alien is granted a visa under this section—

''(i) registers at least 1 new business entity in a State;

''(ii) employs, at such business entity in the United States, at least 2 full-time employees who are not relatives of the alien; and

''(iii) invests, or raises capital investment of, not less than $100,000 in such business entity; and

''(C) during the 3-year period beginning on the last day of the 1-year period described in paragraph (2), employs, at such business entity in the United States, an average of at least 5 full-time employees who are not relatives of the alien.''.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding after the item relating to section 210 the following:

''Sec. 210A. Qualified alien entrepreneurs.''.

(2) CONDITIONAL PERMANENT RESIDENT STATUS.—Section 216A of the Immigration and Nationality Act (8 U.S.C. 1186b) is amended—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) in subsection (b)(1)(C), by striking ''203(b)(5),'' and inserting ''203(b)(5) or 210A, as appropriate,'';

(C) in subsection (c)(1), by striking ''alien entrepreneur must'' each place such term appears and inserting ''alien entrepreneur shall'';

(D) in subsection (d)(1)(B), by striking the period at the end and inserting ''or 210A, as appropriate.''; and

(E) in subsection (f)(1), by striking the period at the end and inserting ''or 210A.''.

(f) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the qualified alien entrepreneurs granted immigrant status under section 210A of the Immigration and Nationality Act, as added by subsection (e)(1).

(2) CONTENTS.—The report described in paragraph (1) shall include information regarding—

(A) the number of qualified alien entrepreneurs who have received immigrant status under section 210A of the Immigration and Nationality Act, listed by country of origin;

(B) the localities in which such qualified alien entrepreneurs have initially settled;

(C) whether such qualified alien entrepreneurs generally remain in the localities in which they initially settle;

(D) the types of commercial enterprises that such qualified alien entrepreneurs have established; and

(E) the types and number of jobs created by such qualified alien entrepreneurs.

(g) ELIMINATION OF THE PER-COUNTRY NUMERICAL LIMITATION FOR EMPLOYMENT-BASED VISAS.—

(1) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(A) in the paragraph heading, by striking ''AND EMPLOYMENT-BASED'';

(B) by striking ''(3), (4), and (5),'' and inserting ''(3) and (4),'';

(C) by striking ''subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(D) by striking ''7'' and inserting ''15''; and

(E) by striking ''such subsections'' and inserting ''such section''.

(2) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)(3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(B) by striking subsection (a)(5); and

(C) by amending subsection (e) to read as follows:

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).''.

(3) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(A) in subsection (a), by striking ''subsection (e))'' and inserting ''subsection (d))''; and

(B) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(h) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to the paragraphs (2) and (4) and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2014, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2012 under such paragraphs.

(B) For fiscal year 2015, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2013 under such paragraphs.

(C) For fiscal year 2016, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2014 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2013, 2014, and 2015, not more than 85 percent shall be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2014, 2015, or 2016, the operation of paragraphs (1) and (2) would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2).

(4) RULES FOR CHARGEABILITY.—Section 202(b) of the Immigration and Nationality Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

(i) CAPITAL GAINS TAX EXEMPTION FOR STARTUP COMPANIES.—

(1) PERMANENT FULL EXCLUSION.—

(A) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) EXCLUSION.—In the case of a taxpayer other than a corporation, gross income shall not include 100 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.''.

(B) CONFORMING AMENDMENTS.—

(i) The heading for section 1202 of such Code is amended by striking ''**PARTIAL**''.

(ii) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 of such Code is amended by striking ''Partial exclusion'' and inserting ''Exclusion''.

(iii) Section 1223(13) of such Code is amended by striking ''1202(a)(2),''.

(2) REPEAL OF MINIMUM TAX PREFERENCE.—

(A) IN GENERAL.—Subsection (a) of section 57 of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

(B) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking '', (5), and (7)'' and inserting ''and (5)''.

(3) REPEAL OF 28 PERCENT CAPITAL GAINS RATE ON QUALIFIED SMALL BUSINESS STOCK.—

(A) IN GENERAL.—Subparagraph (A) of section 1(h)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) collectibles gain, over''.

(B) CONFORMING AMENDMENTS.—

(i) Section 1(h) of such Code is amended by striking paragraph (7).

(ii)(I) Section 1(h) of such Code is amended by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

(II) Sections 163(d)(4)(B), 854(b)(5), 857(c)(2)(D) of such Code are each amended by striking ''section 1(h)(11)(B)'' and inserting ''section 1(h)(10)(B)''.

(III) The following sections of such Code are each amended by striking ''section 1(h)(11)'' and inserting ''section 1(h)(10)'':

(aa) Section 301(f)(4).

(bb) Section 306(a)(1)(D).

(cc) Section 584(c).

(dd) Section 702(a)(5).

(ee) Section 854(a).

(ff) Section 854(b)(2).

(IV) The heading of section 857(c)(2) is amended by striking ''1(h)(11)'' and inserting ''1(h)(10)''.

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

(j) RESEARCH CREDIT FOR STARTUP COMPANIES.—

(1) IN GENERAL.—

(A) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) TREATMENT OF CREDIT TO QUALIFIED SMALL BUSINESSES.—

''(1) IN GENERAL.—At the election of a qualified small business, the payroll tax credit portion of the credit determined under subsection (a) shall be treated as a credit allowed under section 3111(f) (and not under this section).

''(2) PAYROLL TAX CREDIT PORTION.—For purposes of this subsection, the payroll tax credit portion of the credit determined under subsection (a) for any taxable year is so much of such credit as does not exceed $250,000.

''(3) QUALIFIED SMALL BUSINESS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified small business' means, with respect to any taxable year—

''(i) a corporation, partnership, or S corporation if—

''(I) the gross receipts (as determined under subsection (c)(7)) of such entity for the taxable year is less than $5,000,000, and

''(II) such entity did not have gross receipts (as so determined) for any period preceding the 5-taxable-year period ending with such taxable year, and

''(ii) any person not described in subparagraph (A) if clauses (i) and (ii) of subparagraph (A) applied to such person, determined—

''(I) by substituting 'person' for 'entity' each place it appears, and

''(II) in the case of an individual, by only taking into account the aggregate gross receipts received by such individual in carrying on trades or businesses of such individual.

''(B) LIMITATION.—Such term shall not include an organization which is exempt from taxation under section 501.

''(4) ELECTION.—

''(A) IN GENERAL.—In the case of a partnership or S corporation, an election under this subsection shall be made at the entity level.

''(B) REVOCATION.—An election under this subsection may not be revoked without the consent of the Secretary.

''(C) LIMITATION.—A taxpayer may not make an election under this subsection if such taxpayer has made an election under this subsection for 5 or more preceding taxable years.

''(5) AGGREGATION RULES.—For purposes of determining the $250,000 limitation under paragraph (2) and determining gross receipts under paragraph (3), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including—

''(A) regulations to prevent the avoidance of the purposes of paragraph (3) through the use of successor companies or other means,

''(B) regulations to minimize compliance and recordkeeping burdens under this subsection for start-up companies, and

''(C) regulations for recapturing the benefit of credits determined under section 3111(f) in cases where there is a subsequent adjustment to the payroll tax credit portion of the credit determined under subsection (a), including requiring amended returns in the cases where there is such an adjustment.''.

(B) CONFORMING AMENDMENT.—Section 280C(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) TREATMENT OF QUALIFIED SMALL BUSINESS CREDIT.—For purposes of determining the amount of any credit under section 41(a) under this subsection, any election under section 41(i) shall be disregarded.''.

(2) CREDIT ALLOWED AGAINST FICA TAXES.—

(A) IN GENERAL.—Section 3111 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) CREDIT FOR RESEARCH EXPENDITURES OF QUALIFIED SMALL BUSINESSES.—

''(1) IN GENERAL.—In the case of a qualified small business which has made an election under section 41(i), there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to the employment of all employees of the qualified small business for days in an applicable calendar quarter an amount equal to the payroll tax credit portion of the research credit determined under section 41(a).

''(2) CARRYOVER OF UNUSED CREDIT.—In any case in which the payroll tax credit portion of the research credit determined under section 41(a) exceeds the tax imposed under subsection (a) for an applicable calendar quarter—

''(A) the succeeding calendar quarter shall be treated as an applicable calendar quarter, and

''(B) the amount of credit allowed under paragraph (1) shall be reduced by the amount of credit allowed under such paragraph for all preceding applicable calendar quarters.

''(3) ALLOCATION OF CREDIT FOR CONTROLLED GROUPS, ETC.—In determining the amount of the credit under this subsection—

''(A) all persons treated as a single taxpayer under section 41 shall be treated as a single taxpayer under this section, and

''(B) the credit (if any) allowable by this section to each such member shall be its proportionate share of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit allowable under section 41.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE CALENDAR QUARTER.—The term 'applicable calendar quarter' means—

''(i) the first calendar quarter following the date on which the qualified small business files a return under section 6012 for the taxable year for which the payroll tax credit portion of the research credit under section 41(a) is determined, and

''(ii) any succeeding calendar quarter treated as an applicable calendar quarter under paragraph (2)(A).

''For purposes of determining the date on which a return is filed, rules similar to the rules of section 6513 shall apply.

''(B) OTHER TERMS.—Any term used in this subsection which is also used in section 41 shall have the meaning given such term under section 41.''.

(B) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraph (1). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

(k) ACCELERATED COMMERCIALIZATION OF TAXPAYER-FUNDED RESEARCH.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the Advisory Council on Innovation and Entrepreneurship of the Department of Commerce established pursuant to section 25(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3720(c)).

(B) EXTRAMURAL BUDGET.—The term ''extramural budget'' means the sum of the total obligations minus amounts obligated for such activities by employees of the agency in or through Government-owned, Government-operated facilities, except that for the Department of Energy it shall not include amounts obligated for atomic energy defense programs solely for weapons activities or for naval reactor programs, and except that for the Agency for International Development it shall not include amounts obligated solely for general institutional support of international research centers or for grants to foreign countries.

(C) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(D) RESEARCH OR RESEARCH AND DEVELOPMENT.—The term ''research'' or ''research and development'' means any activity that is—

(i) a systematic, intensive study directed toward greater knowledge or understanding of the subject studied;

(ii) a systematic study directed specifically toward applying new knowledge to meet a recognized need; or

(iii) a systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

(E) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(2) GRANT PROGRAM AUTHORIZED.—

(A) IN GENERAL.—Each Federal agency that has an extramural budget for research or research and development that is in excess of $100,000,000 for each of fiscal years 2015 through 2019, shall transfer 0.15 percent of such extramural budget for each of such fiscal years to the Secretary to enable the Secretary to carry out a grant program in accordance with this paragraph.

(B) GRANTS.—

(i) AWARDING OF GRANTS.—

(I) IN GENERAL.—From funds transferred under subparagraph (A), the Secretary shall use the criteria developed by the Council to award grants to institutions of higher education, including consortia of institutions of higher education, for initiatives to improve commercialization and transfer of technology.

(II) REQUEST FOR PROPOSALS.—Not later than 30 days after the Council submits the recommendations for criteria to the Secretary under paragraph (3)(B)(i), and annually thereafter for each fiscal year for which the grant program is authorized, the Secretary shall release a request for proposals.

(III) APPLICATIONS.—Each institution of higher education that desires to receive a grant under this subsection shall submit an application to the Secretary not later than 90 days after the Secretary releases the request for proposals under subclause (II).

(IV) COUNCIL REVIEW.—

(aa) IN GENERAL.—The Secretary shall submit each application received under subclause (III) to the Council for Council review.

(bb) RECOMMENDATIONS.—The Council shall review each application received under item (aa) and submit recommendations for grant awards to the Secretary, including funding recommendations for each proposal.

(cc) PUBLIC RELEASE.—The Council shall publicly release any recommendations made under item (bb).

(dd) CONSIDERATION OF RECOMMENDATIONS.—In awarding grants under this subsection, the Secretary shall take into consideration the recommendations of the Council under item (bb)).

(ii) COMMERCIALIZATION CAPACITY BUILDING GRANTS.—

(I) IN GENERAL.—The Secretary shall award grants to support institutions of higher education pursuing specific innovative initiatives to improve an institution's capacity to commercialize faculty research that can be widely adopted if the research yields measurable results.

(II) CONTENT OF PROPOSALS.—Grants shall be awarded under this clause to proposals demonstrating the capacity for accelerated commercialization, proof-of-concept proficiency, and translating scientific discoveries and cutting-edge inventions into technological innovations and new companies. In particular, grant funds shall seek to support innovative approaches to achieving these goals that can be replicated by other institutions of higher education if the innovative approaches are successful.

(iii) COMMERCIALIZATION ACCELERATOR GRANTS.—The Secretary shall award grants to support institutions of higher education pursuing initiatives that allow faculty to directly commercialize research in an effort to accelerate research breakthroughs. The Secretary shall prioritize those initiatives that have a management structure that encourages collaboration between other institutions of higher education or other entities with demonstrated proficiency in creating and growing new companies based on verifiable metrics.

(C) ASSESSMENT OF SUCCESS.—Grants awarded under this paragraph shall use criteria for assessing the success of programs through the establishment of benchmarks.

(D) TERMINATION.—The Secretary shall have the authority to terminate grant funding to an institution of higher education in accordance with the process and performance metrics recommended by the Council.

(E) LIMITATIONS.—

(i) PROJECT MANAGEMENT COSTS.—A grant recipient may use not more than 10 percent of grant funds awarded under this paragraph for the purpose of funding project management costs of the grant program.

(ii) SUPPLEMENT, NOT SUPPLANT.—An institution of higher education that receives a grant under this paragraph shall use the grant funds to supplement, and not supplant, non-Federal funds that would, in the absence of such grant funds, be made available for activities described in this subsection.

(F) UNSPENT FUNDS.—Any funds transferred to the Secretary under subparagraph (A) for a fiscal year that are not expended by the end of such fiscal year may be expended in any subsequent fiscal year through fiscal year 2019. Any funds transferred under subparagraph (A) that are remaining at the end of the grant program's authorization under this subsection shall be transferred to the Treasury for deficit reduction.

(3) COUNCIL.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Council shall convene and develop recommendations for criteria in awarding grants to institutions of higher education under paragraph (2).

(B) SUBMISSION TO COMMERCE AND PUBLICLY RELEASED.—The Council shall—

(i) submit the recommendations described in subparagraph (A) to the Secretary; and

(ii) release the recommendations to the public.

(C) MAJORITY VOTE.—The recommendations submitted by the Council under subparagraph (A) shall be determined by a majority vote of Council members.

(D) PERFORMANCE METRICS.—The Council shall develop and provide to the Secretary recommendations on performance metrics to be used to evaluate grants awarded under paragraph (2).

(E) EVALUATION.—

(i) IN GENERAL.—Not later than 180 days before the date on which the grant program authorized under paragraph (2) expires, the Council shall conduct an evaluation of the effect that the grant program is having on accelerating the commercialization of faculty research.

(ii) INCLUSIONS.—The evaluation shall include—

(I) the recommendation of the Council as to whether the grant program should be continued or terminated;

(II) quantitative data related to the effect, if any, that the grant program has had on faculty research commercialization; and

(III) a description of lessons learned in administering the grant program, and how those lessons could be applied to future efforts to accelerate commercialization of faculty research.

(iii) AVAILABILITY.—Upon completion of the evaluation, the evaluation shall be made available on a public website and submitted to Congress. The Secretary shall notify all institutions of higher education when the evaluation is published and how it can be accessed.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to alter, modify, or amend any provision of chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'').

(l) ECONOMIC IMPACT OF SIGNIFICANT FEDERAL AGENCY RULES.—Section 553 of title 5, United States Code, is amended by adding at the end the following:

''(f) REQUIRED REVIEW BEFORE ISSUANCE OF SIGNIFICANT RULES.—

''(1) IN GENERAL.—Before issuing a notice of proposed rulemaking in the Federal Register

regarding the issuance of a proposed significant rule, the head of the Federal agency or independent regulatory agency seeking to issue the rule shall complete a review, to the extent permitted by law, that—

''(A) analyzes the problem that the proposed rule intends to address, including—

''(i) the specific market failure, such as externalities, market power, or lack of information, that justifies such rule; or

''(ii) any other specific problem, such as the failures of public institutions, that justifies such rule;

''(B) analyzes the expected impact of the proposed rule on the ability of new businesses to form and expand;

''(C) identifies the expected impact of the proposed rule on State, local, and tribal governments, including the availability of resources—

''(i) to carry out the mandates imposed by the rule on such government entities; and

''(ii) to minimize the burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives;

''(D) identifies any conflicting or duplicative regulations;

''(E) determines—

''(i) if existing laws or regulations created, or contributed to, the problem that the new rule is intended to correct; and

''(ii) if the laws or regulations referred to in clause (i) should be modified to more effectively achieve the intended goal of the rule; and

''(F) includes the cost-benefit analysis described in paragraph (2).

''(2) COST-BENEFIT ANALYSIS.—A cost-benefit analysis described in this paragraph shall include—

''(A)(i) an assessment, including the underlying analysis, of benefits anticipated from the proposed rule, such as—

''(I) promoting the efficient functioning of the economy and private markets;

''(II) enhancing health and safety;

''(III) protecting the natural environment; and

''(IV) eliminating or reducing discrimination or bias; and

''(ii) the quantification of the benefits described in clause (i), to the extent feasible;

''(B)(i) an assessment, including the underlying analysis, of costs anticipated from the proposed rule, such as—

''(I) the direct costs to the Federal Government to administer the rule;

''(II) the direct costs to businesses and others to comply with the rule; and

''(III) any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, and the natural environment; and

''(ii) the quantification of the costs described in clause (i), to the extent feasible;

''(C)(i) an assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the proposed rule, which have been identified by the agency or by the public, including taking reasonably viable nonregulatory actions; and

''(ii) an explanation of why the proposed rule is preferable to the alternatives identified under clause (i).

''(3) REPORT.—Before issuing a notice of proposed rulemaking in the Federal Register regarding the issuance of a proposed significant rule, the head of the Federal agency or independent regulatory agency seeking to issue the rule shall—

''(A) submit the results of the review conducted under paragraph (1) to the appropriate congressional committees; and

''(B) post the results of the review conducted under paragraph (1) on a publicly available website.

''(4) JUDICIAL REVIEW.—Any determinations made, or other actions taken, by an agency or independent regulatory agency under this subsection shall not be subject to judicial review.

''(5) DEFINED TERM.—In this subsection the term 'significant rule' means a rule that is likely to—

''(A) have an annual effect on the economy of $100,000,000 or more;

''(B) adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; or

''(C) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.''.

(m) BIENNIAL STATE STARTUP BUSINESS REPORT.—

(1) DATA COLLECTION.—The Secretary of Commerce shall regularly compile information from each of the 50 States and the District of Columbia on State laws that affect the formation and growth of new businesses within the State or District.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, and every 2 years thereafter, the Secretary, using data compiled under paragraph (1), shall prepare a report that—

(A) analyzes the economic effect of State and District laws that either encourage or inhibit business formation and growth; and

(B) ranks the States and the District based on the effectiveness with which their laws foster new business creation and economic growth.

(3) DISTRIBUTION.—The Secretary shall—

(A) submit each report prepared under paragraph (1) to Congress; and

(B) make each report available to the public on the website of the Department of Commerce.

(4) INCLUSION OF LARGE METROPOLITAN AREAS.—Not later than 90 days after the submission of the first report under this subsection, the Secretary of Commerce shall submit a study to Congress on the feasibility and advisability of including, in future reports, information about the effect of local laws and ordinances on the formation and growth of new businesses in large metropolitan areas within the United States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(n) NEW BUSINESS FORMATION REPORT.—

(1) IN GENERAL.—The Secretary of Commerce shall regularly compile quantitative and qualitative information on businesses in the United States that are not more than 1 year old.

(2) DATA COLLECTION.—The Secretary shall—

(A) regularly compile information from the Bureau of the Census' business register on new business formation in the United States; and

(B) conduct quarterly surveys of business owners who start a business during the 1-year period ending on the date on which such survey is conducted to gather qualitative information about the factors that influenced their decision to start the business.

(3) RANDOM SAMPLING.—In conducting surveys under paragraph (2)(B), the Secretary may use random sampling to identify a group of business owners who are representative of all the business owners described in paragraph (2)(B).

(4) BENEFITS.—The Secretary shall inform business owners selected to participate in a survey conducted under this subsection of the benefits they would receive from participating in the survey.

(5) VOLUNTARY PARTICIPATION.—Business owners selected to participate in a survey conducted under this subsection may decline to participate without penalty.

(6) REPORT.—Not later than 18 months after the date of the enactment of this Act, and every 3 months thereafter, the Secretary shall use the data compiled under paragraph (2) to prepare a report that—

(A) lists the aggregate number of new businesses formed in the United States;

(B) lists the aggregate number of persons employed by new businesses formed in the United States;

(C) analyzes the payroll of new businesses formed in the United States;

(D) summarizes the data collected under paragraph (2); and

(E) identifies the most effective means by which government officials can encourage the formation and growth of new businesses in the United States.

(7) DISTRIBUTION.—The Secretary shall—

(A) submit each report prepared under paragraph (6) to Congress; and

(B) make each report available to the public on the website of the Department of Commerce.

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(o) RESCISSION OF UNSPENT FEDERAL FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds for fiscal year 2014, the amount necessary to carry out this section and the amendments made by this section in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

SA 2912. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE XX—SOLUTIONS TO LONG-TERM UNEMPLOYMENT

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Solutions to Long-Term Unemployment Act''.

Subtitle A—Exemption From Affordable Care Act Mandate for Long-term Unemployed

SEC. ___11. LONG-TERM UNEMPLOYED INDIVIDUALS NOT TAKEN INTO ACCOUNT FOR EMPLOYER HEALTH CARE COVERAGE MANDATE.

(a) IN GENERAL.—Paragraph (4) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—The term 'full-time employee' shall not include any individual who is a long-term unemployed individual (as defined in section 3111(d)(3)) with respect to such employer.''.

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

Subtitle B—Employer Payroll Tax Holiday for Long-term Unemployed

SEC. ___21. EMPLOYER PAYROLL TAX HOLIDAY FOR LONG-TERM UNEMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Subsection (d) of section 3111 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) SPECIAL RULE FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—

''(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the applicable period of any long-term unemployed individual for services performed—

''(A) in a trade or business of such employer, or

''(B) in the case of an employer exempt from taxation under section 501(a), in furtherance of activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

''(2) QUALIFIED EMPLOYER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

''(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (A), the term 'qualified employer' includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

''(3) LONG-TERM UNEMPLOYED INDIVIDUAL.—For purposes of this subsection, the term 'long-term unemployed individual' means, with respect to any employer, an individual who—

''(A) begins employment with such employer after the date of the enactment of the Solutions to Long-Term Unemployment Act, and

''(B) has been unemployed for 27 weeks or longer, as determined by the Secretary of Labor, immediately before the date such employment begins.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means the period beginning on the date of the enactment of the Solutions to Long-Term Unemployment Act, and ending on the earliest of—

''(A) the date that is 2 years after such date of enactment,

''(B) the date that is 6-months after the date on which the long-term unemployed individual began employment with the employer, or

''(C) the first day of the first month after the date on which the Secretary of Labor certifies that the total number of individuals in the United States who have been unemployed for 27 weeks or longer is less than 2,000,000.

''(5) ELECTION.—An employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.''.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c)(5) of the Internal Revenue Code of 1986 is amended to read as follows:

''(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term 'wages' shall not include any amount paid or incurred to a long-term unemployed individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.''.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) APPLICATION TO RAILROAD RETIREMENT TAXES.—

(1) IN GENERAL.—Subsection (c) of section 3221 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) SPECIAL RULE FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—

''(1) IN GENERAL.—In the case of compensation paid by an employer during the applicable period, with respect to having a long-term unemployed individual in the employer's employ for services rendered to such employer, the applicable percentage under subsection (a) shall be equal to the rate of tax in effect under section 3111(b) for the calendar year.

''(2) QUALIFIED EMPLOYER.—For purposes of this subsection, the term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

''(3) LONG-TERM UNEMPLOYED INDIVIDUAL.—For purposes of this subsection, the term 'long-term unemployed individual' means, with respect to any employer, an individual who—

''(A) begins employment with such employer after the date of the enactment of the Solutions to Long-Term Unemployment Act, and

''(B) has been unemployed for 27 weeks or longer, as determined by the Secretary of Labor, immediately before the date such employment begins.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means the period beginning on the date of the enactment of the Solutions to Long-Term Unemployment Act, and ending on the earlier of—

''(A) the date that is 2 years after such date of enactment,

''(B) the date that is 6-months after the date on which the long-term unemployed individual began employment with the employer, or

''(C) the first day of the first month after the date on which the Secretary of Labor certifies that the total number of individuals in the United States who have been unemployed for 27 weeks or longer is less than 2,000,000.

''(5) ELECTION.—An employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.''.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraph (1). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subsection shall apply to wages paid after the date of the enactment of this Act.

(2) RAILROAD RETIREMENT TAXES.—The amendments made by subsection (d) shall apply to compensation paid after the date of the enactment of this Act.

Subtitle C—Employment Relocation Loans

SEC. ___31. EMPLOYMENT RELOCATION LOANS.

(a) LOANS AUTHORIZED.—From amounts made available to carry out this section, the Secretary may issue loans, with the interest rates, terms, and conditions provided in this section, to long-term unemployed individuals selected from applications submitted under subsection (b)(1), in order to enable each selected individual to relocate to—

(1) a residence more than 50 miles away from the individual's initial residence, to allow such individual to begin a new job for which the individual has received and accepted an offer of employment; or

(2) a residence in a State or metropolitan area that—

(A) is not the State or metropolitan area of the individual's initial residence; and

(B) has an unemployment rate that is 2 or more percentage points less than the unemployment rate of the State or metropolitan area, respectively, of the individual's initial residence.

(b) SELECTION PROCESS AND ELIGIBILITY.—

(1) APPLICATION.—A long-term unemployed individual who desires a loan under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) LIMITED ELIGIBILITY.—A long-term unemployed individual may receive only 1 loan under this section.

(c) LOAN TERMS.—A loan issued under this section to a long-term unemployed individual shall be—

(1) in an amount of $10,000 or less; and

(2) evidenced by a note or other written agreement that—

(A) provides for repayment of the principal amount of the loan in installments over a 10-year period beginning on the date on which the loan is issued, except that no installments shall be required for the first year of the loan period;

(B) provides for interest to be calculated and accrue on the loan at the rate determined under subsection (d); and

(C) allows such individual to accelerate, without penalty, the repayment of the whole or any part of the loan.

(d) INTEREST RATE.—The interest rate for a loan issued under this section shall—

(1) be the rate equal to the high yield of the 10-year Treasury note auctioned at the final auction held prior to the date on which the loan is issued; and

(2) be a fixed interest rate for the period of the loan.

(e) LOAN FORGIVENESS.—Notwithstanding subsection (c)(2)(A), the Secretary may forgive the remaining amount of interest and principal due on a loan made under this section to a long-term unemployed individual for the purpose described in subsection (a)(1) in any case where the new job for which the individual relocates is eliminated within the first year of the individual's employment through no fault of the individual.

(f) DEFINITIONS.—In this section:

(1) INITIAL RESIDENCE.—The term ''initial residence'', when used with respect to a long-

term individual applying for a loan under this section, means the location where the individual resides as of the day before the loan is issued.

(2) LONG-TERM UNEMPLOYED INDIVIDUAL.—The term ''long-term unemployed individual'' means an individual who resides in a State and who has been unemployed for 27 consecutive weeks or more, as determined by the Secretary.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(4) STATES.—The term ''State'' means each of the several States of the United States and the District of Columbia.

(g) LIMITED AUTHORITY.—The Secretary's authority to issue loans under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) the date that is 1 month after the date on which the Secretary determines that the total number of long-term unemployed individuals in the United States is less than 2,000,000.

Subtitle D—Offset

SEC. ___41. NONDEFENSE DISCRETIONARY SPENDING.

Section 251(c)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''$492,356,000,000'' and inserting ''$482,356,000,000''.

TITLE XX—SUPPORTING KNOWLEDGE AND INVESTING IN LIFELONG SKILLS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Supporting Knowledge and Investing in Lifelong Skills Act'' or the ''SKILLS Act''.

SEC. ___02. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

SEC. ___03. APPLICATION TO FISCAL YEARS.

Except as otherwise provided, this title and the amendments made by this title shall apply with respect to fiscal year 2015 and succeeding fiscal years.

Subtitle A—Amendments to the Workforce Investment Act of 1998

CHAPTER 1—WORKFORCE INVESTMENT DEFINITIONS

SEC. ___06. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) ADULT EDUCATION AND FAMILY LITERACY EDUCATION ACTIVITIES.—The term 'adult education and family literacy education activities' has the meaning given the term in section 203.'';

(2) by striking paragraphs (13) and (24);

(3) by redesignating paragraphs (1) through (12) as paragraphs (3) through (14), and paragraphs (14) through (23) as paragraphs (15) through (24), respectively;

(4) by striking paragraphs (52) and (53);

(5) by inserting after ''In this title:'' the following new paragraphs:

''(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means—

''(A) charges incurred by recipients of funds under this title for a given period requiring the provision of funds for goods or other tangible property received;

''(B) charges incurred for services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

''(C) other amounts becoming owed, under programs assisted under this title, for which no current services or performance is required, such as amounts for annuities, insurance claims, and other benefit payments.

''(2) ADMINISTRATIVE COSTS.—The term 'administrative costs' means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B and recipients of awards under subtitles C and D), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under this title that are not related to the direct provision of workforce investment activities (including services to participants and employers). Such costs include both personnel and nonpersonnel expenditures and both direct and indirect expenditures.'';

(6) in paragraph (3) (as so redesignated), by striking ''Except in sections 127 and 132, the'' and inserting ''The'';

(7) by amending paragraph (5) (as so redesignated) to read as follows:

''(5) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' has the meaning given the term in section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3)).'';

(8) in paragraph (6) (as so redesignated), by inserting ''(or such other level as the Governor may establish)'' after ''8th grade level'';

(9) in paragraph (10)(C) (as so redesignated), by striking ''not less than 50 percent of the cost of the training'' and inserting ''a significant portion of the cost of training, as determined by the local board involved (or, in the case of an employer in multiple local areas in the State, as determined by the Governor), taking into account the size of the employer and such other factors as the local board or Governor, respectively, determines to be appropriate'';

(10) in paragraph (11) (as so redesignated)—

(A) in subparagraph (A)(ii)(II), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(B) in subparagraph (B)(iii)—

(i) by striking ''134(d)(4)'' and inserting ''134(c)(4)''; and

(ii) by striking ''intensive services described in section 134(d)(3)'' and inserting ''work ready services described in section 134(c)(2)'';

(C) in subparagraph (C), by striking ''or'' after the semicolon;

(D) in subparagraph (D), by striking the period and inserting ''; or''; and

(E) by adding at the end the following:

''(E)(i) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

''(ii) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) who meets the criteria described in paragraph (12)(B).'';

(11) in paragraph (12)(A) (as redesignated)—

(A) by striking ''and'' after the semicolon and inserting ''or'';

(B) by striking ''(A)'' and inserting ''(A)(i)''; and

(C) by adding at the end the following:

''(ii) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and'';

(12) in paragraph (13) (as so redesignated), by inserting ''or regional'' after ''local'' each place it appears;

(13) in paragraph (14) (as so redesignated)—

(A) in subparagraph (A), by striking ''section 122(e)(3)'' and inserting ''section 122'';

(B) by striking subparagraph (B), and inserting the following:

''(B) work ready services, means a provider who is identified or awarded a contract as described in section 117(d)(5)(C); or'';

(C) by striking subparagraph (C); and

(D) by redesignating subparagraph (D) as subparagraph (C);

(14) in paragraph (15) (as so redesignated), by striking ''adult or dislocated worker'' and inserting ''individual'';

(15) in paragraph (20), by striking ''The'' and inserting ''Subject to section 116(a)(1)(E), the'';

(16) in paragraph (25)—

(A) in subparagraph (B), by striking ''higher of—'' and all that follows through clause (ii) and inserting ''poverty line for an equivalent period;'';

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

(C) by inserting after subparagraph (C) the following:

''(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);'';

(17) in paragraph (32), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia,'';

(18) by amending paragraph (33) to read as follows:

''(33) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means—

''(A) an at-risk youth who is a school dropout; or

''(B) an at-risk youth who has received a secondary school diploma or its recognized equivalent but is basic skills deficient, unemployed, or underemployed.'';

(19) in paragraph (38), by striking ''134(a)(1)(A)'' and inserting ''134(a)(1)(B)'';

(20) in paragraph (41), by striking '', and the term means such Secretary for purposes of section 503'';

(21) in paragraph (43), by striking ''clause (iii) or (v) of section 136(b)(3)(A)'' and inserting ''section 136(b)(3)(A)(iii)'';

(22) by amending paragraph (49) to read as follows:

''(49) VETERAN.—The term 'veteran' has the same meaning given the term in section 2108(1) of title 5, United States Code.'';

(23) by amending paragraph (50) to read as follows:

''(50) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).'';

(24) in paragraph (51), by striking '', and a youth activity''; and

(25) by adding at the end the following:

''(52) AT-RISK YOUTH.—Except as provided in subtitle C, the term 'at-risk youth' means an individual who—

''(A) is not less than age 16 and not more than age 24;

''(B) is a low-income individual; and

''(C) is an individual who is one or more of the following:

''(i) A secondary school dropout.

''(ii) A youth in foster care (including youth aging out of foster care).

''(iii) A youth offender.

''(iv) A youth who is an individual with a disability.

''(v) A migrant youth.

''(53) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a partnership of—

''(A) a State board or local board; and

''(B) one or more industry or sector organizations, and other entities, that have the capability to help the State board or local board determine the immediate and long-term skilled workforce needs of in-demand industries or sectors and other occupations important to the State or local economy, respectively.

''(54) INDUSTRY-RECOGNIZED CREDENTIAL.—The term 'industry-recognized credential' means a credential that is sought or accepted by companies within the industry sector involved, across multiple States, as recognized, preferred, or required for recruitment, screening, or hiring and is awarded for completion of a program listed or identified under subsection (d) or (i) of section 122, for the local area involved.

''(55) PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term 'pay-for-performance contract strategy' means a strategy in which a pay-for-performance contract to provide a program of employment and training activities incorporates provisions regarding—

''(A) the core indicators of performance described in subclauses (I) through (IV) and (VI) of section 136(b)(2)(A)(i);

''(B) a fixed amount that will be paid to an eligible provider of such employment and training activities for each program participant who, within a defined timetable, achieves the agreed-to levels of performance based upon the core indicators of performance described in subparagraph (A), and may include a bonus payment to such provider, which may be used to expand the capacity of such provider;

''(C) the ability for an eligible provider to recoup the costs of providing the activities for a program participant who has not achieved those levels, but for whom the provider is able to demonstrate that such participant gained specific competencies required for education and career advancement that are, where feasible, tied to industry-recognized credentials and related standards, or State licensing requirements; and

''(D) the ability for an eligible provider that does not meet the requirements under section 122(a)(2) to participate in such pay-for-performance contract and to not be required to report on the performance and cost information required under section 122(d).

''(56) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' means a credential awarded by a provider of training services or postsecondary educational institution based on completion of all requirements for a program of study, including coursework or tests or other performance evaluations. The term means an industry-recognized credential, a certificate of completion of a registered apprenticeship program, or an associate or baccalaureate degree from an institution described in section 122(a)(2)(A)(i).

''(57) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means a program described in section 122(a)(2)(B).''.

CHAPTER 2—STATEWIDE AND LOCAL WORKFORCE INVESTMENT SYSTEMS

SEC. ____11. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended by adding at the end the following: ''It is also the purpose of this subtitle to provide workforce investment activities in a manner that enhances employer engagement, promotes customer choices in the selection of training services, and ensures accountability in the use of taxpayer funds.''.

SEC. ____12. STATE WORKFORCE INVESTMENT BOARDS.

Section 111 (29 U.S.C. 2821) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by amending clause (i)(I), by striking ''section 117(b)(2)(A)(i)'' and inserting ''section 117(b)(2)(A)'';

(II) by amending clause (i)(II) to read as follows:

''(II) represent businesses, including large and small businesses, each of which has immediate and long-term employment opportunities in an in-demand industry or other occupation important to the State economy; and'';

(III) by striking clause (iii) and inserting the following:

''(iii) a State agency official responsible for economic development; and'';

(IV) by striking clauses (iv) through (vi);

(V) by amending clause (vii) to read as follows:

''(vii) such other representatives and State agency officials as the Governor may designate, including—

''(I) members of the State legislature;

''(II) representatives of individuals and organizations that have experience with respect to youth activities;

''(III) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;

''(IV) representatives of the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners; or

''(V) representatives of veterans service organizations.''; and

(VI) by redesignating clause (vii) (as so amended) as clause (iv); and

(B) by amending paragraph (3) to read as follows:

''(3) MAJORITY.—A ⅔ majority of the members of the board shall be representatives described in paragraph (1)(B)(i).'';

(2) in subsection (c), by striking ''(b)(1)(C)(i)'' and inserting ''(b)(1)(B)(i)'';

(3) by amending subsection (d) to read as follows:

''(d) FUNCTIONS.—The State board shall assist the Governor of the State as follows:

''(1) STATE PLAN.—Consistent with section 112, the State board shall develop a State plan.

''(2) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—The State board shall review and develop statewide policies and programs in the State in a manner that supports a comprehensive statewide workforce development system that will result in meeting the workforce needs of the State and its local areas. Such review shall include determining whether the State should consolidate additional amounts for additional activities or programs into the Workforce Investment Fund in accordance with section 501(e).

''(3) WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.—The State board shall develop a statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)), which may include using information collected under Federal law other than this Act by the State economic development entity or a related entity in developing such system.

''(4) EMPLOYER ENGAGEMENT.—The State board shall develop strategies, across local areas, that meet the needs of employers and support economic growth in the State by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

''(5) DESIGNATION OF LOCAL AREAS.—The State board shall designate local areas as required under section 116.

''(6) ONE-STOP DELIVERY SYSTEM.—The State board shall identify and disseminate information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies.

''(7) PROGRAM OVERSIGHT.—The State board shall conduct the following program oversight:

''(A) Reviewing and approving local plans under section 118.

''(B) Ensuring the appropriate use and management of the funds provided for State employment and training activities authorized under section 134.

''(C) Preparing an annual report to the Secretary described in section 136(d).

''(8) DEVELOPMENT OF PERFORMANCE MEASURES.—The State board shall develop and ensure continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, as described under section 136(b).'';

(4) by striking subsection (e) and redesignating subsection (f) as subsection (e);

(5) in subsection (e) (as so redesignated), by inserting ''or participate in any action taken'' after ''vote'';

(6) by inserting after subsection (e) (as so redesignated), the following:

''(f) STAFF.—The State board may employ staff to assist in carrying out the functions described in subsection (d).''; and

(7) in subsection (g), by inserting ''electronic means and'' after ''on a regular basis through''.

SEC. ____13. STATE PLAN.

Section 112 (29 U.S.C. 2822)—

(1) in subsection (a)—

(A) by striking ''127 or''; and

(B) by striking ''5-year strategy'' and inserting ''3-year strategy'';

(2) in subsection (b)—

(A) by amending paragraph (4) to read as follows:

''(4) information describing—

''(A) the economic conditions in the State;

''(B) the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the State economy;

''(C) the knowledge and skills of the workforce in the State; and

''(D) workforce development activities (including education and training) in the State;'';

(B) by amending paragraph (7) to read as follows:

''(7) a description of the State criteria for determining the eligibility of training services providers in accordance with section 122, including how the State will take into account the performance of providers and whether the training services relate to in-demand industries and other occupations important to the State economy;'';

(C) by amending paragraph (8) to read as follows:

''(8)(A) a description of the procedures that will be taken by the State to assure coordination of, and avoid duplication among, the programs and activities identified under section 501(b)(2); and

''(B) a description of and an assurance regarding common data collection and reporting processes used for the programs and activities described in subparagraph (A), which

are carried out by one-stop partners, including—

''(i) an assurance that such processes use quarterly wage records for performance measures described in section 136(b)(2)(A) that are applicable to such programs or activities; or

''(ii) if such wage records are not being used for the performance measures, an identification of the barriers to using such wage records and a description of how the State will address such barriers within 1 year of the approval of the plan;'';

(D) in paragraph (9), by striking '', including comment by representatives of businesses and representatives of labor organizations,'';

(E) in paragraph (11), by striking ''under sections 127 and 132'' and inserting ''under section 132'';

(F) by striking paragraph (12);

(G) by redesignating paragraphs (13) through (18) as paragraphs (12) through (17), respectively;

(H) in paragraph (12) (as so redesignated), by striking ''111(f)'' and inserting ''111(e)'';

(I) in paragraph (13) (as so redesignated), by striking ''134(c)'' and inserting ''121(e)'';

(J) in paragraph (14) (as so redesignated), by striking ''116(a)(5)'' and inserting ''116(a)(3)'';

(K) in paragraph (16) (as so redesignated)—

(i) in subparagraph (A)—

(I) in clause (ii)—

(aa) by striking ''to dislocated workers''; and

(bb) by inserting ''and additional assistance'' after ''rapid response activities'';

(II) in clause (iii), by striking ''134(d)(4)'' and inserting ''134(c)(4)'';

(III) by striking ''and'' at the end of clause (iii);

(IV) by amending clause (iv) to read as follows:

''(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance such as supplemental nutrition assistance program benefits pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), long-term unemployed individuals (including individuals who have exhausted entitlement to Federal and State unemployment compensation), English learners, homeless individuals, individuals training for nontraditional employment, youth (including out-of-school youth and at-risk youth), older workers, ex-offenders, migrant and seasonal farmworkers, refugees and entrants, veterans (including disabled and homeless veterans), and Native Americans; and''; and

(V) by adding at the end the following new clause:

''(v) how the State will—

''(I) consistent with section 188 and Executive Order No. 13217 (42 U.S.C. 12131 note), serve the employment and training needs of individuals with disabilities; and

''(II) consistent with sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794d), include the provision of outreach, intake, assessments, and service delivery, the development of performance measures, the training of staff, and other aspects of accessibility for individuals with disabilities to programs and services under this subtitle;''; and

(ii) in subparagraph (B), by striking ''to the extent practicable'' and inserting ''in accordance with the requirements of the Jobs for Veterans Act (Public Law 107–288) and the amendments made by such Act''; and

(L) by striking paragraph (17) (as so redesignated) and inserting the following:

''(17) a description of the strategies and services that will be used in the State—

''(A) to more fully engage employers, including small businesses and employers in in-demand industries and occupations important to the State economy;

''(B) to meet the needs of employers in the State; and

''(C) to better coordinate workforce development programs with economic development activities;

''(18) a description of how the State board will convene (or help to convene) industry or sector partnerships that lead to collaborative planning, resource alignment, and training efforts across a targeted cluster of multiple firms for a range of workers employed or potentially employed by the industry or sector—

''(A) to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in the industry or sector;

''(B) to address the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the State economy; and

''(C) to address critical skill gaps within and across industries and sectors;

''(19) a description of how the State will utilize technology, to facilitate access to services in remote areas, which may be used throughout the State;

''(20) a description of the State strategy and assistance to be provided by the State for encouraging regional cooperation within the State and across State borders, as appropriate;

''(21) a description of the actions that will be taken by the State to foster communication, coordination, and partnerships with nonprofit organizations (including public libraries, community, faith-based, and philanthropic organizations) that provide employment-related, training, and complementary services, to enhance the quality and comprehensiveness of services available to participants under this title;

''(22) a description of the process and methodology for determining—

''(A) one-stop partner program contributions for the costs of infrastructure of one-stop centers under section 121(h)(1); and

''(B) the formula for allocating such infrastructure funds to local areas under section 121(h)(3);

''(23) a description of the strategies and services that will be used in the State to assist at-risk youth and out-of-school youth in acquiring the education and skills, credentials (including recognized postsecondary credentials, such as industry-recognized credentials), and employment experience to succeed in the labor market, including—

''(A) training and internships in in-demand industries or occupations important to the State and local economy;

''(B) dropout recovery activities that are designed to lead to the attainment of a regular secondary school diploma or its recognized equivalent, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); and

''(C) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education and training and career-ladder employment; and

''(24) a description of—

''(A) how the State will furnish employment, training, including training in advanced manufacturing, supportive, and placement services to veterans, including disabled and homeless veterans;

''(B) the strategies and services that will be used in the State to assist in and expedite reintegration of homeless veterans into the labor force; and

''(C) the veterans population to be served in the State.'';

(3) in subsection (c), by striking ''period, that—'' and all that follows through paragraph (2) and inserting ''period, that the plan is inconsistent with the provisions of this title.''; and

(4) in subsection (d), by striking ''5-year'' and inserting ''3-year''.

SEC. ___14. LOCAL WORKFORCE INVESTMENT AREAS.

Section 116 (29 U.S.C. 2831) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) PROCESS.—In order to receive an allotment under section 132, a State, through the State board, shall establish a process to designate local workforce investment areas within the State. Such process shall—

''(i) support the statewide workforce development system developed under section 111(d)(2), enabling the system to meet the workforce needs of the State and its local areas;

''(ii) include consultation, prior to the designation, with chief elected officials;

''(iii) include consideration of comments received on the designation through the public comment process as described in section 112(b)(9); and

''(iv) require the submission of an application for approval under subparagraph (B).

''(B) APPLICATION.—To obtain designation of a local area under this paragraph, a local or regional board (or consortia of local or regional boards) seeking to take responsibility for the area under this Act shall submit an application to a State board at such time, in such manner, and containing such information as the State board may require, including—

''(i) a description of the local area, including the population that will be served by the local area, and the education and training needs of its employers and workers;

''(ii) a description of how the local area is consistent or aligned with—

''(I) service delivery areas (as determined by the State);

''(II) labor market areas; and

''(III) economic development regions;

''(iii) a description of the eligible providers of education and training, including postsecondary educational institutions such as community colleges, located in the local area and available to meet the needs of the local workforce;

''(iv) a description of the distance that individuals will need to travel to receive services provided in such local area; and

''(v) any other criteria that the State board may require.

''(C) PRIORITY.—In designating local areas under this paragraph, a State board shall give priority consideration to an area proposed by an applicant demonstrating that a designation as a local area under this paragraph will result in the reduction of overlapping service delivery areas, local market areas, or economic development regions.

''(D) ALIGNMENT WITH LOCAL PLAN.—A State may designate an area proposed by an applicant as a local area under this paragraph for a period not to exceed 3 years.

''(E) REFERENCES.—For purposes of this Act, a reference to a local area—

''(i) used with respect to a geographic area, refers to an area designated under this paragraph; and

''(ii) used with respect to an entity, refers to the applicant.'';

(B) by amending paragraph (2) to read as follows:

''(2) TECHNICAL ASSISTANCE.—The Secretary shall, if requested by the Governor of a

State, provide the State with technical assistance in making the determinations required under paragraph (1). The Secretary shall not issue regulations governing determinations to be made under paragraph (1).'';

(C) by striking paragraph (3);

(D) by striking paragraph (4);

(E) by redesignating paragraph (5) as paragraph (3); and

(F) in paragraph (3) (as so redesignated), by striking ''(2) or (3)'' both places it appears and inserting ''(1)'';

(2) by amending subsection (b) to read as follows:

''(b) SINGLE STATES.—Consistent with subsection (a), the State board of a State may designate the State as a single State local area for the purposes of this title.''; and

(3) in subsection (c)—

(A) in paragraph (1), by adding at the end the following: ''The State may require the local boards for the designated region to prepare a single regional plan that incorporates the elements of the local plan under section 118 and that is submitted and approved in lieu of separate local plans under such section.''; and

(B) in paragraph (2), by striking ''employment statistics'' and inserting ''workforce and labor market information''.

SEC. ___15. LOCAL WORKFORCE INVESTMENT BOARDS.

Section 117 (29 U.S.C. 2832) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''include—'' and all that follows through ''representatives'' and inserting ''include representatives'';

(II) by striking clauses (ii) through (vi);

(III) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively (and by moving the margins of such clauses 2 ems to the left);

(IV) by striking clause (ii) (as so redesignated) and inserting the following:

''(ii) represent businesses, including large and small businesses, each of which has immediate and long-term employment opportunities in an in-demand industry or other occupation important to the local economy; and''; and

(V) by striking the semicolon at the end of clause (iii) (as so redesignated) and inserting ''; and''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate, including—

''(i) the superintendent or other employee of the local educational agency who has primary responsibility for secondary education, the presidents or chief executive officers of postsecondary educational institutions (including a community college, where such an entity exists), or administrators of local entities providing adult education and family literacy education activities;

''(ii) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present); or

''(iii) representatives of veterans service organizations.'';

(B) in paragraph (4)—

(i) by striking ''A majority'' and inserting ''A ⅔ majority''; and

(ii) by striking ''(2)(A)(i)'' and inserting ''(2)(A)''; and

(C) in paragraph (5), by striking ''(2)(A)(i)'' and inserting ''(2)(A)'';

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (C); and

(B) in paragraph (3)(A)(ii), by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (8)'';

(3) by amending subsection (d) to read as follows:

''(d) FUNCTIONS OF LOCAL BOARD.—The functions of the local board shall include the following:

''(1) LOCAL PLAN.—Consistent with section 118, each local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.

''(2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.—

''(A) IN GENERAL.—The local board shall—

''(i) conduct, and regularly update, an analysis of—

''(I) the economic conditions in the local area;

''(II) the immediate and long-term skilled workforce needs of in-demand industries and other occupations important to the local economy;

''(III) the knowledge and skills of the workforce in the local area; and

''(IV) workforce development activities (including education and training) in the local area; and

''(ii) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)).

''(B) EXISTING ANALYSIS.—In carrying out requirements of subparagraph (A)(i), a local board shall use an existing analysis, if any, by the local economic development entity or related entity.

''(3) EMPLOYER ENGAGEMENT.—The local board shall meet the needs of employers and support economic growth in the local area by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.

''(4) BUDGET AND ADMINISTRATION.—

''(A) BUDGET.—

''(i) IN GENERAL.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the requirements of this subsection.

''(ii) TRAINING RESERVATION.—In developing a budget under clause (i), the local board shall reserve a percentage of funds to carry out the activities specified in section 134(c)(4). The local board shall use the analysis conducted under paragraph (2)(A)(i) to determine the appropriate percentage of funds to reserve under this clause.

''(B) ADMINISTRATION.—

''(i) GRANT RECIPIENT.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under section 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

''(ii) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in clause (i).

''(iii) DISBURSAL.—The local grant recipient or an entity designated under clause (ii) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under clause (ii) shall disburse the funds immediately on receiving such direction from the local board.

''(C) STAFF.—The local board may employ staff to assist in carrying out the functions described in this subsection.

''(D) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

''(5) SELECTION OF OPERATORS AND PROVIDERS.—

''(A) SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board, with the agreement of the chief elected official—

''(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and

''(ii) may terminate for cause the eligibility of such operators.

''(B) IDENTIFICATION OF ELIGIBLE TRAINING SERVICE PROVIDERS.—Consistent with this subtitle, the local board shall identify eligible providers of training services described in section 134(c)(4) in the local area, annually review the outcomes of such eligible providers using the criteria under section 122(b)(2), and designate such eligible providers in the local area who have demonstrated the highest level of success with respect to such criteria as priority eligible providers for the program year following the review.

''(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF WORK READY SERVICES.—If the one-stop operator does not provide the services described in section 134(c)(2) in the local area, the local board shall identify eligible providers of such services in the local area by awarding contracts.

''(6) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official, shall be responsible for—

''(A) ensuring the appropriate use and management of the funds provided for local employment and training activities authorized under section 134(b); and

''(B) conducting oversight of the one-stop delivery system, in the local area, authorized under section 121.

''(7) NEGOTIATION OF LOCAL PERFORMANCE MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in section 136(c).

''(8) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services authorized under this subtitle and carried out in the local area, including access in remote areas.'';

(4) in subsection (e)—

(A) by inserting ''electronic means and'' after ''regular basis through''; and

(B) by striking ''and the award of grants or contracts to eligible providers of youth activities,'';

(5) in subsection (f)—

(A) in paragraph (1)(A), by striking ''section 134(d)(4)'' and inserting ''section 134(c)(4)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) WORK READY SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.—A local board may provide work ready services described in section 134(c)(2) through a one-stop delivery system described in section 121 or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor.'';

(6) in subsection (g)(1), by inserting ''or participate in any action taken'' after ''vote''; and

(7) by striking subsections (h) and (i).

SEC. ___16. LOCAL PLAN.

Section 118 (29 U.S.C. 2833) is amended—

(1) in subsection (a), by striking ''5-year'' and inserting ''3-year'';

(2) by amending subsection (b) to read as follows:

''(b) CONTENTS.—The local plan shall include—

''(1) a description of the analysis of the local area's economic and workforce conditions conducted under subclauses (I) through (IV) of section 117(d)(2)(A)(i), and an assurance that the local board will use such analysis to carry out the activities under this subtitle;

''(2) a description of the one-stop delivery system in the local area, including—

''(A) a description of how the local board will ensure—

''(i) the continuous improvement of eligible providers of services through the system; and

''(ii) that such providers meet the employment needs of local businesses and participants; and

''(B) a description of how the local board will facilitate access to services described in section 117(d)(8) and provided through the one-stop delivery system consistent with section 117(d)(8);

''(3) a description of the strategies and services that will be used in the local area—

''(A) to more fully engage employers, including small businesses and employers in in-demand industries and occupations important to the local economy;

''(B) to meet the needs of employers in the local area;

''(C) to better coordinate workforce development programs with economic development activities; and

''(D) to better coordinate workforce development programs with employment, training, and literacy services carried out by nonprofit organizations, including public libraries, as appropriate;

''(4) a description of how the local board will convene (or help to convene) industry or sector partnerships that lead to collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed by a targeted industry or sector—

''(A) to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in the targeted industry or sector;

''(B) to address the immediate and long-term skilled workforce needs of in-demand industries, small businesses, and other occupations important to the local economy; and

''(C) to address critical skill gaps within and across industries and sectors;

''(5) a description of how the funds reserved under section 117(d)(4)(A)(ii) will be used to carry out activities described in section 134(c)(4);

''(6) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide workforce investment activities, as appropriate;

''(7) a description of how the local area will—

''(A) coordinate activities with the local area's disability community, and with transition services (as defined under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) provided under that Act by local educational agencies serving such local area, to make available comprehensive, high-quality services to individuals with disabilities;

''(B) consistent with section 188 and Executive Order No. 13217 (42 U.S.C. 12131 note), serve the employment and training needs of individuals with disabilities, with a focus on employment that fosters independence and integration into the workplace; and

''(C) consistent with sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794d), include the provision of outreach, intake, assessments, and service delivery, the development of performance measures, the training of staff, and other aspects of accessibility for individuals with disabilities to programs and services under this subtitle;

''(8) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 136(c), to be—

''(A) used to measure the performance of the local area; and

''(B) used by the local board for measuring performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system, in the local area;

''(9) a description of the process used by the local board, consistent with subsection (c), to provide an opportunity for public comment prior to submission of the plan;

''(10) a description of how the local area will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance such as supplemental nutrition assistance program benefits pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), long-term unemployed individuals (including individuals who have exhausted entitlement to Federal and State unemployment compensation), English learners, homeless individuals, individuals training for nontraditional employment, youth (including out-of-school youth and at-risk youth), older workers, ex-offenders, migrant and seasonal farmworkers, refugees and entrants, veterans (including disabled veterans and homeless veterans), and Native Americans;

''(11) an identification of the entity responsible for the disbursal of grant funds described in section 117(d)(4)(B)(iii), as determined by the chief elected official or the Governor under such section;

''(12) a description of the strategies and services that will be used in the local area to assist at-risk youth and out-of-school youth in acquiring the education and skills, credentials (including recognized postsecondary credentials, such as industry-recognized credentials), and employment experience to succeed in the labor market, including—

''(A) training and internships in in-demand industries or occupations important to the local economy;

''(B) dropout recovery activities that are designed to lead to the attainment of a regular secondary school diploma or its recognized equivalent, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); and

''(C) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education and training and career-ladder employment;

''(13) a description of—

''(A) how the local area will furnish employment, training, including training in advanced manufacturing, supportive, and placement services to veterans, including disabled and homeless veterans;

''(B) the strategies and services that will be used in the local area to assist in and expedite reintegration of homeless veterans into the labor force; and

''(C) the veteran population to be served in the local area;

''(14) a description of—

''(A) the duties assigned to the veteran employment specialist consistent with the requirements of section 134(f);

''(B) the manner in which the veteran employment specialist is integrated into the one-stop career system described in section 121;

''(C) the date on which the veteran employment specialist was assigned; and

''(D) whether the veteran employment specialist has satisfactorily completed related training by the National Veterans' Employment and Training Services Institute; and

''(15) such other information as the Governor may require.''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''such means'' and inserting ''electronic means and such means''; and

(B) in paragraph (2), by striking '', including representatives of business and representatives of labor organizations,''.

SEC. ___17. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.

Section 121 (29 U.S.C. 2841) is amended—

(1) in subsection (b)—

(A) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) shall—

''(i) provide access through a one-stop delivery system to the program or activities carried out by the entity, including making the work ready services described in section 134(c)(2) that are applicable to the program or activities of the entity available at one-stop centers (in addition to any other appropriate locations);

''(ii) use a portion of the funds available to the program or activities of the entity to maintain the one-stop delivery system, including payment of the costs of infrastructure of one-stop centers in accordance with subsection (h);

''(iii) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop delivery system, that meets the requirements of subsection (c); and

''(iv) participate in the operation of the one-stop delivery system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities carried out by the entity.'';

(B) in paragraph (1)(B)—

(i) by striking clauses (ii), (v), and (vi);

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively;

(iii) by redesignating clauses (vii) through (xii) as clauses (iv) through (ix), respectively;

(iv) in clause (ii), as so redesignated, by striking ''adult education and literacy activities'' and inserting ''adult education and family literacy education activities''

(v) in clause (viii), as so redesignated, by striking ''and'' at the end;

(vi) in clause (ix), as so redesignated, by striking the period and inserting ''; and''; and

(vii) by adding at the end the following:

''(x) subject to subparagraph (C), programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).'';

(C) by inserting after paragraph (1)(B) the following:

''(C) DETERMINATION BY THE GOVERNOR.—Each entity carrying out a program described in subparagraph (B)(x) shall be considered to be a one-stop partner under this title and carry out the required partner activities described in subparagraph (A) unless the Governor of the State in which the local area is located provides the Secretary and Secretary of Health and Human Services written notice of a determination by the Governor that such an entity shall not be considered to be such a partner and shall not

carry out such required partner activities.''; and

(D) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''section 134(d)(2)'' and inserting ''section 134(c)(2)''; and

(ii) in subparagraph (B)—

(I) by striking clauses (i), (ii), and (v);

(II) in clause (iv), by striking ''and'' at the end;

(III) by redesignating clauses (iii) and (iv) as clauses (i) and (ii), respectively; and

(IV) by adding at the end the following:

''(iii) employment and training programs administered by the Commissioner of the Social Security Administration;

''(iv) employment and training programs carried out by the Administrator of the Small Business Administration;

''(v) employment, training, and literacy services carried out by public libraries; and

''(vi) other appropriate Federal, State, or local programs, including programs in the private sector.'';

(2) in subsection (c)(2), by amending subparagraph (A) to read as follows:

''(A) provisions describing—

''(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

''(ii) how the costs of such services and the operating costs of such system will be funded, through cash and in-kind contributions, to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the costs of infrastructure of one-stop centers in accordance with subsection (h);

''(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities, including referrals for training for nontraditional employment; and

''(iv) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services under the memorandum; and'';

(3) in subsection (d)—

(A) in the heading for paragraph (1), by striking ''DESIGNATION AND CERTIFICATION'' and inserting ''LOCAL DESIGNATION AND CERTIFICATION'';

(B) in paragraph (2)—

(i) by striking ''section 134(c)'' and inserting ''subsection (e)'';

(ii) by amending subparagraph (A) to read as follows:

''(A) shall be designated or certified as a one-stop operator through a competitive process; and''; and

(iii) in subparagraph (B), by striking clause (ii) and redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively; and

(C) in paragraph (3), by striking ''vocational'' and inserting ''career and technical'';

(4) by amending subsection (e) to read as follows:

''(e) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—

''(1) IN GENERAL.—There shall be established in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—

''(A) provide the work ready services described in section 134(c)(2);

''(B) provide access to training services as described in paragraph (4) of section 134(c), including serving as the point of access to career enhancement accounts for training services to participants in accordance with paragraph (4)(F) of such section;

''(C) provide access to the activities carried out under section 134(d), if any;

''(D) provide access to programs and activities carried out by one-stop partners that are described in subsection (b); and

''(E) provide access to the data and information described in subparagraphs (A) and (B) of section 15(a)(1) of the Wagner-Peyser Act (29 U.S.C. 491–2(a)(1)).

''(2) ONE-STOP DELIVERY.—At a minimum, the one-stop delivery system—

''(A) shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than one physical center in each local area of the State; and

''(B) may also make programs, services, and activities described in paragraph (1) available—

''(i) through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals; and

''(ii) through a network of eligible one-stop partners—

''(I) in which each partner provides one or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically- or technologically-linked access point; and

''(II) that assures individuals that information on the availability of the work ready services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information made available through an access point described in subclause (I).

''(3) SPECIALIZED CENTERS.—The centers and sites described in paragraph (2) may have a specialization in addressing special needs.''; and

(5) by adding at the end the following:

''(g) CERTIFICATION OF ONE-STOP CENTERS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—The State board shall establish objective procedures and criteria for certifying, at least once every 3 years, one-stop centers for the purpose of awarding the one-stop infrastructure funding described in subsection (h).

''(B) CRITERIA.—The criteria for certification of a one-stop center under this subsection shall include—

''(i) meeting the expected levels of performance for each of the corresponding core indicators of performance as outlined in the State plan under section 112;

''(ii) meeting minimum standards relating to the scope and degree of service integration achieved by the center, involving the programs provided by the one-stop partners; and

''(iii) meeting minimum standards relating to how the center ensures that eligible providers meet the employment needs of local employers and participants.

''(C) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure funding authorized under subsection (h).

''(2) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop, for certification referred to in paragraph (1)(A), additional criteria or higher standards on the criteria referred to in paragraph (1)(B) to respond to local labor market and demographic conditions and trends.

''(h) ONE-STOP INFRASTRUCTURE FUNDING.—

''(1) PARTNER CONTRIBUTIONS.—

''(A) PROVISION OF FUNDS.—Notwithstanding any other provision of law, as determined under subparagraph (B), a portion of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs described in subsection (b)(2)(B), for a fiscal year shall be provided to the Governor by such partners to carry out this subsection.

''(B) DETERMINATION OF GOVERNOR.—

''(i) IN GENERAL.—Subject to subparagraph (C), the Governor, in consultation with the State board, shall determine the portion of funds to be provided under subparagraph (A) by each one-stop partner and in making such determination shall consider the proportionate use of the one-stop centers in the State by each such partner, the costs of administration for purposes not related to one-stop centers for each such partner, and other relevant factors described in paragraph (3).

''(ii) SPECIAL RULE.—In those States where the State constitution places policy-making authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and family literacy education activities authorized under title II and for postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the determination described in clause (i) with respect to the corresponding 2 programs shall be made by the Governor with the appropriate entity or official with such independent policy-making authority.

''(iii) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) and subparagraph (A) to appeal a determination regarding the portion of funds to be provided under this paragraph on the basis that such determination is inconsistent with the requirements described in the State plan for the program or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

''(C) LIMITATIONS.—

''(i) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by a one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the limitations with respect to the portion of funds under such program that may be used for administration.

''(ii) FEDERAL DIRECT SPENDING PROGRAMS.—

''(I) IN GENERAL.—A program that provides Federal direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not, for purposes of this paragraph, be required to provide more than the maximum amount determined under subclause (II).

''(II) MAXIMUM AMOUNT.—The maximum amount for the program is the amount that bears the same relationship to the costs referred to in paragraph (2) for the State as the use of the one-stop centers by such program bears to the use of such centers by all one-stop partner programs in the State.

''(2) ALLOCATION BY GOVERNOR.—From the funds provided under paragraph (1), the Governor shall allocate funds to local areas in accordance with the formula established under paragraph (3) for the purposes of assisting in paying the costs of infrastructure of one-stop centers certified under subsection (g).

''(3) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas. The formula shall include such factors as the State board determines are appropriate, which may include factors such as the number of

centers in a local area that have been certified, the population served by such centers, and the performance of such centers.

''(4) COSTS OF INFRASTRUCTURE.—For purposes of this subsection, the term 'costs of infrastructure' means the nonpersonnel costs that are necessary for the general operation of a one-stop center, including the rental costs of the facilities involved, and the costs of utilities and maintenance, and equipment (including assistive technology for individuals with disabilities).

''(i) OTHER FUNDS.—

''(1) IN GENERAL.—In addition to the funds provided under subsection (h), a portion of funds made available under Federal law authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs described in subsection (b)(2)(B), or the noncash resources available under such 2 types of programs, shall be used to pay the costs relating to the operation of the one-stop delivery system that are not paid for from the funds provided under subsection (h), to the extent not inconsistent with the Federal law involved. Such portion shall be used to pay for costs including—

''(A) costs of infrastructure (as defined in subsection (h)) that are in excess of the funds provided under subsection (h);

''(B) common costs that are in addition to the costs of infrastructure (as so defined); and

''(C) the costs of the provision of work ready services applicable to each program.

''(2) DETERMINATION AND STANDARDS.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) shall be determined as part of the memorandum of understanding under subsection (c). The State board shall provide standards to facilitate the determination of appropriate allocation of the funds and noncash resources to local areas.''.

SEC. ____18. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

''SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(c)(4) to receive funds provided under section 133(b) for the provision of such training services and be included on the list of eligible providers of training services described in subsection (d).

''(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive the funds and be included on the list, the provider shall be—

''(A) a postsecondary educational institution that—

''(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(ii) provides a program that leads to a recognized postsecondary credential;

''(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

''(C) another public or private provider of a program of training services.

''(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria and procedures established under this subsection to be eligible to receive the funds and be included on the list. A provider described in paragraph (2)(B) shall be eligible to receive the funds and be included on the list with respect to programs described in paragraph (2)(B) for so long as the provider remains certified by the Secretary of Labor to carry out the programs.

''(b) CRITERIA.—

''(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

''(A) the performance of providers of training services with respect to the performance measures described in section 136, measures for other matters for which information is required under paragraph (2), and other appropriate measures of performance outcomes for those participants receiving training services under this subtitle;

''(B) whether the training programs of such providers relate to in-demand industries or occupations important to the local economy;

''(C) the need to ensure access to training services throughout the State, including in rural areas;

''(D) the ability of the providers to offer programs that lead to a recognized postsecondary credential, and the quality of such programs;

''(E) the performance of the providers as reflected in the information such providers are required to report to State agencies with respect to other Federal and State programs (other than the program carried out under this subtitle), including one-stop partner programs; and

''(F) such other factors as the Governor determines are appropriate.

''(2) INFORMATION.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

''(A) information on recognized postsecondary credentials received by such participants;

''(B) information on costs of attendance for such participants;

''(C) information on the program completion rate for such participants; and

''(D) information on the performance of the provider with respect to the performance measures described in section 136 for such participants.

''(3) RENEWAL.—The criteria established by the Governor shall also provide for a review on the criteria every 3 years and renewal of eligibility under this section for providers of training services.

''(4) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required on the criteria established by the Governor, for purposes of determining the eligibility of providers of training services under this section in the local area involved.

''(5) LIMITATION.—In carrying out the requirements of this subsection, no entity may disclose personally identifiable information regarding a student, including a Social Security number, student identification number, or other identifier, without the prior written consent of the parent or student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(c) PROCEDURES.—The procedures established under subsection (a) shall—

''(1) identify—

''(A) the application process for a provider of training services to become eligible under this section; and

''(B) the respective roles of the State and local areas in receiving and reviewing applications and in making determinations of eligibility based on the criteria established under this section; and

''(2) establish a process, for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

''(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants under chapter 5 in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined eligible under this section in the State, including information provided under subsection (b)(2) with respect to such providers, is provided to the local boards in the State and is made available to such participants and to members of the public through the one-stop delivery system in the State.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The procedures established under this section shall provide the following:

''(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider under this section shall be terminated for a period of time that is not less than 2 years.

''(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title, the eligibility of such provider under this section shall be terminated for a period of time that is not less than 10 years.

''(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such subparagraph. For purposes of subparagraph (A), that period shall be considered to be the period beginning on the date on which the inaccurate information described in subparagraph (A) was supplied, and ending on the date of the termination described in subparagraph (A).

''(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

''(f) AGREEMENTS WITH OTHER STATES.—A State may enter into an agreement with another State, on a reciprocal basis, to permit eligible providers of training services to accept career enhancement accounts provided in the other State.

''(g) RECOMMENDATIONS.—In developing the criteria (including requirements for related information) and procedures required under this section, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

''(h) OPPORTUNITY TO SUBMIT COMMENTS.—During the development of the criteria and procedures, and the list of eligible providers required under this section, the Governor shall provide an opportunity for interested members of the public to submit comments regarding such criteria, procedures, and list.

''(i) ON-THE-JOB TRAINING OR CUSTOMIZED TRAINING EXCEPTION.—

''(1) IN GENERAL.—Providers of on-the-job training or customized training shall not be subject to the requirements of subsections (a) through (d).

''(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from on-the-job training and customized

training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible under this section, to be providers of the training services involved.''.

SEC. ___19. GENERAL AUTHORIZATION.

Chapter 5 of subtitle B of title I is amended—

(1) by striking the heading for chapter 5 and inserting the following: ''**EMPLOYMENT AND TRAINING ACTIVITIES**''; and

(2) in section 131 (29 U.S.C. 2861)—

(A) by striking ''paragraphs (1)(B) and (2)(B) of''; and

(B) by striking ''adults, and dislocated workers,'' and inserting ''individuals''.

SEC. ___20. STATE ALLOTMENTS.

Section 132 (29 U.S.C. 2862) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary shall—

''(1) reserve ½ of 1 percent of the total amount appropriated under section 137 for a fiscal year, of which—

''(A) 50 percent shall be used to provide technical assistance under section 170; and

''(B) 50 percent shall be used for evaluations under section 172;

''(2) reserve 1 percent of the total amount appropriated under section 137 for a fiscal year to make grants to, and enter into contracts or cooperative agreements with Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out employment and training activities;

''(3) reserve not more than 25 percent of the total amount appropriated under section 137 for a fiscal year to carry out the Jobs Corps program under subtitle C;

''(4) reserve not more than 3.5 percent of the total amount appropriated under section 137 for a fiscal year to—

''(A) make grants to State boards or local boards to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations; and

''(B) provide assistance to Governors of States with an area that has suffered an emergency or a major disaster (as such terms are defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) to provide disaster relief employment in the area; and

''(5) from the remaining amount appropriated under section 137 for a fiscal year (after reserving funds under paragraphs (1) through (4)), make allotments in accordance with subsection (b) of this section.''; and

(2) by amending subsection (b) to read as follows:

''(b) WORKFORCE INVESTMENT FUND.—

''(1) RESERVATION FOR OUTLYING AREAS.—

''(A) IN GENERAL.—From the amount made available under subsection (a)(5) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent to provide assistance to the outlying areas.

''(B) RESTRICTION.—The Republic of Palau shall cease to be eligible to receive funding under this paragraph upon entering into an agreement for extension of United States educational assistance under the Compact of Free Association (approved by the Compact of Free Association Amendments Act of 2003 (Public Law 108–188) after the date of enactment of the SKILLS Act.

''(2) STATES.—

''(A) IN GENERAL.—After determining the amount to be reserved under paragraph (1), the Secretary shall allot the remainder of the amount referred to in subsection (a)(5) for a fiscal year to the States pursuant to subparagraph (B) for employment and training activities and statewide workforce investment activities.

''(B) FORMULA.—Subject to subparagraphs (C) and (D), of the remainder—

''(i) 25 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

''(ii) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States;

''(iii) 25 percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more; and

''(iv) 25 percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States.

''(C) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is less than 100 percent of the allotment percentage of the State for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is less than 90 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year involved.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Secretary shall ensure that no State shall receive an allotment under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is more than 130 percent of the allotment percentage of the State for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is more than 130 percent of the allotment percentage of the State for the fiscal year preceding the fiscal year involved.

''(D) SMALL STATE MINIMUM ALLOTMENT.—Subject to subparagraph (C), the Secretary shall ensure that no State shall receive an allotment under this paragraph for a fiscal year that is less than ⅕ of 1 percent of the remainder described in subparagraph (A) for the fiscal year.

''(E) DEFINITIONS.—For the purpose of the formula specified in this paragraph:

''(i) ALLOTMENT PERCENTAGE.—The term 'allotment percentage'—

''(I) used with respect to fiscal year 2013, means the percentage of the amounts allotted to States under title I of this Act, title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.), sections 4103A and 4104 of title 38, United States Code, and sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as such provisions were in effect for fiscal year 2013, that is received under such provisions by the State involved for fiscal year 2013; and

''(II) used with respect to fiscal year 2017 or a succeeding fiscal year, means the percentage of the amounts allotted to States under this paragraph for the fiscal year, that is received under this paragraph by the State involved for the fiscal year.

''(ii) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term 'area of substantial unemployment' means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 7 percent for the most recent 12 months, as determined by the Secretary. For purposes of this clause, determinations of areas of substantial unemployment shall be made once each fiscal year.

''(iii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who is not less than age 16 and not more than age 24 who receives an income, or is a member of a family that receives a total family income, that in relation to family size, does not exceed the higher of—

''(I) the poverty line; or

''(II) 70 percent of the lower living standard income level.

''(iv) INDIVIDUAL.—The term 'individual' means an individual who is age 16 or older.''.

SEC. ___21. WITHIN STATE ALLOCATIONS.

Section 133 (29 U.S.C. 2863) is amended—

(1) by amending subsection (a) to read as follows:

''(a) RESERVATIONS FOR STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.—

''(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—The Governor of a State shall reserve not more than 15 percent of the total amount allotted to the State under section 132(b)(2) for a fiscal year to carry out the statewide activities described in section 134(a).

''(2) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—Of the amount reserved under paragraph (1) for a fiscal year, the Governor of the State shall reserve not more than 25 percent for statewide rapid response activities and additional assistance described in section 134(a)(4).

''(3) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—Of the amount reserved under paragraph (1) for a fiscal year, the Governor of the State shall reserve 15 percent to carry out statewide activities described in section 134(a)(5).

''(4) STATE ADMINISTRATIVE COST LIMIT.—Not more than 5 percent of the funds reserved under paragraph (1) may be used by the Governor of the State for administrative costs of carrying out the statewide activities described in section 134(a).'';

(2) by amending subsection (b) to read as follows:

''(b) WITHIN STATE ALLOCATION.—

''(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials in the local areas in the State, shall—

''(A) allocate the funds that are allotted to the State under section 132(b)(2) and not reserved under subsection (a), in accordance with paragraph (2)(A); and

''(B) award the funds that are reserved by the State under subsection (a)(3) through competitive grants to eligible entities, in accordance with section 134(a)(1)(C).

''(2) FORMULA ALLOCATIONS FOR THE WORKFORCE INVESTMENT FUND.—

''(A) ALLOCATION.—In allocating the funds described in paragraph (1)(A) to local areas, a State shall allocate—

''(i) 25 percent on the basis described in section 132(b)(2)(B)(i);

''(ii) 25 percent on the basis described in section 132(b)(2)(B)(ii);

''(iii) 25 percent on the basis described in section 132(b)(2)(B)(iii); and

''(iv) 25 percent on the basis described in section 132(b)(2)(B)(iv),

except that a reference in a section specified in any of clauses (i) through (iv) to 'each

State' shall be considered to refer to each local area, and to 'all States' shall be considered to refer to all local areas.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The State shall ensure that no local area shall receive an allocation under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is less than 100 percent of the allocation percentage of the local area for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is less than 90 percent of the allocation percentage of the local area for the fiscal year preceding the fiscal year involved.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the State shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph for—

''(I) each of fiscal years 2015 through 2017, that is more than 130 percent of the allocation percentage of the local area for fiscal year 2013; and

''(II) fiscal year 2018 and each succeeding fiscal year, that is more than 130 percentage of the allocation percentage of the local area for the fiscal year preceding the fiscal year involved.

''(C) DEFINITIONS.—For the purpose of the formula specified in this paragraph, the term 'allocation percentage'—

''(i) used with respect to fiscal year 2013, means the percentage of the amounts allocated to local areas under title I of this Act, title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), the Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.), sections 4103A and 4104 of title 38, United States Code, and sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as such provisions were in effect for fiscal year 2013, that is received under such provisions by the local area involved for fiscal year 2013; and

''(ii) used with respect to fiscal year 2017 or a succeeding fiscal year, means the percentage of the amounts allocated to local areas under this paragraph for the fiscal year, that is received under this paragraph by the local area involved for the fiscal year.'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under subsection (b) for employment and training activities and that are available for reallocation.'';

(B) in paragraph (2), by striking ''paragraph (2)(A) or (3) of subsection (b) for such activities'' and inserting ''subsection (b) for such activities'';

(C) by amending paragraph (3) to read as follows:

''(3) REALLOCATIONS.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area under subsection (b)(2) for such activities for such prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(2) for such activities for such prior program year.''; and

(D) in paragraph (4), by striking ''paragraph (2)(A) or (3) of''; and

(4) by adding at the end the following new subsection:

''(d) LOCAL ADMINISTRATIVE COST LIMIT.—Of the amount allocated to a local area under this section for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities in the local area under this chapter.''.

SEC. ___22. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

Section 134 (29 U.S.C. 2864) is amended—

(1) by amending subsection (a) to read as follows:

''(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

''(1) IN GENERAL.—

''(A) DISTRIBUTION OF STATEWIDE ACTIVITIES.—Funds reserved by a Governor for a State as described in section 133(a)(1) and not reserved under paragraph (2) or (3) of section 133(a)—

''(i) shall be used to carry out the statewide employment and training activities described in paragraph (2); and

''(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3).

''(B) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—Funds reserved by a Governor for a State as described in section 133(a)(2) shall be used to provide the statewide rapid response activities and additional assistance described in paragraph (4).

''(C) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—Funds reserved by a Governor for a State as described in section 133(a)(3) shall be used to award statewide grants for individuals with barriers to employment on a competitive basis, and carry out other activities, as described in paragraph (5).

''(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—A State shall use funds referred to in paragraph (1)(A) to carry out statewide employment and training activities, which shall include—

''(A) disseminating the State list of eligible providers of training services described in section 122(d), information identifying eligible providers of on-the-job training and customized training described in section 122(i), and performance information and program cost information described in section 122(b)(2);

''(B) supporting the provision of work ready services described in subsection (c)(2) in the one-stop delivery system;

''(C) implementing strategies and services that will be used in the State to assist at-risk youth and out-of-school youth in acquiring the education and skills, recognized postsecondary credentials, and employment experience to succeed in the labor market;

''(D) conducting evaluations under section 136(e) of activities authorized under this chapter in coordination with evaluations carried out by the Secretary under section 172;

''(E) providing technical assistance to local areas that fail to meet local performance measures;

''(F) operating a fiscal and management accountability system under section 136(f); and

''(G) carrying out monitoring and oversight of activities carried out under this chapter.

''(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—A State may use funds referred to in paragraph (1)(A) to carry out statewide employment and training activities which may include—

''(A) implementing innovative programs and strategies designed to meet the needs of all employers in the State, including small employers, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnership initiatives, career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

''(B) providing incentive grants to local areas—

''(i) for regional cooperation among local boards (including local boards in a designated region as described in section 116(c));

''(ii) for local coordination of activities carried out under this Act; and

''(iii) for exemplary performance by local areas on the local performance measures;

''(C) developing strategies for effectively integrating programs and services among one-stop partners;

''(D) carrying out activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

''(E) incorporating pay-for-performance contract strategies as an element in funding activities under this section and providing technical support to local areas and eligible providers in order to carry out such a strategy, which may involve providing assistance with data collection and data entry requirements;

''(F) carrying out the State option under subsection (f)(8); and

''(G) carrying out other activities authorized under this section that the State determines to be necessary to assist local areas in carrying out activities described in subsection (c) or (d) through the statewide workforce investment system.

''(4) STATEWIDE RAPID RESPONSE ACTIVITIES AND ADDITIONAL ASSISTANCE.—A State shall use funds reserved as described in section 133(a)(2)—

''(A) to carry out statewide rapid response activities, which shall include provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and

''(B) to provide additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas.

''(5) STATEWIDE GRANTS FOR INDIVIDUALS WITH BARRIERS TO EMPLOYMENT.—

''(A) IN GENERAL.—Of the funds reserved as described in section 133(a)(3), the Governor of a State—

''(i) may reserve up to 5 percent to provide technical assistance for, and conduct evaluations as described in section 136(e) of, the programs carried out under this paragraph; and

''(ii) using the remainder, shall award grants on a competitive basis to eligible entities (that meet specific performance outcomes and criteria established by the Governor) described in subparagraph (B) to carry out employment and training programs authorized under this paragraph for individuals with barriers to employment.

''(B) ELIGIBLE ENTITY DEFINED.—For purposes of this paragraph, the term 'eligible entity' means an entity that—

''(i) is a—

''(I) local board or a consortium of local boards;

''(II) nonprofit entity, for-profit entity, or a consortium of nonprofit or for-profit entities; or

''(III) consortium of the entities described in subclauses (I) and (II);

''(ii) has a demonstrated record of placing individuals into unsubsidized employment and serving hard-to-serve individuals; and

''(iii) agrees to be reimbursed primarily on the basis of meeting specified performance outcomes and criteria established by the Governor.

''(C) GRANT PERIOD.—

''(i) IN GENERAL.—A grant under this paragraph shall be awarded for a period of 1 year.

''(ii) GRANT RENEWAL.—A Governor of a State may renew, for up to 4 additional 1-year periods, a grant awarded under this paragraph.

''(D) ELIGIBLE PARTICIPANTS.—To be eligible to participate in activities under this paragraph, an individual shall be a low-income individual age 16 or older.

''(E) USE OF FUNDS.—An eligible entity receiving a grant under this paragraph shall use the grant funds for programs of activities that are designed to assist eligible participants in obtaining employment and acquiring the education and skills necessary to succeed in the labor market. To be eligible to receive a grant under this paragraph for an employment and training program, an eligible entity shall submit an application to a State at such time, in such manner, and containing such information as the State may require, including—

''(i) a description of how the strategies and activities of the program will be aligned with the State plan submitted under section 112 and the local plan submitted under section 118, with respect to the area of the State that will be the focus of the program under this paragraph;

''(ii) a description of the educational and skills training programs and activities the eligible entity will provide to eligible participants under this paragraph;

''(iii) how the eligible entity will collaborate with State and local workforce investment systems established under this title in the provision of such programs and activities;

''(iv) a description of the programs of demonstrated effectiveness on which the provision of such educational and skills training programs and activities are based, and a description of how such programs and activities will improve education and skills training for eligible participants;

''(v) a description of the populations to be served and the skill needs of those populations, and the manner in which eligible participants will be recruited and selected as participants;

''(vi) a description of the private, public, local, and State resources that will be leveraged, with the grant funds provided, for the program under this paragraph, and how the entity will ensure the sustainability of such program after grant funds are no longer available;

''(vii) a description of the extent of the involvement of employers in such program;

''(viii) a description of the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for all individuals specified in section 136(b)(2);

''(ix) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the program provided under this paragraph; and

''(x) any other criteria the Governor may require.'';

(2) by amending subsection (b) to read as follows:

''(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—Funds allocated to a local area under section 133(b)—

''(1) shall be used to carry out employment and training activities described in subsection (c); and

''(2) may be used to carry out employment and training activities described in subsection (d).'';

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e), as subsections (c) and (d), respectively;

(5) in subsection (c) (as so redesignated)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Funds allocated to a local area under section 133(b) shall be used—

''(A) to establish a one-stop delivery system as described in section 121(e);

''(B) to provide the work ready services described in paragraph (2) through the one-stop delivery system in accordance with such paragraph; and

''(C) to provide training services described in paragraph (4) in accordance with such paragraph.'';

(B) in paragraph (2)—

(i) in the heading, by striking ''CORE SERVICES'' and inserting ''WORK READY SERVICES'';

(ii) in the matter preceding subparagraph (A)—

(I) by striking ''(1)(A)'' and inserting ''(1)'';

(II) by striking ''core services'' and inserting ''work ready services''; and

(III) by striking ''who are adults or dislocated workers'';

(iii) by redesignating subparagraph (K) as subparagraph (V);

(iv) by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively;

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

''(B) assistance in obtaining eligibility determinations under the other one-stop partner programs through activities, where appropriate and consistent with the authorizing statute of the one-stop partner program involved, such as assisting in—

''(i) the submission of applications;

''(ii) the provision of information on the results of such applications; and

''(iii) the provision of intake services and information;'';

(vi) by amending subparagraph (E), as so redesignated, to read as follows:

''(E) labor exchange services, including—

''(i) job search and placement assistance, and where appropriate, career counseling;

''(ii) appropriate recruitment services for employers, including small employers, in the local area, which may include services described in this subsection, including provision of information and referral to specialized business services not traditionally offered through the one-stop delivery system; and

''(iii) reemployment services provided to unemployment claimants, including claimants identified as in need of such services under the worker profiling system established under section 303(j) of the Social Security Act (42 U.S.C. 503(j));'';

(vii) in subparagraph (F), as so redesignated, by striking ''employment statistics'' and inserting ''workforce and labor market'';

(viii) in subparagraph (G), as so redesignated, by striking ''and eligible providers of youth activities described in section 123,'';

(ix) in subparagraph (H), as so redesignated, by inserting ''under section 136'' after ''local performance measures'';

(x) in subparagraph (J), as so redesignated, by inserting ''and information regarding the administration of the work test for the unemployment compensation system'' after ''compensation'';

(xi) by amending subparagraph (K), as so redesignated, to read as follows:

''(K) assistance in establishing eligibility for programs of financial aid assistance for education and training programs that are not funded under this Act and are available in the local area;''; and

(xii) by inserting the following new subparagraphs after subparagraph (K), as so redesignated:

''(L) the provision of information from official publications of the Internal Revenue Service regarding Federal tax credits, available to participants in employment and training activities, and relating to education, job training, and employment;

''(M) comprehensive and specialized assessments of the skill levels and service needs of workers, which may include—

''(i) diagnostic testing and use of other assessment tools; and

''(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

''(N) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant;

''(O) group counseling;

''(P) individual counseling and career planning;

''(Q) case management;

''(R) short-term pre-career services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

''(S) internships and work experience;

''(T) literacy activities relating to basic work readiness, information and communication technology literacy activities, and financial literacy activities, if the activities involved are not available to participants in the local area under programs administered under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.);

''(U) out-of-area job search assistance and relocation assistance; and'';

(C) by amending paragraph (3) to read as follows:

''(3) DELIVERY OF SERVICES.—The work ready services described in paragraph (2) shall be provided through the one-stop delivery system and may be provided through contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.''; and

(D) in paragraph (4)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Funds described in paragraph (1)(C) shall be used to provide training services to individuals who—

''(i) after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

''(I) be in need of training services to obtain or retain employment; and

''(II) have the skills and qualifications to successfully participate in the selected program of training services;

''(ii) select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the individual receiving such services are willing to commute or relocate; and

''(iii) who meet the requirements of subparagraph (B).'';

(ii) in subparagraph (B)(i), by striking ''Except'' and inserting ''Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except'';

(iii) by amending subparagraph (D) to read as follows:

''(D) TRAINING SERVICES.—Training services authorized under this paragraph may include—

''(i) occupational skills training;

''(ii) on-the-job training;

''(iii) skill upgrading and retraining;

''(iv) entrepreneurial training;

''(v) education activities leading to a regular secondary school diploma or its recognized equivalent in combination with, concurrently or subsequently, occupational skills training;

''(vi) adult education and family literacy education activities provided in conjunction with other training services authorized under this subparagraph;

''(vii) workplace training combined with related instruction;

''(viii) occupational skills training that incorporates English language acquisition;

''(ix) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training; and

''(x) training programs operated by the private sector.'';

(iv) by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(v) in subparagraph (E) (as so redesignated)—

(I) in clause (ii)—

(aa) in the matter preceding subclause (I), by striking ''subsection (c)'' and inserting ''section 121'';

(bb) in subclause (I), by striking ''section 122(e)'' and inserting ''section 122(d)'' and by striking ''section 122(h)'' and inserting ''section 122(i)''; and

(cc) in subclause (II), by striking ''subsections (e) and (h)'' and inserting ''subsections (d) and (i)''; and

(II) by striking clause (iii) and inserting the following:

''(iii) CAREER ENHANCEMENT ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a case manager, select an eligible provider of training services from the list or identifying information for providers described in clause (ii)(I). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through a career enhancement account.

''(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career enhancement accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services from (notwithstanding any provision of this title) eligible providers for those programs and sources.

''(v) ASSISTANCE.—Each local board may, through one-stop centers, assist individuals receiving career enhancement accounts in obtaining funds (in addition to the funds provided under this section) from other programs and sources that will assist the individual in obtaining training services.''; and

(vi) in subparagraph (F) (as so redesignated)—

(I) in the subparagraph heading, by striking ''INDIVIDUAL TRAINING ACCOUNTS'' and inserting ''CAREER ENHANCEMENT ACCOUNTS'';

(II) in clause (i), by striking ''individual training accounts'' and inserting ''career enhancement accounts'';

(III) in clause (ii)—

(aa) by striking ''an individual training account'' and inserting ''a career enhancement account'';

(bb) by striking ''subparagraph (F)'' and inserting ''subparagraph (E)'';

(cc) in subclause (II), by striking ''individual training accounts'' and inserting ''career enhancement accounts'';

(dd) in subclause (II), by striking ''or'' after the semicolon;

(ee) in subclause (III), by striking the period and inserting ''; or''; and

(ff) by adding at the end the following:

''(IV) the local board determines that it would be most appropriate to award a contract to a postsecondary educational institution that has been identified as a priority eligible provider under section 117(d)(5)(B) in order to facilitate the training of multiple individuals in in-demand industries or occupations important to the State or local economy, that such contract may be used to enable the expansion of programs provided by a priority eligible provider, and that such contract does not limit customer choice.'';

(IV) in clause (iii), by striking ''adult or dislocated worker'' and inserting ''individual''; and

(V) in clause (iv)—

(aa) by redesignating subclause (IV) as subclause (V); and

(bb) by inserting after subclause (III) the following:

''(IV) Individuals with disabilities.'';

(6) in subsection (d) (as so redesignated)—

(A) by amending paragraph (1) to read as follows:

''(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.—

''(A) IN GENERAL.—Funds allocated to a local area under section 133(b)(2) may be used to provide, through the one-stop delivery system—

''(i) customized screening and referral of qualified participants in training services to employers;

''(ii) customized employment-related services to employers on a fee-for-service basis;

''(iii) customer supports, including transportation and child care, to navigate among multiple services and activities for special participant populations that face multiple barriers to employment, including individuals with disabilities;

''(iv) employment and training assistance provided in coordination with child support enforcement activities of the State agency carrying out subtitle D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

''(v) incorporation of pay-for-performance contract strategies as an element in funding activities under this section;

''(vi) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology; and

''(vii) activities to carry out business services and strategies that meet the workforce investment needs of local area employers, as determined by the local board, consistent with the local plan under section 118.'';

(B) by striking paragraphs (2) and (3); and

(C) by adding at the end the following:

''(2) INCUMBENT WORKER TRAINING PROGRAMS.—

''(A) IN GENERAL.—The local board may use funds allocated to a local area under section 133(b)(2) to carry out incumbent worker training programs in accordance with this paragraph.

''(B) TRAINING ACTIVITIES.—The training programs for incumbent workers under this paragraph shall be carried out by the local area in conjunction with the employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment and avert layoffs.

''(C) EMPLOYER MATCH REQUIRED.—

''(i) IN GENERAL.—Employers participating in programs under this paragraph shall be required to pay a proportion of the costs of providing the training to the incumbent workers of the employers. The local board shall establish the required payment toward such costs, which may include in-kind contributions.

''(ii) CALCULATION OF MATCH.—The wages paid by an employer to a worker while they are attending training may be included as part of the required payment of the employer.''; and

(7) by adding at the end the following:

''(e) PRIORITY FOR PLACEMENT IN PRIVATE SECTOR JOBS.—In providing employment and training activities authorized under this section, the State board and local board shall give priority to placing participants in jobs in the private sector.

''(f) VETERAN EMPLOYMENT SPECIALIST.—

''(1) IN GENERAL.—Subject to paragraph (8), a local board shall hire and employ one or more veteran employment specialists to carry out employment, training, supportive, and placement services under this subsection in the local area served by the local board.

''(2) PRINCIPAL DUTIES.—A veteran employment specialist in a local area shall—

''(A) conduct outreach to employers in the local area to assist veterans, including disabled veterans, in gaining employment, including—

''(i) conducting seminars for employers; and

''(ii) in conjunction with employers, conducting job search workshops, and establishing job search groups; and

''(B) facilitate the furnishing of employment, training, supportive, and placement services to veterans, including disabled and homeless veterans, in the local area.

''(3) HIRING PREFERENCE FOR VETERANS AND INDIVIDUALS WITH EXPERTISE IN SERVING VETERANS.—Subject to paragraph (8), a local board shall, to the maximum extent practicable, employ veterans or individuals with expertise in serving veterans to carry out the services described in paragraph (2) in the local area served by the local board. In hiring an individual to serve as a veteran employment specialist, a local board shall give preference to veterans and other individuals in the following order:

''(A) To service-connected disabled veterans.

''(B) If no veteran described in subparagraph (A) is available, to veterans.

''(C) If no veteran described in subparagraph (A) or (B) is available, to any member of the Armed Forces transitioning out of military service.

''(D) If no veteran or member described in subparagraph (A), (B), or (C) is available, to any spouse of a veteran or a spouse of a member of the Armed Forces transitioning out of military service.

''(E) If no veteran or member described in subparagraph (A), (B), or (C) is available and no spouse described in paragraph (D) is available, to any other individuals with expertise in serving veterans.

''(4) ADMINISTRATION AND REPORTING.—

''(A) IN GENERAL.—Each veteran employment specialist shall be administratively responsible to the one-stop operator of the one-stop center in the local area and shall provide, at a minimum, quarterly reports to the one-stop operator of such center and to the Assistant Secretary for Veterans' Employment and Training for the State on the specialist's performance, and compliance by the specialist with Federal law (including regulations), with respect to the—

''(i) principal duties (including facilitating the furnishing of services) for veterans described in paragraph (2); and

''(ii) hiring preferences described in paragraph (3) for veterans and other individuals.

''(B) REPORT TO SECRETARY.—Each State shall submit to the Secretary an annual report on the qualifications used by each local board in the State in making hiring determinations for a veteran employment specialist and the salary structure under which such specialist is compensated.

''(C) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Education and the Workforce and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Veterans' Affairs of the Senate an annual report summarizing the reports submitted under subparagraph (B), and including summaries of outcomes achieved by participating veterans, disaggregated by local areas.

''(5) PART-TIME EMPLOYEES.—A part-time veteran employment specialist shall perform the functions of a veteran employment specialist under this subsection on a halftime basis.

''(6) TRAINING REQUIREMENTS.—Each veteran employment specialist described in paragraph (2) shall satisfactorily complete training provided by the National Veterans' Employment and Training Institute during the 3-year period that begins on the date on which the employee is so assigned.

''(7) SPECIALIST'S DUTIES.—A full-time veteran employment specialist shall perform only duties related to employment, training, supportive, and placement services under this subsection, and shall not perform other non-veteran-related duties if such duties detract from the specialist's ability to perform the specialist's duties related to employment, training, supportive, and placement services under this subsection.

''(8) STATE OPTION.—At the request of a local board, a State may opt to assume the duties assigned to the local board under paragraphs (1) and (3), including the hiring and employment of one or more veteran employment specialists for placement in the local area served by the local board.''.

SEC. ___23. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 136 (29 U.S.C. 2871) is amended—

(1) in subsection (b)—

(A) by amending paragraphs (1) and (2) to read as follows:

''(1) IN GENERAL.—For each State, the State performance measures shall consist of—

''(A)(i) the core indicators of performance described in paragraph (2)(A); and

''(ii) additional indicators of performance (if any) identified by the State under paragraph (2)(B); and

''(B) a State adjusted level of performance for each indicator described in subparagraph (A).

''(2) INDICATORS OF PERFORMANCE.—

''(A) CORE INDICATORS OF PERFORMANCE.—

''(i) IN GENERAL.—The core indicators of performance for the program of employment and training activities authorized under sections 132(a)(2) and 134, the program of adult education and family literacy education activities authorized under title II, and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of the following indicators of performance (with performance determined in the aggregate and as disaggregated by the populations identified in the State and local plan in each case):

''(I) The percentage and number of program participants who are in unsubsidized employment during the second full calendar quarter after exit from the program.

''(II) The percentage and number of program participants who are in unsubsidized employment during the fourth full calendar quarter after exit from the program.

''(III) The difference in the median earnings of program participants who are in unsubsidized employment during the second full calendar quarter after exit from the program, compared to the median earnings of such participants prior to participation in such program.

''(IV) The percentage and number of program participants who obtain a recognized postsecondary credential (such as an industry-recognized credential or a certificate from a registered apprenticeship program), or a regular secondary school diploma or its recognized equivalent (subject to clause (ii)), during participation in or within 1 year after exit from the program.

''(V) The percentage and number of program participants who, during a program year—

''(aa) are in an education or training program that leads to a recognized postsecondary credential (such as an industry-recognized credential or a certificate from a registered apprenticeship program), a certificate from an on-the-job training program, a regular secondary school diploma or its recognized equivalent, or unsubsidized employment; and

''(bb) are achieving measurable basic skill gains toward such a credential, certificate, diploma, or employment.

''(VI) The percentage and number of program participants who obtain unsubsidized employment in the field relating to the training services described in section 134(c)(4) that such participants received.

''(ii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), program participants who obtain a regular secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants (in addition to obtaining such diploma or its recognized equivalent), within 1 year after exit from the program, have obtained or retained employment, have been removed from public assistance, or have begun an education or training program leading to a recognized postsecondary credential.

''(B) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities authorized under this subtitle.''; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the heading, by striking ''AND CUSTOMER SATISFACTION INDICATOR'';

(II) in clause (i), by striking ''and the customer satisfaction indicator described in paragraph (2)(B)'';

(III) in clause (ii), by striking ''and the customer satisfaction indicator of performance, for the first 3'' and inserting '', for all 3'';

(IV) in clause (iii)—

(aa) in the heading, by striking ''FOR FIRST 3 YEARS''; and

(bb) by striking ''and the customer satisfaction indicator of performance, for the first 3 program years'' and inserting ''for all 3 program years'';

(V) in clause (iv)—

(aa) by striking ''or (v)'';

(bb) by striking subclause (I) and redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(cc) in subclause (I) (as so redesignated)—

(AA) by inserting '', such as unemployment rates and job losses or gains in particular industries'' after ''economic conditions''; and

(BB) by inserting '', such as indicators of poor work experience, dislocation from high-wage employment, low levels of literacy or English proficiency, disability status (including disability status among veterans), and welfare dependency,'' after ''program'';

(VI) by striking clause (v) and redesignating clause (vi) as clause (v); and

(VII) in clause (v) (as so redesignated)—

(aa) by striking ''described in clause (iv)(II)'' and inserting ''described in clause (iv)(I)''; and

(bb) by striking ''or (v)''; and

(ii) in subparagraph (B), by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(B)'';

(2) in subsection (c)—

(A) by amending clause (i) of paragraph (1)(A) to read as follows:

''(i) the core indicators of performance described in subsection (b)(2)(A) for activities described in such subsection, other than statewide workforce investment activities; and'';

(B) in clause (ii) of paragraph (1)(A), by striking ''(b)(2)(C)'' and inserting ''(b)(2)(B)''; and

(C) by amending paragraph (3) to read as follows:

''(3) DETERMINATIONS.—In determining such local levels of performance, the local board, the chief elected official, and the Governor shall ensure such levels are adjusted based on the specific economic conditions (such as unemployment rates and job losses or gains in particular industries), or demographic characteristics or other characteristics of the population to be served, in the local area.'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''127 or'';

(ii) by striking ''and the customer satisfaction indicator'' each place it appears; and

(iii) in the last sentence, by inserting before the period the following: '', and on the amount and percentage of the State's annual allotment under section 132 the State spends on administrative costs and on the amount and percentage of its annual allocation under section 133 each local area in the State spends on administrative costs'';

(B) in paragraph (2)—

(i) by striking subparagraphs (A), (B), and (D);

(ii) by redesignating subparagraph (C) as subparagraph (A);

(iii) by redesignating subparagraph (E) as subparagraph (B);

(iv) in subparagraph (B), as so redesignated—

(I) by striking ''(excluding participants who received only self-service and informational activities)''; and

(II) by striking ''and'' at the end;

(v) by striking subparagraph (F); and

(vi) by adding at the end the following:

''(C) with respect to each local area in the State—

''(i) the number of individuals who received work ready services described in section 134(c)(2) and the number of individuals who received training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services, and the amount of funds spent on each of the 2 types of services during the most recent program year and fiscal year, and the preceding 5 fiscal years;

''(ii) the number of individuals who successfully exited out of work ready services described in section 134(c)(2) and the number of individuals who exited out of training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services; and

''(iii) the average cost per participant of those individuals who received work ready

services described in section 134(c)(2) and the average cost per participant of those individuals who received training services described in section 134(c)(4), during the most recent program year and fiscal year, and the preceding 5 program years, disaggregated (for individuals who received work ready services) by the type of entity that provided the work ready services and disaggregated (for individuals who received training services) by the type of entity that provided the training services; and

''(D) the amount of funds spent on training services and discretionary activities described in section 134(d), disaggregated by the populations identified under section 112(b)(16)(A)(iv) and section 118(b)(10).'';

(C) in paragraph (3)(A), by striking ''through publication'' and inserting ''through electronic means''; and

(D) by adding at the end the following:

''(4) DATA VALIDATION.—In preparing the reports described in this subsection, each State shall establish procedures, consistent with guidelines issued by the Secretary, to ensure the information contained in the reports is valid and reliable.

''(5) STATE AND LOCAL POLICIES.—

''(A) STATE POLICIES.—Each State that receives an allotment under section 132 shall maintain a central repository of policies related to access, eligibility, availability of services, and other matters, and plans approved by the State board and make such repository available to the public, including by electronic means.

''(B) LOCAL POLICIES.—Each local area that receives an allotment under section 133 shall maintain a central repository of policies related to access, eligibility, availability of services, and other matters, and plans approved by the local board and make such repository available to the public, including by electronic means.'';

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or (B)''; and

(ii) in subparagraph (B), by striking ''may reduce by not more than 5 percent,'' and inserting ''shall reduce''; and

(B) by striking paragraph (2) and inserting the following:

''(2) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary shall return to the Treasury the amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B).'';

(5) in subsection (h)—

(A) in paragraph (1), by striking ''or (B)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by amending the matter preceding clause (i) to read as follows:

''(A) IN GENERAL.—If such failure continues for a second consecutive year, the Governor shall take corrective actions, including the development of a reorganization plan. Such plan shall—'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A), the following:

''(B) REDUCTION IN THE AMOUNT OF GRANT.—If such failure continues for a third consecutive year, the Governor shall reduce the amount of the grant that would (in the absence of this subparagraph) be payable to the local area under such program for the program year after such third consecutive year. Such penalty shall be based on the degree of failure to meet local levels of performance.'';

(iv) in subparagraph (C)(i) (as so redesignated), by striking ''a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan'' and inserting ''corrective action under subparagraph (A) or (B) may, not later than 30 days after receiving notice of the action, appeal to the Governor to rescind or revise such action''; and

(v) in subparagraph (D) (as so redesignated), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)'';

(6) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''subsection (b)(2)(C)'' and inserting ''subsection (b)(2)(B)''; and

(ii) in subparagraph (C), by striking ''(b)(3)(A)(vi)'' and inserting ''(b)(3)(A)(v)'';

(B) in paragraph (2), by striking ''the activities described in section 502 concerning''; and

(C) in paragraph (3), by striking ''described in paragraph (1) and in the activities described in section 502'' and inserting ''and activities described in this subsection''; and

(7) by adding at the end the following new subsections:

''(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—Consistent with the requirements of the applicable authorizing laws, the Secretary shall use the core indicators of performance described in subsection (b)(2)(A) to assess the effectiveness of the programs described in section 121(b)(1)(B) (in addition to the programs carried out under chapter 5) that are carried out by the Secretary.

''(k) ESTABLISHING PAY-FOR-PERFORMANCE INCENTIVES.—

''(1) IN GENERAL.—At the discretion of the Governor of a State, a State may establish an incentive system for local boards to implement pay-for-performance contract strategies for the delivery of employment and training activities in the local areas served by the local boards.

''(2) IMPLEMENTATION.—A State that establishes a pay-for-performance incentive system shall reserve not more than 10 percent of the total amount allotted to the State under section 132(b)(2) for a fiscal year to provide funds to local areas in the State whose local boards have implemented a pay-for-performance contract strategy.

''(3) EVALUATIONS.—A State described in paragraph (2) shall use funds reserved by the State under section 133(a)(1) to evaluate the return on investment of pay-for-performance contract strategies implemented by local boards in the State.''.

SEC. ___24. AUTHORIZATION OF APPROPRIATIONS.

Section 137 (29 U.S.C. 2872) is amended to read as follows:

''SEC. 137. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out the activities described in section 132, $6,245,318,000 for fiscal year 2015 and each of the 6 succeeding fiscal years.''.

CHAPTER 3—JOB CORPS

SEC. ___26. JOB CORPS PURPOSES.

Paragraph (1) of section 141 (29 U.S.C. 2881(1)) is amended to read as follows:

''(1) to maintain a national Job Corps program for at-risk youth, carried out in partnership with States and communities, to assist eligible youth to connect to the workforce by providing them with intensive academic, career and technical education, and service-learning opportunities, in residential and nonresidential centers, in order for such youth to obtain regular secondary school diplomas and recognized postsecondary credentials leading to successful careers in in-demand industries that will result in opportunities for advancement;''.

SEC. ___27. JOB CORPS DEFINITIONS.

Section 142 (29 U.S.C. 2882) is amended—

(1) in paragraph (2)—

(A) in the paragraph heading, by striking ''APPLICABLE ONE-STOP'' and inserting ''ONE-STOP'';

(B) by striking ''applicable'';

(C) by striking ''customer service''; and

(D) by striking ''intake'' and inserting ''assessment'';

(2) in paragraph (4), by striking ''before completing the requirements'' and all that follows and inserting ''prior to becoming a graduate.''; and

(3) in paragraph (5), by striking ''has completed the requirements'' and all that follows and inserting the following: ''who, as a result of participation in the Job Corps program, has received a regular secondary school diploma, completed the requirements of a career and technical education and training program, or received, or is making satisfactory progress (as defined under section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c))) toward receiving, a recognized postsecondary credential (including an industry-recognized credential) that prepares individuals for employment leading to economic self-sufficiency.''.

SEC. ___28. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

Section 144 (29 U.S.C. 2884) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) not less than age 16 and not more than age 24 on the date of enrollment;'';

(2) in paragraph (3)(B), by inserting ''secondary'' before ''school''; and

(3) in paragraph (3)(E), by striking ''vocational'' and inserting ''career and technical education and''.

SEC. ___29. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.

Section 145 (29 U.S.C. 2885) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(C)(i) by striking ''vocational'' and inserting ''career and technical education and training''; and

(B) in paragraph (3)—

(i) by striking ''To the extent practicable, the'' and inserting ''The'';

(ii) in subparagraph (A)—

(I) by striking ''applicable''; and

(II) by inserting ''and'' after the semicolon;

(iii) by striking subparagraphs (B) and (C); and

(iv) by adding at the end the following:

''(B) organizations that have a demonstrated record of effectiveness in placing at-risk youth into employment.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''and agrees to such rules'' after ''failure to observe the rules''; and

(ii) by amending subparagraph (C) to read as follows:

''(C) the individual has passed a background check conducted in accordance with procedures established by the Secretary, which shall include—

''(i) a search of the State criminal registry or repository in the State where the individual resides and each State where the individual previously resided;

''(ii) a search of State-based child abuse and neglect registries and databases in the State where the individual resides and each State where the individual previously resided;

''(iii) a search of the National Crime Information Center;

''(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(v) a search of the National Sex Offender Registry established under the Adam Walsh

Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).''; and

(B) by adding at the end the following new paragraph:

''(3) INDIVIDUALS CONVICTED OF A CRIME.—An individual shall be ineligible for enrollment if the individual—

''(A) makes a false statement in connection with the criminal background check described in paragraph (1)(C);

''(B) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(C) has been convicted of a felony consisting of—

''(i) homicide;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) a crime involving rape or sexual assault; or

''(v) physical assault, battery, or a drug-related offense, committed within the past 5 years.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''2 years'' and inserting ''year''; and

(ii) by striking ''an assignment'' and inserting ''a''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking '', every 2 years,'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C)—

(I) by inserting ''the education and training'' after ''including''; and

(II) by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the performance of the Job Corps center relating to the indicators described in paragraphs (1) and (2) in section 159(c), and whether any actions have been taken with respect to such center pursuant to section 159(f).''; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''is closest to the home of the enrollee, except that the'' and inserting ''offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) in paragraph (2), by inserting ''that offers the career and technical education and training desired by'' after ''home of the enrollee''.

SEC. ___30. JOB CORPS CENTERS.

Section 147 (29 U.S.C. 2887) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''vocational'' both places it appears and inserting ''career and technical''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''subsections (c) and (d) of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253)'' and inserting ''subsections (a) and (b) of section 3304 of title 41, United States Code''; and

(II) by striking ''industry council'' and inserting ''workforce council'';

(ii) in subparagraph (B)(i)—

(I) by amending subclause (II) to read as follows:

''(II) the ability of the entity to offer career and technical education and training that the workforce council proposes under section 154(c);'';

(II) in subclause (III), by striking ''is familiar with the surrounding communities, applicable'' and inserting ''demonstrates relationships with the surrounding communities, employers, workforce boards,'' and by striking ''and'' at the end;

(III) by amending subclause (IV) to read as follows:

''(IV) the performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center, including the entity's demonstrated effectiveness in assisting individuals in achieving the primary and secondary indicators of performance described in paragraphs (1) and (2) of section 159(c); and''; and

(IV) by adding at the end the following new subclause:

''(V) the ability of the entity to demonstrate a record of successfully assisting at-risk youth to connect to the workforce, including by providing them with intensive academic, and career and technical education and training.''; and

(iii) in subparagraph (B)(ii)—

(I) by striking '', as appropriate''; and

(II) by striking ''through (IV)'' and inserting ''through (V)'';

(2) in subsection (b), by striking ''In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.'';

(3) by amending subsection (c) to read as follows:

''(c) CIVILIAN CONSERVATION CENTERS.—

''(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall adhere to all the provisions of this subtitle, and shall provide, in addition to education, career and technical education and training, and workforce preparation skills training described in section 148, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

''(2) SELECTION PROCESS.—The Secretary shall select an entity that submits an application under subsection (d) to operate a Civilian Conservation Center on a competitive basis, as provided in subsection (a).''; and

(4) by striking subsection (d) and inserting the following:

''(d) APPLICATION.—To be eligible to operate a Job Corps center under this subtitle, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the program activities that will be offered at the center, including how the career and technical education and training reflect State and local employment opportunities, including in in-demand industries;

''(2) a description of the counseling, placement, and support activities that will be offered at the center, including a description of the strategies and procedures the entity will use to place graduates into unsubsidized employment upon completion of the program;

''(3) a description of the demonstrated record of effectiveness that the entity has in placing at-risk youth into employment, including past performance of operating a Job Corps center under this subtitle;

''(4) a description of the relationships that the entity has developed with State and local workforce boards, employers, State and local educational agencies, and the surrounding communities in an effort to promote a comprehensive statewide workforce investment system;

''(5) a description of the strong fiscal controls the entity has in place to ensure proper accounting of Federal funds, and a description of how the entity will meet the requirements of section 159(a);

''(6) a description of the strategies and policies the entity will utilize to reduce participant costs;

''(7) a description of the steps taken to control costs in accordance with section 159(a)(3);

''(8) a detailed budget of the activities that will be supported using funds under this subtitle;

''(9) a detailed budget of the activities that will be supported using funds from non-Federal resources;

''(10) an assurance the entity will comply with the administrative cost limitation included in section 151(c);

''(11) an assurance the entity is licensed to operate in the State in which the center is located; and

''(12) an assurance the entity will comply with and meet basic health and safety codes, including those measures described in section 152(b).

''(e) LENGTH OF AGREEMENT.—The agreement described in subsection (a)(1)(A) shall be for not longer than a 2-year period. The Secretary may renew the agreement for 3 1-year periods if the entity meets the requirements of subsection (f).

''(f) RENEWAL.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may renew the terms of an agreement described in subsection (a)(1)(A) for an entity to operate a Job Corps center if the center meets or exceeds each of the indicators of performance described in section 159(c)(1).

''(2) RECOMPETITION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary shall not renew the terms of the agreement for an entity to operate a Job Corps center if such center is ranked in the bottom quintile of centers described in section 159(f)(2) for any program year. Such entity may submit a new application under subsection (d) only if such center has shown significant improvement on the indicators of performance described in section 159(c)(1) over the last program year.

''(B) VIOLATIONS.—The Secretary shall not select an entity to operate a Job Corps center if such entity or such center has been found to have a systemic or substantial material failure that involves—

''(i) a threat to the health, safety, or civil rights of program participants or staff;

''(ii) the misuse of funds received under this subtitle;

''(iii) loss of legal status or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds;

''(iv) failure to meet any other Federal or State requirement that the entity has shown an unwillingness or inability to correct, after notice from the Secretary, within the period specified; or

''(v) an unresolved area of noncompliance.

''(g) CURRENT GRANTEES.—Not later than 60 days after the date of enactment of the SKILLS Act and notwithstanding any previous grant award or renewals of such award under this subtitle, the Secretary shall require all entities operating a Job Corps center under this subtitle to submit an application under subsection (d) to carry out the requirements of this section.''.

SEC. ___31. PROGRAM ACTIVITIES.

Section 148 (29 U.S.C. 2888) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ACTIVITIES PROVIDED THROUGH JOB CORPS CENTERS.—

''(1) IN GENERAL.—Each Job Corps center shall provide enrollees with an intensive, well-organized, and supervised program of education, career and technical education and training, work experience, recreational activities, physical rehabilitation and development, and counseling. Each Job Corps center shall provide enrollees assigned to the center with access to work ready services described in section 134(c)(2).

''(2) RELATIONSHIP TO OPPORTUNITIES.—

''(A) IN GENERAL.—The activities provided under this subsection shall be targeted to helping enrollees, on completion of their enrollment—

''(i) secure and maintain meaningful unsubsidized employment;

''(ii) complete secondary education and obtain a regular secondary school diploma;

''(iii) enroll in and complete postsecondary education or training programs, including obtaining recognized postsecondary credentials (such as industry-recognized credentials and certificates from registered apprenticeship programs); or

''(iv) satisfy Armed Forces requirements.

''(B) LINK TO EMPLOYMENT OPPORTUNITIES.—The career and technical education and training provided shall be linked to the employment opportunities in in-demand industries in the State in which the Job Corps center is located.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''EDUCATION AND VOCATIONAL'' and inserting ''ACADEMIC AND CAREER AND TECHNICAL EDUCATION AND'';

(B) by striking ''may'' after ''The Secretary'' and inserting ''shall''; and

(C) by striking ''vocational'' each place it appears and inserting ''career and technical''; and

(3) by amending paragraph (3) of subsection (c) to read as follows:

''(3) DEMONSTRATION.—Each year, any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate, before the operator may carry out such additional enrollment, that—

''(A) participants in such program have achieved a satisfactory rate of completion and placement in training-related jobs; and

''(B) such operator has met or exceeded the indicators of performance described in paragraphs (1) and (2) of section 159(c) for the previous year.''.

SEC. ___32. COUNSELING AND JOB PLACEMENT.

Section 149 (29 U.S.C. 2889) is amended—

(1) in subsection (a), by striking ''vocational'' and inserting ''career and technical education and'';

(2) in subsection (b)—

(A) by striking ''make every effort to arrange to''; and

(B) by striking ''to assist'' and inserting ''assist''; and

(3) by striking subsection (d).

SEC. ___33. SUPPORT.

Subsection (b) of section 150 (29 U.S.C. 2890) is amended to read as follows:

''(b) TRANSITION ALLOWANCES AND SUPPORT FOR GRADUATES.—The Secretary shall arrange for a transition allowance to be paid to graduates. The transition allowance shall be incentive-based to reflect a graduate's completion of academic, career and technical education or training, and attainment of a recognized postsecondary credential, including an industry-recognized credential.''.

SEC. ___34. OPERATIONS.

Section 151 (29 U.S.C. 2891) is amended—

(1) in the header, by striking ''**OPERATING PLAN**.'' and inserting ''**OPERATIONS**.'';

(2) in subsection (a), by striking ''IN GENERAL.—'' and inserting ''OPERATING PLAN.—'';

(3) by striking subsection (b) and redesignating subsection (c) as subsection (b);

(4) by amending subsection (b) (as so redesignated)—

(A) in the heading by inserting ''OF OPERATING PLAN'' after ''AVAILABILITY''; and

(B) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''; and

(5) by adding at the end the following new subsection:

''(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds allotted under section 147 to an entity selected to operate a Job Corps center may be used by the entity for administrative costs under this subtitle.''.

SEC. ___35. COMMUNITY PARTICIPATION.

Section 153 (29 U.S.C. 2893) is amended to read as follows:

''SEC. 153. COMMUNITY PARTICIPATION.

''The director of each Job Corps center shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job Corps centers in the State and nearby communities. Such activities may include the use of any local workforce development boards established under section 117 to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest.''.

SEC. ___36. WORKFORCE COUNCILS.

Section 154 (29 U.S.C. 2894) is amended to read as follows:

''SEC. 154. WORKFORCE COUNCILS.

''(a) IN GENERAL.—Each Job Corps center shall have a workforce council appointed by the Governor of the State in which the Job Corps center is located.

''(b) WORKFORCE COUNCIL COMPOSITION.—

''(1) IN GENERAL.—A workforce council shall be comprised of—

''(A) business members of the State board described in section 111(b)(1)(B)(i);

''(B) business members of the local boards described in section 117(b)(2)(A) located in the State;

''(C) a representative of the State board described in section 111(f); and

''(D) such other representatives and State agency officials as the Governor may designate.

''(2) MAJORITY.—A ⅔ majority of the members of the workforce council shall be representatives described in paragraph (1)(A).

''(c) RESPONSIBILITIES.—The responsibilities of the workforce council shall be—

''(1) to review all the relevant labor market information, including related information in the State plan described in section 112, to—

''(A) determine the in-demand industries in the State in which enrollees intend to seek employment after graduation;

''(B) determine the skills and education that are necessary to obtain the employment opportunities described in subparagraph (A); and

''(C) determine the type or types of career and technical education and training that will be implemented at the center to enable the enrollees to obtain the employment opportunities; and

''(2) to meet at least once a year to reevaluate the labor market information, and other relevant information, to determine any necessary changes in the career and technical education and training provided at the center.''.

SEC. ___37. TECHNICAL ASSISTANCE.

Section 156 (29 U.S.C. 2896) is amended to read as follows:

''SEC. 156. TECHNICAL ASSISTANCE TO CENTERS.

''(a) IN GENERAL.—From the funds reserved under section 132(a)(3), the Secretary shall provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance and training for the Job Corps program for the purposes of improving program quality.

''(b) ACTIVITIES.—In providing training and technical assistance and for allocating resources for such assistance, the Secretary shall—

''(1) assist entities, including those entities not currently operating a Job Corps center, in developing the application described in section 147(d);

''(2) assist Job Corps centers and programs in correcting deficiencies and violations under this subtitle;

''(3) assist Job Corps centers and programs in meeting or exceeding the indicators of performance described in paragraphs (1) and (2) of section 159(c); and

''(4) assist Job Corps centers and programs in the development of sound management practices, including financial management procedures.''.

SEC. ___38. SPECIAL PROVISIONS.

Section 158(c)(1) (29 U.S.C. 2989(c)(1)) is amended by striking ''title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)'' and inserting ''chapter 5 of title 40, United States Code,''.

SEC. ___39. PERFORMANCE ACCOUNTABILITY MANAGEMENT.

Section 159 (29 U.S.C. 2899) is amended—

(1) in the section heading, by striking ''**MANAGEMENT INFORMATION**'' and inserting ''**PERFORMANCE ACCOUNTABILITY AND MANAGEMENT**'';

(2) in subsection (a)(3), by inserting before the period at the end the following: '', or operating costs for such centers result in a budgetary shortfall'';

(3) by striking subsections (c) through (g); and

(4) by inserting after subsection (b) the following:

''(c) INDICATORS OF PERFORMANCE.—

''(1) PRIMARY INDICATORS.—The annual primary indicators of performance for Job Corps centers shall include—

''(A) the percentage and number of enrollees who graduate from the Job Corps center;

''(B) the percentage and number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps center, except that such calculation shall not include enrollment in education, the military, or volunteer service;

''(C) the percentage and number of graduates who obtained a recognized postsecondary credential, including an industry-recognized credential or a certificate from a registered apprenticeship program; and

''(D) the cost per successful performance outcome, which is calculated by comparing the number of graduates who were placed in unsubsidized employment or obtained a recognized postsecondary credential, including an industry-recognized credential, to total program costs, including all operations, construction, and administration costs at each Job Corps center.

''(2) SECONDARY INDICATORS.—The annual secondary indicators of performance for Job Corps centers shall include—

''(A) the percentage and number of graduates who entered unsubsidized employment not related to the career and technical education and training received through the Job Corps center;

''(B) the percentage and number of graduates who entered into postsecondary education;

''(C) the percentage and number of graduates who entered into the military;

''(D) the average wage of graduates who are in unsubsidized employment—

''(i) on the first day of employment; and

''(ii) 6 months after the first day;

''(E) the number and percentage of graduates who entered unsubsidized employment and were retained in the unsubsidized employment—

''(i) 6 months after the first day of employment; and

''(ii) 12 months after the first day of employment;

''(F) the percentage and number of enrollees compared to the percentage and number of enrollees the Secretary has established as targets in section 145(c)(1);

''(G) the cost per training slot, which is calculated by comparing the program's maximum number of enrollees that can be enrolled in a Job Corps center at any given time during the program year to the number of enrollees in the same program year; and

''(H) the number and percentage of former enrollees, including the number dismissed under the zero tolerance policy described in section 152(b).

''(3) INDICATORS OF PERFORMANCE FOR RECRUITERS.—The annual indicators of performance for recruiters shall include the measurements described in subparagraph (A) of paragraph (1) and subparagraphs (F), (G), and (H) of paragraph (2).

''(4) INDICATORS OF PERFORMANCE OF CAREER TRANSITION SERVICE PROVIDERS.—The annual indicators of performance of career transition service providers shall include the measurements described in subparagraphs (B) and (C) of paragraph (1) and subparagraphs, (B), (C), (D), and (E) of paragraph (2).

''(d) ADDITIONAL INFORMATION.—The Secretary shall collect, and submit in the report described in subsection (f), information on the performance of each Job Corps center, and the Job Corps program, regarding—

''(1) the number and percentage of former enrollees who obtained a regular secondary school diploma;

''(2) the number and percentage of former enrollees who entered unsubsidized employment;

''(3) the number and percentage of former enrollees who obtained a recognized postsecondary credential, including an industry-recognized credential;

''(4) the number and percentage of former enrollees who entered into military service; and

''(5) any additional information required by the Secretary.

''(e) METHODS.—The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 136(f)(2) and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

''(f) TRANSPARENCY AND ACCOUNTABILITY.—

''(1) REPORT.—The Secretary shall collect and annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and make available to the public by electronic means, a report containing—

''(A) information on the performance of each Job Corps center, and the Job Corps program, on the performance indicators described in paragraphs (1) and (2) of subsection (c);

''(B) a comparison of each Job Corps center, by rank, on the performance indicators described in paragraphs (1) and (2) of subsection (c);

''(C) a comparison of each Job Corps center, by rank, on the average performance of all primary indicators described in paragraph (1) of subsection (c);

''(D) information on the performance of the service providers described in paragraphs (3) and (4) of subsection (c) on the performance indicators established under such paragraphs; and

''(E) a comparison of each service provider, by rank, on the performance of all service providers described in paragraphs (3) and (4) of subsection (c) on the performance indicators established under such paragraphs.

''(2) ASSESSMENT.—The Secretary shall conduct an annual assessment of the performance of each Job Corps center which shall include information on the Job Corps centers that—

''(A) are ranked in the bottom 10 percent on the performance indicator described in paragraph (1)(C); or

''(B) have failed a safety and health code review described in subsection (g).

''(3) PERFORMANCE IMPROVEMENT.—With respect to a Job Corps center that is identified under paragraph (2) or reports less than 50 percent on the performance indicators described in subparagraph (A), (B), or (C) of subsection (c)(1), the Secretary shall develop and implement a 1 year performance improvement plan. Such a plan shall require action including—

''(A) providing technical assistance to the center;

''(B) changing the management staff of the center;

''(C) replacing the operator of the center;

''(D) reducing the capacity of the center; or

''(E) closing the center.

''(4) CLOSURE OF JOB CORPS CENTERS.—Job Corps centers that have been identified under paragraph (2) for more than 4 consecutive years shall be closed. The Secretary shall ensure—

''(A) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register and other appropriate means; and

''(B) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary.

''(g) PARTICIPANT HEALTH AND SAFETY.—The Secretary shall enter into an agreement with the General Services Administration or the appropriate State agency responsible for inspecting public buildings and safeguarding the health of disadvantaged students, to conduct an in-person review of the physical condition and health-related activities of each Job Corps center annually. Such review shall include a passing rate of occupancy under Federal and State ordinances.''.

CHAPTER 4—NATIONAL PROGRAMS

SEC. ___41. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) by striking subsection (b);

(2) by striking:

''(a) GENERAL TECHNICAL ASSISTANCE.—'';

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c) respectively, and moving such subsections 2 ems to the left, and conforming the casing style of the headings of such subsections to the casing style of the heading of subsection (d), as added by paragraph (7) of this section;

(4) in subsection (a) (as so redesignated)—

(A) by inserting ''the training of staff providing rapid response services and additional assistance, the training of other staff of recipients of funds under this title, assistance regarding accounting and program operation practices (when such assistance would not be duplicative to assistance provided by the State), technical assistance to States that do not meet State performance measures described in section 136,'' after ''localities,''; and

(B) by striking ''from carrying out activities'' and all that follows up to the period and inserting ''to implement the amendments made by the SKILLS Act'';

(5) in subsection (b) (as so redesignated)—

(A) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(B) by striking '', or recipient of financial assistance under any of sections 166 through 169,''; and

(C) by striking ''or grant recipient'';

(6) in subsection (c) (as so redesignated), by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(7) by inserting, after subsection (c) (as so redesignated), the following:

''(d) BEST PRACTICES COORDINATION.—The Secretary shall—

''(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act; and

''(2) evaluate and disseminate information regarding best practices and identify knowledge gaps.''.

SEC. ___42. EVALUATIONS.

Section 172 (29 U.S.C. 2917) is amended—

(1) in subsection (a), by striking ''the Secretary shall provide for the continuing evaluation of the programs and activities, including those programs and activities carried out under section 171'' and inserting ''the Secretary, through grants, contracts, or cooperative agreements, shall conduct, at least once every 5 years, an independent evaluation of the programs and activities funded under this Act'';

(2) by amending subsection (a)(4) to read as follows:

''(4) the impact of receiving services and not receiving services under such programs and activities on the community, businesses, and individuals;'';

(3) by amending subsection (c) to read as follows:

''(c) TECHNIQUES.—Evaluations conducted under this section shall utilize appropriate and rigorous methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies, quasi-experimental methods, impact analysis and the use of administrative data. The Secretary shall conduct an impact analysis, as described in subsection (a)(4), of the formula grant program under subtitle B not later than 2016, and thereafter shall conduct such an analysis not less than once every 4 years.'';

(4) in subsection (e), by striking ''the Committee on Labor and Human Resources of the Senate'' and inserting ''the Committee on Health, Education, Labor, and Pensions of the Senate'';

(5) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

''(f) REDUCTION OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR LATE REPORTING.—If a report required to be transmitted to Congress under this section is not transmitted on or before the time period specified for that report, amounts authorized to be appropriated under this title shall be reduced by 10 percent for the fiscal year that begins after the date on which the final report required under this section is required to be transmitted and reduced by an additional 10 percent each subsequent fiscal year until each such report is transmitted to Congress.''; and

(6) by adding at the end, the following:

''(h) PUBLIC AVAILABILITY.—The results of the evaluations conducted under this section shall be made publicly available, including by posting such results on the Department's website.''.

CHAPTER 5—ADMINISTRATION

SEC. ___46. REQUIREMENTS AND RESTRICTIONS.

Section 181 (29 U.S.C. 2931) is amended—

(1) in subsection (b)(6), by striking '', including representatives of businesses and of labor organizations,'';

(2) in subsection (c)(2)(A), in the matter preceding clause (i), by striking ''shall'' and inserting ''may'';

(3) in subsection (e)—

(A) by striking ''training for'' and inserting ''the entry into employment, retention in employment, or increases in earnings of''; and

(B) by striking ''subtitle B'' and inserting ''this Act'';

(4) in subsection (f)(4), by striking ''134(a)(3)(B)'' and inserting ''133(a)(4)''; and

(5) by adding at the end the following:

''(g) SALARY AND BONUS LIMITATION.—

''(1) IN GENERAL.—No funds provided under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the rate prescribed in level II of the Executive Schedule under section 5315 of title 5, United States Code.

''(2) VENDORS.—The limitation described in paragraph (1) shall not apply to vendors providing goods and services as defined in OMB Circular A–133.

''(3) LOWER LIMIT.—In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in paragraph (1) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.

''(h) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Employment and Training Administration of the Department of Labor (referred to in this Act as the 'Administration') shall administer all programs authorized under title I and the Wagner-Peyser Act (29 U.S.C. 49 et seq.). The Administration shall be headed by an Assistant Secretary appointed by the President by and with the advice and consent of the Senate. Except for title II and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Administration shall be the principal agency, and the Assistant Secretary shall be the principal officer, of such Department for carrying out this Act.

''(2) QUALIFICATIONS.—The Assistant Secretary shall be an individual with substantial experience in workforce development and in workforce development management. The Assistant Secretary shall also, to the maximum extent possible, possess knowledge and have worked in or with the State or local workforce investment system or have been a member of the business community.

''(3) FUNCTIONS.—In the performance of the functions of the office, the Assistant Secretary shall be directly responsible to the Secretary or the Deputy Secretary of Labor, as determined by the Secretary. The functions of the Assistant Secretary shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Assistant Secretary. Any reference in this Act to duties to be carried out by the Assistant Secretary shall be considered to be a reference to duties to be carried out by the Secretary acting through the Assistant Secretary.''.

SEC. ___47. PROMPT ALLOCATION OF FUNDS.

Section 182 (29 U.S.C. 2932) is amended—

(1) in subsection (c)—

(A) by striking ''127 or''; and

(B) by striking '', except that'' and all that follows and inserting a period; and

(2) in subsection (e)—

(A) by striking ''sections 128 and 133'' and inserting ''section 133''; and

(B) by striking ''127 or''.

SEC. ___48. FISCAL CONTROLS; SANCTIONS.

Section 184(a)(2) (29 U.S.C. 2934(a)(2)) is amended—

(1) by striking ''(A)'' and all that follows through ''Each'' and inserting ''Each''; and

(2) by striking subparagraph (B).

SEC. ___49. REPORTS TO CONGRESS.

Section 185 (29 U.S.C. 2935) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

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

(C) by adding at the end the following:

''(4) shall have the option to submit or disseminate electronically any reports, records, plans, or other data that are required to be collected or disseminated under this title.''; and

(2) in subsection (e)(2), by inserting ''and the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate,'' after ''Secretary,''.

SEC. ___50. ADMINISTRATIVE PROVISIONS.

Section 189 (29 U.S.C. 2939) is amended—

(1) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on October 1 in the fiscal year for which the appropriation is made.''; and

(B) in paragraph (2)—

(i) in the first sentence, by striking ''each State'' and inserting ''each recipient (except as otherwise provided in this paragraph)''; and

(ii) in the second sentence, by striking ''171 or'';

(2) in subsection (i)—

(A) by striking paragraphs (2) and (3);

(B) by redesignating paragraph (4) as paragraph (2);

(C) by amending paragraph (2)(A), as so redesignated—

(i) in clause (i), by striking ''; and'' and inserting a period at the end;

(ii) by striking ''requirements of subparagraph (B)'' and all that follows through ''any of the statutory or regulatory requirements of subtitle B'' and inserting ''requirements of subparagraph (B) or (D), any of the statutory or regulatory requirements of subtitle B''; and

(iii) by striking clause (ii); and

(D) by adding at the end the following:

''(D) EXPEDITED PROCESS FOR EXTENDING APPROVED WAIVERS TO ADDITIONAL STATES.—The Secretary may establish an expedited procedure for the purpose of extending to additional States the waiver of statutory or regulatory requirements that have been approved for a State pursuant to a request under subparagraph (B), in lieu of requiring the additional States to meet the requirements of subparagraphs (B) and (C). Such procedure shall ensure that the extension of such a waiver to additional States is accompanied by appropriate conditions relating to the implementation of such waiver.

''(E) EXTERNAL CONDITIONS.—The Secretary shall not require or impose new or additional requirements, that are not specified under this Act, on a State in exchange for providing a waiver to the State or a local area in the State under this paragraph.''.

SEC. ___51. STATE LEGISLATIVE AUTHORITY.

Section 191(a) (29 U.S.C. 2941(a)) is amended—

(1) by striking ''consistent with the provisions of this title'' and inserting ''consistent with State law and the provisions of this title''; and

(2) by striking ''consistent with the terms and conditions required under this title'' and inserting ''consistent with State law and the terms and conditions required under this title''.

SEC. ___52. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended—

(1) in paragraph (7), by inserting at the end the following:

''(D) Funds received under a program by a public or private nonprofit entity that are not described in subparagraph (B), such as funds privately raised from philanthropic foundations, businesses, or other private entities, shall not be considered to be income under this title and shall not be subject to the requirements of this paragraph.'';

(2) by striking paragraph (9);

(3) by redesignating paragraphs (10) through (13) as paragraphs (9) through (12), respectively; and

(4) by adding at the end the following new paragraphs:

''(13) Funds provided under this title shall not be used to establish or operate standalone fee-for-service enterprises that compete with private sector employment agencies within the meaning of section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)), except that for purposes of this paragraph, such an enterprise does not include a one-stop center.

''(14) Any report required to be submitted to Congress, or to a Committee of Congress, under this title shall be submitted to both the chairmen and ranking minority members of the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. ___53. FEDERAL AGENCY STAFF AND RESTRICTIONS ON POLITICAL AND LOBBYING ACTIVITIES.

Subtitle E of title I (29 U.S.C. 2931 et seq.) is amended by adding at the end the following new sections:

''SEC. 196. FEDERAL AGENCY STAFF.

''The Director of the Office of Management and Budget shall—

''(1) not later than 60 days after the date of the enactment of the SKILLS Act—

''(A) identify the number of Federal government employees who, on the day before the date of enactment of the SKILLS Act, worked on or administered each of the programs and activities that were authorized under this Act or were authorized under a provision listed in section ___71 of the SKILLS Act; and

''(B) identify the number of full-time equivalent employees who on the day before that date of enactment, worked on or administered each of the programs and activities described in subparagraph (A), on functions for which the authorizing provision has been repealed, or for which an amount has been consolidated (if such employee is in a duplicate position), on or after such date of enactment;

''(2) not later than 90 after such date of enactment, publish the information described in paragraph (1) on the Office of Management and Budget website; and

''(3) not later than 1 year after such date of enactment—

''(A) reduce the workforce of the Federal Government by the number of full-time equivalent employees identified under paragraph (1)(B); and

''(B) submit to Congress a report on how the Director carried out the requirements of subparagraph (A).

''SEC. 197. RESTRICTIONS ON LOBBYING AND POLITICAL ACTIVITIES.

''(a) LOBBYING RESTRICTIONS.—

''(1) PUBLICITY RESTRICTIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), no funds provided under this Act shall be used or proposed for use, for—

''(i) publicity or propaganda purposes; or

''(ii) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to—

''(i) normal and recognized executive-legislative relationships;

''(ii) the preparation, distribution, or use of the materials described in subparagraph (A)(ii) in presentation to the Congress or any State or local legislature or legislative body (except that this subparagraph does not apply with respect to such preparation, distribution, or use in presentation to the executive branch of any State or local government); or

''(iii) such preparation, distribution, or use of such materials, that are designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.

''(2) SALARY PAYMENT RESTRICTION.—No funds provided under this Act shall be used, or proposed for use, to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before the Congress or any State government, or a State or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

''(b) POLITICAL RESTRICTIONS.—

''(1) IN GENERAL.—No funds received by a participant of a program or activity under this Act shall be used for—

''(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or

''(B) any activity to provide voters with transportation to the polls or similar assistance in connection with any such election.

''(2) RESTRICTION ON VOTER REGISTRATION ACTIVITIES.—No funds under this Act shall be used to conduct voter registration activities.

''(3) DEFINITION.—For the purposes of this subsection, the term 'participant' includes any State, local area, or government, nonprofit, or for-profit entity receiving funds under this Act.''.

CHAPTER 6—STATE UNIFIED PLAN

SEC. ___56. STATE UNIFIED PLAN.

Section 501 (20 U.S.C. 9271) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL AUTHORITY.—The Secretary shall receive and approve State unified plans developed and submitted in accordance with this section.'';

(2) by amending subsection (b) to read as follows:

''(b) STATE UNIFIED PLAN.—

''(1) IN GENERAL.—A State may develop and submit to the Secretary a State unified plan for 2 or more of the activities or programs set forth in paragraph (2). The State unified plan shall cover one or more of the activities or programs set forth in subparagraphs (A) and (B) of paragraph (2) and shall cover one or more of the activities or programs set forth in subparagraphs (C) through (N) of paragraph (2).

''(2) ACTIVITIES AND PROGRAMS.—For purposes of paragraph (1), the term 'activity or program' means any 1 of the following 14 activities or programs:

''(A) Activities and programs authorized under title I.

''(B) Activities and programs authorized under title II.

''(C) Programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 710 et seq.).

''(D) Secondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(E) Postsecondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006.

''(F) Activities and programs authorized under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

''(G) Programs and activities authorized under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

''(H) Programs authorized under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

''(I) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(J) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

''(K) Work programs authorized under section 6(o) of the Food and Nutrition Act of 1977 (7 U.S.C. 2015(o)).

''(L) Activities and programs authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(M) Activities and programs authorized under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

''(N) Activities authorized under chapter 41 of title 38, United States Code.'';

(3) by amending subsection (d) to read as follows:

''(d) APPROVAL.—

''(1) JURISDICTION.—In approving a State unified plan under this section, the Secretary shall—

''(A) submit the portion of the State unified plan covering an activity or program described in subsection (b)(2) to the head of the Federal agency who exercises administrative authority over the activity or program for the approval of such portion by such Federal agency head; or

''(B) coordinate approval of the portion of the State unified plan covering an activity or program described in subsection (b)(2) with the head of the Federal agency who exercises administrative authority over the activity or program.

''(2) TIMELINE.—A State unified plan shall be considered to be approved by the Secretary at the end of the 90-day period beginning on the day the Secretary receives the plan, unless the Secretary makes a written determination, during the 90-day period, that details how the plan is not consistent with the requirements of the Federal statute authorizing an activity or program described in subsection (b)(2) and covered under the plan or how the plan is not consistent with the requirements of subsection (c)(3).

''(3) SCOPE OF PORTION.—For purposes of paragraph (1), the portion of the State unified plan covering an activity or program shall be considered to include the plan described in subsection (c)(3) and any proposal described in subsection (e)(2), as that part and proposal relate to the activity or program.''; and

(4) by adding at the end the following:

''(e) ADDITIONAL EMPLOYMENT AND TRAINING FUNDS.—

''(1) PURPOSE.—It is the purpose of this subsection to reduce inefficiencies in the administration of federally funded State and local employment and training programs.

''(2) IN GENERAL.—In developing a State unified plan for the activities or programs described in subsection (b)(2), and subject to paragraph (4) and to the State plan approval process under subsection (d), a State may propose to consolidate the amount, in whole or part, provided for the activities or programs covered by the plan into the Workforce Investment Fund under section 132(b) to improve the administration of State and local employment and training programs.

''(3) REQUIREMENTS.—A State that has a State unified plan approved under subsection (d) with a proposal for consolidation under paragraph (2), and that is carrying out such consolidation, shall—

''(A) in providing an activity or program for which an amount is consolidated into the Workforce Investment Fund—

''(i) continue to meet the program requirements, limitations, and prohibitions of any Federal statute authorizing the activity or program; and

''(ii) meet the intent and purpose for the activity or program; and

''(B) continue to make reservations and allotments under subsections (a) and (b) of section 133.

''(4) EXCEPTIONS.—A State may not consolidate an amount under paragraph (2) that is allocated to the State under—

''(A) the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.); or

''(B) title I of the Rehabilitation Act of 1973 (29 U.S.C. 710 et seq.).''.

Subtitle B—Adult Education and Family Literacy Education

SEC. ___61. AMENDMENT.

Title II (20 U.S.C. 9201 et seq.) is amended to read as follows:

''TITLE II—ADULT EDUCATION AND FAMILY LITERACY EDUCATION

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Adult Education and Family Literacy Education Act'.

''SEC. 202. PURPOSE.

''It is the purpose of this title to provide instructional opportunities for adults seeking to improve their literacy skills, including their basic reading, writing, speaking, and mathematics skills, and support States and local communities in providing, on a voluntary basis, adult education and family literacy education programs, in order to—

''(1) increase the literacy of adults, including the basic reading, writing, speaking, and mathematics skills, to a level of proficiency necessary for adults to obtain employment and self-sufficiency and to successfully advance in the workforce;

''(2) assist adults in the completion of a secondary school education (or its equivalent) and the transition to a postsecondary educational institution;

''(3) assist adults who are parents to enable them to support the educational development of their children and make informed choices regarding their children's education including, through instruction in basic reading, writing, speaking, and mathematics skills; and

''(4) assist adults who are not proficient in English in improving their reading, writing, speaking, listening, comprehension, and mathematics skills.

''SEC. 203. DEFINITIONS.

''In this title:

''(1) ADULT EDUCATION AND FAMILY LITERACY EDUCATION PROGRAMS.—The term

'adult education and family literacy education programs' means a sequence of academic instruction and educational services below the postsecondary level that increase an individual's ability to read, write, and speak English and perform mathematical computations leading to a level of proficiency equivalent to at least a secondary school completion that is provided for individuals—

''(A) who are at least 16 years of age;

''(B) who are not enrolled or required to be enrolled in secondary school under State law; and

''(C) who—

''(i) lack sufficient mastery of basic reading, writing, speaking, and mathematics skills to enable the individuals to function effectively in society;

''(ii) do not have a secondary school diploma or its equivalent and have not achieved an equivalent level of education; or

''(iii) are English learners.

''(2) ELIGIBLE AGENCY.—The term 'eligible agency'—

''(A) means the primary entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and family literacy education programs in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively; and

''(B) may be the State educational agency, the State agency responsible for administering workforce investment activities, or the State agency responsible for administering community or technical colleges.

''(3) ELIGIBLE PROVIDER.—The term 'eligible provider' means an organization of demonstrated effectiveness that is—

''(A) a local educational agency;

''(B) a community-based or faith-based organization;

''(C) a volunteer literacy organization;

''(D) an institution of higher education;

''(E) a public or private educational agency;

''(F) a library;

''(G) a public housing authority;

''(H) an institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education, basic skills, and family literacy education programs to adults and families; or

''(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

''(4) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term 'English language acquisition program' means a program of instruction—

''(A) designed to help English learners achieve competence in reading, writing, speaking, and comprehension of the English language; and

''(B) that may lead to—

''(i) attainment of a secondary school diploma or its recognized equivalent;

''(ii) transition to success in postsecondary education and training; and

''(iii) employment or career advancement.

''(5) FAMILY LITERACY EDUCATION PROGRAM.—The term 'family literacy education program' means an educational program that—

''(A) assists parents and students, on a voluntary basis, in achieving the purpose of this title as described in section 202; and

''(B) is of sufficient intensity in terms of hours and of sufficient quality to make sustainable changes in a family, is evidence-based, and, for the purpose of substantially increasing the ability of parents and children to read, write, and speak English, integrates—

''(i) interactive literacy activities between parents and their children;

''(ii) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

''(iii) parent literacy training that leads to economic self-sufficiency; and

''(iv) an age-appropriate education to prepare children for success in school and life experiences.

''(6) GOVERNOR.—The term 'Governor' means the chief executive officer of a State or outlying area.

''(7) INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990).

''(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.

''(8) ENGLISH LEARNER.—The term 'English learner' means an adult or out-of-school youth who has limited ability in reading, writing, speaking, or understanding the English language, and—

''(A) whose native language is a language other than English; or

''(B) who lives in a family or community environment where a language other than English is the dominant language.

''(9) INTEGRATED EDUCATION AND TRAINING.—The term 'integrated education and training' means services that provide adult education and literacy activities contextually and concurrently with workforce preparation activities and workforce training for a specific occupation or occupational cluster. Such services may include offering adult education services concurrent with postsecondary education and training, including through co-instruction.

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

''(11) LITERACY.—The term 'literacy' means an individual's ability to read, write, and speak in English, compute, and solve problems at a level of proficiency necessary to obtain employment and to successfully make the transition to postsecondary education.

''(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(13) OUTLYING AREA.—The term 'outlying area' has the meaning given the term in section 101 of this Act.

''(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' means—

''(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

''(B) a tribally controlled community college; or

''(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(16) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(17) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(18) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program that is offered in collaboration between eligible providers and employers or employee organizations for the purpose of improving the productivity of the workforce through the improvement of reading, writing, speaking, and mathematics skills.

"SEC. 204. HOME SCHOOLS.

''Nothing in this title shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in adult education and family literacy education activities under this title.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title, $606,294,933 for fiscal year 2015 and for each of the 6 succeeding fiscal years.

"Subtitle A—Federal Provisions

"SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

''(a) RESERVATION OF FUNDS.—From the sums appropriated under section 205 for a fiscal year, the Secretary shall reserve 2.0 percent to carry out section 242.

''(b) GRANTS TO ELIGIBLE AGENCIES.—

''(1) IN GENERAL.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g).

''(2) PURPOSE OF GRANTS.—The Secretary may award a grant under paragraph (1) only if the eligible agency involved agrees to expend the grant in accordance with the provisions of this title.

''(c) ALLOTMENTS.—

''(1) INITIAL ALLOTMENTS.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224—

''(A) $100,000, in the case of an eligible agency serving an outlying area; and

''(B) $250,000, in the case of any other eligible agency.

''(2) ADDITIONAL ALLOTMENTS.—From the sums appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sums as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

''(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

''(1) is at least 16 years of age;

''(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

''(3) does not have a secondary school diploma or its recognized equivalent; and

''(4) is not enrolled in secondary school.

''(e) SPECIAL RULE.—

''(1) IN GENERAL.—From amounts made available under subsection (c) for the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title as determined by the Secretary.

''(2) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this title until an agreement for

the extension of United States education assistance under the Compact of Free Association for the Republic of Palau becomes effective.

''(f) HOLD-HARMLESS PROVISIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraph (2), for—

''(A) fiscal year 2015, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for fiscal year 2012 under this title; and

''(B) fiscal year 2016 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

''(2) RATABLE REDUCTION.—If, for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratable reduce the payments to all eligible agencies, as necessary.

''(g) REALLOTMENT.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

''SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

''Programs and activities authorized under this title are subject to the performance accountability provisions described in paragraphs (2)(A) and (3) of section 136(b) and may, at a State's discretion, include additional indicators identified in the State plan approved under section 224.

''Subtitle B—State Provisions

''SEC. 221. STATE ADMINISTRATION.

''Each eligible agency shall be responsible for the following activities under this title:

''(1) The development, submission, implementation, and monitoring of the State plan.

''(2) Consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title.

''(3) Coordination and avoidance of duplication with other Federal and State education, training, corrections, public housing, and social service programs.

''SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

''(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under this title for a fiscal year—

''(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of such amount shall be available to carry out section 225;

''(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

''(3) shall use not more than 5 percent of the grant funds, or $65,000, whichever is greater, for the administrative expenses of the eligible agency.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b), each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and family literacy education programs for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

''(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and family literacy education programs in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

''(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and family literacy education programs in the State.

''(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and family literacy education programs in a manner that is consistent with the purpose of this title.

''SEC. 223. STATE LEADERSHIP ACTIVITIES.

''(a) IN GENERAL.—Each eligible agency may use funds made available under section 222(a)(2) for any of the following adult education and family literacy education programs:

''(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b).

''(2) The provision of technical assistance to eligible providers of adult education and family literacy education programs, including for the development and dissemination of evidence based research instructional practices in reading, writing, speaking, mathematics, and English language acquisition programs.

''(3) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this title.

''(4) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.

''(5) The provision of technology assistance, including staff training, to eligible providers of adult education and family literacy education programs, including distance education activities, to enable the eligible providers to improve the quality of such activities.

''(6) The development and implementation of technology applications or distance education, including professional development to support the use of instructional technology.

''(7) Coordination with other public programs, including programs under title I of this Act, and other welfare-to-work, workforce development, and job training programs.

''(8) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and family literacy education programs, for adults enrolled in such activities.

''(9) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education.

''(10) Activities to promote workplace literacy programs.

''(11) Other activities of statewide significance, including assisting eligible providers in achieving progress in improving the skill levels of adults who participate in programs under this title.

''(12) Integration of literacy, instructional, and occupational skill training and promotion of linkages with employees.

''(b) COORDINATION.—In carrying out this section, eligible agencies shall coordinate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

''(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

''SEC. 224. STATE PLAN.

''(a) 3-YEAR PLANS.—

''(1) IN GENERAL.—Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 3-year State plan.

''(2) STATE UNIFIED PLAN.—The eligible agency may submit the State plan as part of a State unified plan described in section 501.

''(b) PLAN CONTENTS.—The eligible agency shall include in the State plan or any revisions to the State plan—

''(1) an objective assessment of the needs of individuals in the State or outlying area for adult education and family literacy education programs, including individuals most in need or hardest to serve;

''(2) a description of the adult education and family literacy education programs that will be carried out with funds received under this title;

''(3) an assurance that the funds received under this title will not be expended for any purpose other than for activities under this title;

''(4) a description of how the eligible agency will annually evaluate and measure the effectiveness and improvement of the adult education and family literacy education programs funded under this title using the indicators of performance described in section 136, including how the eligible agency will conduct such annual evaluations and measures for each grant received under this title;

''(5) a description of how the eligible agency will fund local activities in accordance with the measurable goals described in section 231(d);

''(6) an assurance that the eligible agency will expend the funds under this title only in a manner consistent with fiscal requirements in section 241;

''(7) a description of the process that will be used for public participation and comment with respect to the State plan, which—

''(A) shall include consultation with the State workforce investment board, the State board responsible for administering community or technical colleges, the Governor, the State educational agency, the State board or agency responsible for administering block grants for temporary assistance to needy families under title IV of the Social Security Act, the State council on disabilities, the State vocational rehabilitation agency, and other State agencies that promote the improvement of adult education and family literacy education programs, and direct providers of such programs; and

''(B) may include consultation with the State agency on higher education, institutions responsible for professional development of adult education and family literacy education programs instructors, representatives of business and industry, refugee assistance programs, and faith-based organizations;

''(8) a description of the eligible agency's strategies for serving populations that include, at a minimum—

''(A) low-income individuals;

''(B) individuals with disabilities;

''(C) the unemployed;

''(D) the underemployed; and

''(E) individuals with multiple barriers to educational enhancement, including English learners;

''(9) a description of how the adult education and family literacy education programs that will be carried out with any funds received under this title will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency;

''(10) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1), including—

''(A) how the State will build the capacity of community-based and faith-based organizations to provide adult education and family literacy education programs; and

''(B) how the State will increase the participation of business and industry in adult education and family literacy education programs;

''(11) an assessment of the adequacy of the system of the State or outlying area to ensure teacher quality and a description of how the State or outlying area will use funds received under this subtitle to improve teacher quality, including evidence-based professional development to improve instruction; and

''(12) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education that prepares students to enter postsecondary education without the need for remediation upon completion of secondary school equivalency programs.

''(c) PLAN REVISIONS.—When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions of the State plan to the Secretary.

''(d) CONSULTATION.—The eligible agency shall—

''(1) submit the State plan, and any revisions to the State plan, to the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, or outlying area for review and comment; and

''(2) ensure that any comments regarding the State plan by the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, and any revision to the State plan, are submitted to the Secretary.

''(e) PLAN APPROVAL.—The Secretary shall—

''(1) approve a State plan within 90 days after receiving the plan unless the Secretary makes a written determination within 30 days after receiving the plan that the plan does not meet the requirements of this section or is inconsistent with specific provisions of this subtitle; and

''(2) not finally disapprove of a State plan before offering the eligible agency the opportunity, prior to the expiration of the 30-day period beginning on the date on which the eligible agency received the written determination described in paragraph (1), to review the plan and providing technical assistance in order to assist the eligible agency in meeting the requirements of this subtitle.

''SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

''(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

''(1) basic skills education;

''(2) special education programs as determined by the eligible agency;

''(3) reading, writing, speaking, and mathematics programs;

''(4) secondary school credit or diploma programs or their recognized equivalent; and

''(5) integrated education and training.

''(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

''(d) DEFINITIONS.—In this section:

''(1) CORRECTIONAL INSTITUTION.—The term 'correctional institution' means any—

''(A) prison;

''(B) jail;

''(C) reformatory;

''(D) work farm;

''(E) detention center; or

''(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

''(2) CRIMINAL OFFENDER.—The term 'criminal offender' means any individual who is charged with, or convicted of, any criminal offense.

''Subtitle C—Local Provisions

''SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

''(a) GRANTS AND CONTRACTS.—From grant funds made available under section 222(a)(1), each eligible agency shall award multi-year grants or contracts, on a competitive basis, to eligible providers within the State or outlying area that meet the conditions and requirements of this title to enable the eligible providers to develop, implement, and improve adult education and family literacy education programs within the State.

''(b) LOCAL ACTIVITIES.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to establish or operate—

''(1) programs that provide adult education and literacy activities;

''(2) programs that provide integrated education and training activities; or

''(3) credit-bearing postsecondary coursework.

''(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

''(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and

''(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

''(d) MEASURABLE GOALS.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to demonstrate—

''(1) the eligible provider's measurable goals for participant outcomes to be achieved annually on the core indicators of performance described in section 136(b)(2)(A);

''(2) the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, the success of the eligible provider receiving funding under this title in exceeding its performance goals in the prior year;

''(3) the commitment of the eligible provider to serve individuals in the community who are the most in need of basic academic skills instruction services, including individuals with disabilities and individuals who are low-income or have minimal reading, writing, speaking, and mathematics skills, or are English learners;

''(4) the program is of sufficient intensity and quality for participants to achieve substantial learning gains;

''(5) educational practices are evidence-based;

''(6) the activities of the eligible provider effectively employ advances in technology, and delivery systems including distance education;

''(7) the activities provide instruction in real-life contexts, including integrated education and training when appropriate, to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

''(8) the activities are staffed by well-trained instructors, counselors, and administrators who meet minimum qualifications established by the State;

''(9) the activities are coordinated with other available resources in the community, such as through strong links with elementary schools and secondary schools, postsecondary educational institutions, local workforce investment boards, one-stop centers, job training programs, community-based and faith-based organizations, and social service agencies;

''(10) the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

''(11) the activities include a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 136) and to monitor program performance;

''(12) the local communities have a demonstrated need for additional English language acquisition programs, and integrated education and training programs;

''(13) the capacity of the eligible provider to produce valid information on performance results, including enrollments and measurable participant outcomes;

''(14) adult education and family literacy education programs offer rigorous reading, writing, speaking, and mathematics content that are evidence based; and

''(15) applications of technology, and services to be provided by the eligible providers, are of sufficient intensity and duration to increase the amount and quality of learning and lead to measurable learning gains within specified time periods.

''(e) SPECIAL RULE.—Eligible providers may use grant funds under this title to serve children participating in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.

''SEC. 232. LOCAL APPLICATION.

''Each eligible provider desiring a grant or contract under this title shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

''(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

''(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and family literacy education programs; and

''(3) each of the demonstrations required by section 231(d).

''SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

''(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

''(1) at least 95 percent shall be expended for carrying out adult education and family literacy education programs; and

''(2) the remaining amount shall be used for planning, administration, personnel and professional development, development of measurable goals in reading, writing, speaking, and mathematics, and interagency coordination.

''(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider may negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

''Subtitle D—General Provisions

''SEC. 241. ADMINISTRATIVE PROVISIONS.

''Funds made available for adult education and family literacy education programs under this title shall supplement and not supplant other State or local public funds expended for adult education and family literacy education programs.

''SEC. 242. NATIONAL ACTIVITIES.

''The Secretary shall establish and carry out a program of national activities that may include the following:

''(1) Providing technical assistance to eligible entities, on request, to—

''(A) improve their fiscal management, research-based instruction, and reporting requirements to carry out the requirements of this title;

''(B) improve its performance on the core indicators of performance described in section 136;

''(C) provide adult education professional development; and

''(D) use distance education and improve the application of technology in the classroom, including instruction in English language acquisition for English learners.

''(2) Providing for the conduct of research on national literacy basic skill acquisition levels among adults, including the number of adult English learners functioning at different levels of reading proficiency.

''(3) Improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, State, and local levels.

''(4) Determining how participation in adult education, English language acquisition, and family literacy education programs prepares individuals for entry into and success in postsecondary education and employment, and in the case of prison-based services, the effect on recidivism.

''(5) Evaluating how different types of providers, including community and faith-based organizations or private for-profit agencies measurably improve the skills of participants in adult education, English language acquisition, and family literacy education programs.

''(6) Identifying model integrated basic and workplace skills education programs, including programs for English learners coordinated literacy and employment services, and effective strategies for serving adults with disabilities.

''(7) Initiating other activities designed to improve the measurable quality and effectiveness of adult education, English language acquisition, and family literacy education programs nationwide.''.

Subtitle C—Amendments to the Wagner-Peyser Act

SEC. ___66. AMENDMENTS TO THE WAGNER-PEYSER ACT.

Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended to read as follows:

''SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

''(a) SYSTEM CONTENT.—

''(1) IN GENERAL.—The Secretary of Labor (referred to in this section as the 'Secretary'), in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

''(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

''(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

''(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

''(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

''(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

''(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

''(i) shall be current and comprehensive;

''(ii) shall meet the needs identified through the consultations described in subparagraphs (C) and (D) of subsection (e)(1); and

''(iii) shall meet the needs for the information identified in section 121(e)(1)(E) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)(1)(E));

''(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

''(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

''(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

''(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

''(i) national, State, and local policymaking;

''(ii) implementation of Federal policies (including allocation formulas);

''(iii) program planning and evaluation; and

''(iv) researching labor market dynamics;

''(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

''(H) programs of—

''(i) training for effective data dissemination;

''(ii) research and demonstration; and

''(iii) programs and technical assistance.

''(2) INFORMATION TO BE CONFIDENTIAL.—

''(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

''(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

''(ii) disclose to the public any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning an individual subject to be reasonably inferred by either direct or indirect means; or

''(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i),

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

''(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

''(b) SYSTEM RESPONSIBILITIES.—

''(1) IN GENERAL.—The workforce and labor market information system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

''(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

''(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

''(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

''(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

''(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

''(E) Establish procedures for the system to ensure that—

''(i) such data and information are timely;

''(ii) paperwork and reporting for the system are reduced to a minimum; and

''(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels.

''(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary is authorized to assist in the development of national electronic tools that may be used to facilitate the delivery of work ready services described in section 134(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)(2)) and to provide workforce and labor market information to individuals through the one-stop delivery systems described in section 121 and through other appropriate delivery systems.

''(d) COORDINATION WITH THE STATES.—

''(1) IN GENERAL.—The Secretary, working through the Bureau of Labor Statistics and the Employment and Training Administration, shall regularly consult with representatives of State agencies carrying out workforce information activities regarding strategies for improving the workforce and labor market information system.

''(2) FORMAL CONSULTATIONS.—At least twice each year, the Secretary, working through the Bureau of Labor Statistics, shall conduct formal consultations regarding programs carried out by the Bureau of Labor Statistics with representatives of each of the Federal regions of the Bureau of Labor Statistics, elected (pursuant to a process established by the Secretary) from the State directors affiliated with State agencies that perform the duties described in subsection (e)(1).

''(e) STATE RESPONSIBILITIES.—

''(1) IN GENERAL.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

''(A) be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system;

''(B) establish a process for the oversight of such system;

''(C) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

''(D) consult with State educational agencies and local educational agencies concerning the provision of workforce and labor market information in order to meet the needs of secondary school and postsecondary school students who seek such information;

''(E) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

''(F) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

''(G) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

''(H) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

''(I) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;

''(J) participate in the development of, and submit to the Secretary, an annual plan to carry out the requirements and authorities of this subsection; and

''(K) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(f)(2)) to assist the State and other States in measuring State progress on State performance measures.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a Governor to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

''(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $63,473,000 for fiscal year 2015 and each of the 6 succeeding fiscal years.''.

Subtitle D—Repeals and Conforming Amendments

SEC. ___71. REPEALS.

The following provisions are repealed:

(1) Chapter 4 of subtitle B of title I, and sections 123, 155, 166, 167, 168, 169, 171, 173, 173A, 174, 192, 194, 502, 503, and 506 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of the SKILLS Act.

(2) Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(3) Sections 1 through 14 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(4) The Twenty-First Century Workforce Commission Act (29 U.S.C. 2701 note).

(5) Public Law 91–378, 16 U.S.C. 1701 et seq. (popularly known as the ''Youth Conservation Corps Act of 1970'').

(6) Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151).

(7) The Women in Apprenticeship and Nontraditional Occupations Act (29 U.S.C. 2501 et seq.).

(8) Sections 4103A and 4104 of title 38, United States Code.

SEC. ___72. AMENDMENTS TO OTHER LAWS.

(a) AMENDMENTS TO THE FOOD AND NUTRITION ACT OF 2008.—

(1) DEFINITION.—Section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)) is amended—

(A) by striking ''means (1) the agency'' and inserting the following: ''means—

''(A) the agency'';

(B) by striking ''programs, and (2) the tribal'' and inserting the following: ''programs;

''(B) the tribal''; and

(C) by striking ''this Act.'' and inserting the following: ''this Act; and

''(C) in the context of employment and training activities under section 6(d)(4), a State board as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).''.

(2) ELIGIBLE HOUSEHOLDS.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (d)(14) by striking ''section 6(d)(4)(I)'' and inserting ''section 6(d)(4)(C)'', and

(B) in subsection (g)(3), in the first sentence, by striking ''constitutes adequate participation in an employment and training program under section 6(d)'' and inserting ''allows the individual to participate in employment and training activities under section 6(d)(4)''.

(3) ELIGIBILITY DISQUALIFICATIONS.—Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended to read as follows:

''(D) EMPLOYMENT AND TRAINING.—

''(i) IMPLEMENTATION.—Each State agency shall provide employment and training services authorized under section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864) to eligible members of households participating in the supplemental nutrition assistance program in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

''(ii) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—Consistent with subparagraph (A), employment and training services shall be provided through the statewide workforce development system, including the one-stop delivery system authorized by the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(iii) REIMBURSEMENTS.—

''(I) ACTUAL COSTS.—The State agency shall provide payments or reimbursement to participants served under this paragraph for—

''(aa) the actual costs of transportation and other actual costs (other than dependent care costs) that are reasonably necessary and directly related to the individual participating in employment and training activities; and

''(bb) the actual costs of such dependent care expenses as are determined by the State agency to be necessary for the individual to participate in employment and training activities (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of that Act is in operation), except that no such payment or reimbursement shall exceed the applicable local market rate.

''(II) SERVICE CONTRACTS AND VOUCHERS.—In lieu of providing reimbursements or payments for dependent care expenses under clause (i), a State agency may, at the option of the State agency, arrange for dependent care through providers by the use of purchase of service contracts or vouchers or by providing vouchers to the household.

''(III) VALUE OF REIMBURSEMENTS.—The value of any dependent care services provided for or arranged under clause (ii), or any amount received as a payment or reimbursement under clause (i), shall—

''(aa) not be treated as income for the purposes of any other Federal or federally assisted program that bases eligibility for, or the amount of benefits on, need; and

''(bb) not be claimed as an employment-related expense for the purposes of the credit provided under section 21 of the Internal Revenue Code of 1986 (26 U.S.C. 21).''.

(4) ADMINISTRATION.—Section 11(e)(19) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(11) is amended to read as follows:

''(S) the plans of the State agency for providing employment and training services under section 6(d)(4);''.

(5) ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL.—Section 16(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''carry out employment and training programs'' and inserting ''provide employment and training services to eligible households under section 6(d)(4)''; and

(ii) in subparagraph (D), by striking ''operating an employment and training program'' and inserting ''providing employment and training services consistent with section 6(d)(4)'';

(B) in paragraph (3)—

(i) by striking ''participation in an employment and training program'' and inserting ''the individual participating in employment and training activities''; and

(ii) by striking ''section 6(d)(4)(I)(i)(II)'' and inserting ''section 6(d)(4)(C)(i)(II)'';

(C) in paragraph (4), by striking ''for operating an employment and training program'' and inserting ''to provide employment and training services''; and

(D) by striking paragraph (5) and inserting the following:

''(E) MONITORING.—

''(i) IN GENERAL.—The Secretary, in conjunction with the Secretary of Labor, shall monitor each State agency responsible for administering employment and training services under section 6(d)(4) to ensure funds are being spent effectively and efficiently.

''(ii) ACCOUNTABILITY.—Each program of employment and training receiving funds under section 6(d)(4) shall be subject to the requirements of the performance accountability system, including having to meet the State performance measures described in section 136 of the Workforce Investment Act (29 U.S.C. 2871).''.

(6) RESEARCH, DEMONSTRATION, AND EVALUATIONS.—Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B)(iv)(III)(dd), by striking '', (4)(F)(i), or (4)(K)'' and inserting ''or (4)''; and

(ii) by striking paragraph (3); and

(B) in subsection (g), in the first sentence in the matter preceding paragraph (1)—

(i) by striking ''programs established'' and inserting ''activities provided to eligible households''; and

(ii) by inserting '', in conjunction with the Secretary of Labor,'' after ''Secretary''.

(7) MINNESOTA FAMILY INVESTMENT PROJECT.—Section 22(b)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(b)(4)) is amended by striking ''equivalent to those offered under the employment and training program''.

(b) AMENDMENTS TO SECTION 412 OF THE IMMIGRATION AND NATIONALITY ACT.—

(1) CONDITIONS AND CONSIDERATIONS.—Section 412(a) of the Immigration and Nationality Act (8 U.S.C. 1522(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by striking ''make available sufficient resources for employment training and placement'' and inserting ''provide refugees with the opportunity to access employment and training services, including job placement,''; and

(ii) in subparagraph (B)(ii), by striking ''services;'' and inserting ''services provided through the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);'';

(B) in paragraph (2)(C)(iii)(II), by inserting ''and training'' after ''employment'';

(C) in paragraph (6)(A)(ii)—

(i) by striking ''insure'' and inserting ''ensure'';

(ii) by inserting ''and training'' after ''employment''; and

(iii) by inserting after ''available'' the following: ''through the one-stop delivery system under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841)''; and

(D) in paragraph (9), by inserting ''the Secretary of Labor,'' after ''Education,''.

(2) PROGRAM OF INITIAL RESETTLEMENT.—Section 412(b)(2) of such Act (8 U.S.C. 1522(b)(2)) is amended—

(A) by striking ''orientation, instruction'' and inserting ''orientation and instruction''; and

(B) by striking '', and job training for refugees, and such other education and training of refugees, as facilitates'' and inserting ''for refugees to facilitate''.

(3) PROJECT GRANTS AND CONTRACTS FOR SERVICES FOR REFUGEES.—Section 412(c) of such Act (8 U.S.C. 1522(c)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i), by inserting ''and training'' after ''employment''; and

(ii) by striking subparagraph (C);

(B) in paragraph (2)(B), by striking ''paragraph—'' and all that follows through ''in a manner'' and inserting ''paragraph in a manner''; and

(C) by adding at the end the following:

''(C) In carrying out this section, the Director shall ensure that employment and training services are provided through the statewide workforce development system, as appropriate, authorized by the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.). Such action may include—

''(i) making employment and training activities described in section 134 of such Act (29 U.S.C. 2864) available to refugees; and

''(ii) providing refugees with access to a one-stop delivery system established under section 121 of such Act (29 U.S.C. 2841).''.

(4) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO REFUGEES.—Section 412(e) of such Act (8 U.S.C. 1522(e)) is amended—

(A) in paragraph (2)(A)(i), by inserting ''and training'' after ''providing employment''; and

(B) in paragraph (3), by striking ''The'' and inserting ''Consistent with subsection (c)(3), the''.

(c) AMENDMENTS RELATING TO THE SECOND CHANCE ACT OF 2007.—

(1) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231 of the Second Chance Act of 2007 (42 U.S.C. 17541) is amended—

(A) in subsection (a)(1)(E)—

(i) by inserting ''the Department of Labor and'' before ''other Federal agencies''; and

(ii) by inserting ''State and local workforce investment boards,'' after ''community-based organizations,'';

(B) in subsection (c)—

(i) in paragraph (2), by striking at the end ''and'';

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

(iii) by adding at the end the following new paragraph:

''(D) to coordinate reentry programs with the employment and training services provided through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.).''; and

(C) in subsection (d), by adding at the end the following new paragraph:

''(F) INTERACTION WITH THE WORKFORCE INVESTMENT SYSTEM.—

''(i) IN GENERAL.—In carrying out this section, the Director shall ensure that employment and training services, including such employment and services offered through reentry programs, are provided, as appropriate, through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), which may include—

''(I) making employment and training services available to prisoners prior to and immediately following the release of such prisoners; or

''(II) providing prisoners with access by remote means to a one-stop delivery system under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841) in the State in which the prison involved is located.

''(ii) SERVICE DEFINED.—In this paragraph, the term 'employment and training services' means those services described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864) offered by the Bureau of Prisons, including—

''(I) the skills assessment described in subsection (a)(1)(A);

''(II) the skills development plan described in subsection (a)(1)(B); and

''(III) the enhancement, development, and implementation of reentry and skills development programs.''.

(2) DUTIES OF THE BUREAU OF PRISONS.—Section 4042(a) of title 18, United States Code, is amended—

(A) by redesignating subparagraphs (D) and (E), as added by section 231(d)(1)(C) of the Second Chance Act of 2007 (Public Law 110–199; 122 Stat. 685), as paragraphs (6) and (7), respectively, and adjusting the margin accordingly;

(B) in paragraph (6), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the margin accordingly;

(C) in paragraph (7), as so redesignated—

(i) in clause (ii), by striking ''Employment'' and inserting ''Employment and training services (as defined in paragraph (6) of section 231(d) of the Second Chance Act of 2007), including basic skills attainment, consistent with such paragraph''; and

(ii) by striking clause (iii); and

(D) by redesignating clauses (i), (ii), (iv), (v), (vi), and (vii) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively, and adjusting the margin accordingly.

(d) AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''vocational'' and inserting ''career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and training'';

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

''(D) coordinating employment and training services provided through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), including a one-stop delivery system under section 121 of such Act (29 U.S.C. 2841), for offenders upon release from prison, jail, or a juvenile facility, as appropriate;'';

(2) in subsection (d)(2), by inserting '', including local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832),'' after ''nonprofit organizations'';

(3) in subsection (e)—

(A) in paragraph (3), by striking ''victims services, and employment services'' and inserting ''and victim services'';

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

''(D) provides employment and training services through the statewide workforce investment system under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), including a one-stop delivery system under section 121 of such Act (29 U.S.C. 2841);''; and

(4) in subsection (k)—

(A) in paragraph (1)(A), by inserting '', in accordance with paragraph (2)'' after ''under this section'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph:

''(B) EMPLOYMENT AND TRAINING.—The Attorney General shall require each grantee under this section to measure the core indicators of performance as described in section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)) with respect to the program of such grantee funded with a grant under this section.''.

(e) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended—

(1) in section 3672(d)(1), by striking ''disabled veterans' outreach program specialists under section 4103A'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998'';

(2) in the table of sections at the beginning of chapter 41, by striking the items relating to sections 4103A and 4104;

(3) in section 4102A—

(A) in subsection (b)—

(i) by striking paragraphs (5), (6), and (7); and

(ii) by redesignating paragraph (8) as paragraph (5);

(B) by striking subsections (c) and (h);

(C) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f); and

(D) in subsection (e)(1) (as so redesignated)—

(i) by striking '', including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State''; and

(ii) by striking ''for purposes of subsection (c)'';

(4) in section 4104A—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(i) the appropriate veteran employment specialist (in carrying out the functions described in section 134(f) of the Workforce Investment Act of 1998);''; and

(B) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

''(i) collaborate with the appropriate veteran employment specialist (as described in section 134(f)) and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));'';

(5) in section 4109—

(A) in subsection (a), by striking ''disabled veterans' outreach program specialists and local veterans' employment representative'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(B) in subsection (d)(1), by striking ''disabled veterans' outreach program specialists and local veterans' employment representatives'' and inserting ''veteran employment specialists appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(6) in section 4112(d)—

(A) in paragraph (1), by striking ''disabled veterans' outreach program specialist'' and inserting ''veteran employment specialist appointed under section 134(f) of the Workforce Investment Act of 1998''; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(f) COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—Section 104(k)(6)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(6)(A)) is amended by striking ''training, research, and'' and inserting ''research and''.

SEC. ____73. CONFORMING AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 1(b) is amended to read as follows:

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

''Sec. 1. Short title; table of contents.

''TITLE I—WORKFORCE INVESTMENT SYSTEMS

''Subtitle A—Workforce Investment Definitions

''Sec. 101. Definitions.

''Subtitle B—Statewide and Local Workforce Investment Systems

''Sec. 106. Purpose.

''CHAPTER 1—STATE PROVISIONS

''Sec. 111. State workforce investment boards.
''Sec. 112. State plan.

''CHAPTER 2—LOCAL PROVISIONS

''Sec. 116. Local workforce investment areas.
''Sec. 117. Local workforce investment boards.
''Sec. 118. Local plan.

''CHAPTER 3—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS

''Sec. 121. Establishment of one-stop delivery systems.
''Sec. 122. Identification of eligible providers of training services.

''CHAPTER 5—EMPLOYMENT AND TRAINING ACTIVITIES

''Sec. 131. General authorization.
''Sec. 132. State allotments.
''Sec. 133. Within State allocations.
''Sec. 134. Use of funds for employment and training activities.

''CHAPTER 6—GENERAL PROVISIONS

''Sec. 136. Performance accountability system.
''Sec. 137. Authorization of appropriations.

''Subtitle C—Job Corps

''Sec. 141. Purposes.
''Sec. 142. Definitions.
''Sec. 143. Establishment.
''Sec. 144. Individuals eligible for the Job Corps.
''Sec. 145. Recruitment, screening, selection, and assignment of enrollees.
''Sec. 146. Enrollment.
''Sec. 147. Job Corps centers.
''Sec. 148. Program activities.
''Sec. 149. Counseling and job placement.
''Sec. 150. Support.
''Sec. 151. Operations.
''Sec. 152. Standards of conduct.
''Sec. 153. Community participation.
''Sec. 154. Workforce councils.
''Sec. 156. Technical assistance to centers.
''Sec. 157. Application of provisions of Federal law.
''Sec. 158. Special provisions.
''Sec. 159. Performance accountability and management.
''Sec. 160. General provisions.
''Sec. 161. Authorization of appropriations.

''Subtitle D—National Programs

''Sec. 170. Technical assistance.
''Sec. 172. Evaluations.

''Subtitle E—Administration

''Sec. 181. Requirements and restrictions.
''Sec. 182. Prompt allocation of funds.
''Sec. 183. Monitoring.
''Sec. 184. Fiscal controls; sanctions.
''Sec. 185. Reports; recordkeeping; investigations.
''Sec. 186. Administrative adjudication.
''Sec. 187. Judicial review.
''Sec. 188. Nondiscrimination.
''Sec. 189. Administrative provisions.
''Sec. 190. References.
''Sec. 191. State legislative authority.
''Sec. 193. Transfer of Federal equity in State employment security real property to the States.
''Sec. 195. General program requirements.
''Sec. 196. Federal agency staff.
''Sec. 197. Restrictions on lobbying and political activities.

''Subtitle F—Repeals and Conforming Amendments

''Sec. 199. Repeals.
''Sec. 199A. Conforming amendments.

''TITLE II—ADULT EDUCATION AND FAMILY LITERACY EDUCATION

''Sec. 201. Short title.
''Sec. 202. Purpose.
''Sec. 203. Definitions.
''Sec. 204. Home schools.
''Sec. 205. Authorization of appropriations.

''Subtitle A—Federal Provisions

''Sec. 211. Reservation of funds; grants to eligible agencies; allotments.
''Sec. 212. Performance accountability system.

''Subtitle B—State Provisions

''Sec. 221. State administration.
''Sec. 222. State distribution of funds; matching requirement.
''Sec. 223. State leadership activities.
''Sec. 224. State plan.
''Sec. 225. Programs for corrections education and other institutionalized individuals.

''Subtitle C—Local Provisions

''Sec. 231. Grants and contracts for eligible providers.
''Sec. 232. Local application.
''Sec. 233. Local administrative cost limits.

''Subtitle D—General Provisions

''Sec. 241. Administrative provisions.
''Sec. 242. National activities.

''TITLE III—WORKFORCE INVESTMENT-RELATED ACTIVITIES

''Subtitle A—Wagner-Peyser Act

''Sec. 301. Definitions.
''Sec. 302. Functions.
''Sec. 303. Designation of State agencies.
''Sec. 304. Appropriations.
''Sec. 305. Disposition of allotted funds.
''Sec. 306. State plans.
''Sec. 307. Repeal of Federal advisory council.
''Sec. 308. Regulations.
''Sec. 309. Employment statistics.
''Sec. 310. Technical amendments.
''Sec. 311. Effective date.

''Subtitle B—Linkages With Other Programs

''Sec. 321. Trade Act of 1974.
''Sec. 322. Veterans' employment programs.
''Sec. 323. Older Americans Act of 1965.

''Subtitle D—Application of Civil Rights and Labor-Management Laws to the Smithsonian Institution

''Sec. 341. Application of civil rights and labor-management laws to the Smithsonian Institution.

''TITLE IV—REHABILITATION ACT AMENDMENTS OF 1998

''Sec. 401. Short title.
''Sec. 402. Title.
''Sec. 403. General provisions.
''Sec. 404. Vocational rehabilitation services.
''Sec. 405. Research and training.
''Sec. 406. Professional development and special projects and demonstrations.
''Sec. 407. National Council on Disability.
''Sec. 408. Rights and advocacy.
''Sec. 409. Employment opportunities for individuals with disabilities.
''Sec. 410. Independent living services and centers for independent living.
''Sec. 411. Repeal.
''Sec. 412. Helen Keller National Center Act.
''Sec. 413. President's Committee on Employment of People With Disabilities.
''Sec. 414. Conforming amendments.

''TITLE V—GENERAL PROVISIONS

''Sec. 501. State unified plan.
''Sec. 504. Privacy.
''Sec. 505. Buy-American requirements.
''Sec. 507. Effective date.''.

Subtitle E—Amendments to the Rehabilitation Act of 1973

SEC. ____76. FINDINGS.

Section 2(a) of the Rehabilitation Act of 1973 (29 U.S.C. 701(a)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(7) there is a substantial need to improve and expand services for students with disabilities under this Act.''.

SEC. ___77. REHABILITATION SERVICES ADMINISTRATION.

(a) REHABILITATION SERVICES ADMINISTRATION.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

(1) in section 3(a) (29 U.S.C. 702(a))—

(A) by striking ''Office of the Secretary'' and inserting ''Department of Education'';

(B) by striking ''President by and with the advice and consent of the Senate'' and inserting ''Secretary''; and

(C) by striking '', and the Commissioner shall be the principal officer,'';

(2) by striking ''Commissioner'' each place it appears (except in section 21) and inserting ''Director'';

(3) in section 12(c) (29 U.S.C. 709(c)), by striking ''Commissioner's'' and inserting ''Director's'';

(4) in section 21 (29 U.S.C. 718)—

(A) in subsection (b)(1)—

(i) by striking ''Commissioner'' the first place it appears and inserting ''Director of the Rehabilitation Services Administration'';

(ii) by striking ''(referred to in this subsection as the 'Director')''; and

(iii) by striking ''The Commissioner and the Director'' and inserting ''Both such Directors''; and

(B) by striking ''the Commissioner and the Director'' each place it appears and inserting ''both such Directors'';

(5) in the heading for subparagraph (B) of section 100(d)(2) (29 U.S.C. 720(d)(2)), by striking ''COMMISSIONER'' and inserting ''DIRECTOR'';

(6) in section 401(a)(1) (29 U.S.C. 781(a)(1)), by inserting ''of the National Institute on Disability and Rehabilitation Research'' after ''Director'';

(7) in the heading for section 706 (29 U.S.C. 796d–1), by striking ''**COMMISSIONER**'' and inserting ''**DIRECTOR**''; and

(8) in the heading for paragraph (3) of section 723(a) (29 U.S.C. 796f–2(a)), by striking ''COMMISSIONER'' and inserting ''DIRECTOR''.

(b) EFFECTIVE DATE; APPLICATION.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to the appointments of Directors of the Rehabilitation Services Administration made on or after the date of enactment of this Act, and the Directors so appointed.

SEC. ___78. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) by redesignating paragraphs (35) through (39) as paragraphs (36) through (40), respectively;

(2) in subparagraph (A)(ii) of paragraph (36) (as redesignated by paragraph (1)), by striking ''paragraph (36)(C)'' and inserting ''paragraph (37)(C)''; and

(3) by inserting after paragraph (34) the following:

''(35)(A) The term 'student with a disability' means an individual with a disability who—

''(i) is not younger than 16 and not older than 21;

''(ii) has been determined to be eligible under section 102(a) for assistance under this title; and

''(iii)(I) is eligible for, and is receiving, special education under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

''(II) is an individual with a disability, for purposes of section 504.

''(B) The term 'students with disabilities' means more than 1 student with a disability.''.

SEC. ___79. CARRYOVER.

Section 19(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 716(a)(1)) is amended by striking ''part B of title VI,''.

SEC. ___80. TRADITIONALLY UNDERSERVED POPULATIONS.

Section 21 of the Rehabilitation Act of 1973 (29 U.S.C. 718) is amended, in paragraphs (1) and (2)(A) of subsection (b), and in subsection (c), by striking ''VI,''.

SEC. ___81. STATE PLAN.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (10)—

(A) in subparagraph (B), by striking ''on the eligible individuals'' and all that follows and inserting ''of information necessary to assess the State's performance on the core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)).''; and

(B) in subparagraph (E)(ii), by striking '', to the extent the measures are applicable to individuals with disabilities'';

(2) in paragraph (11)—

(A) in subparagraph (D)(i), by inserting before the semicolon the following: '', which may be provided using alternative means of meeting participation (such as participation through video conferences and conference calls)''; and

(B) by adding at the end the following:

''(G) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit and the lead agency or implementing entity responsible for carrying out duties under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) have developed working relationships and coordinate their activities.'';

(3) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by adding ''and'' at the end; and

(III) by adding at the end the following:

''(IV) students with disabilities, including their need for transition services;'';

(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(iii) by inserting after clause (i) the following:

''(ii) include an assessment of the transition services provided under this Act, and coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), about the extent to which those 2 types of services meet the needs of individuals with disabilities;'';

(B) in subparagraph (B)(ii), by striking ''and under part B of title VI''; and

(C) in subparagraph (D)—

(i) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(ii) by inserting after clause (ii) the following:

''(iii) the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title or to postsecondary education or employment;''; and

(iii) in clause (v), as redesignated by clause (i) of this subparagraph, by striking ''evaluation standards'' and inserting ''performance standards'';

(4) in paragraph (22)—

(A) in the paragraph heading, by striking ''STATE PLAN SUPPLEMENT'';

(B) by striking ''carrying out part B of title VI, including''; and

(C) by striking ''that part to supplement funds made available under part B of'';

(5) in paragraph (24)—

(A) in the paragraph heading, by striking ''CONTRACTS'' and inserting ''GRANTS''; and

(B) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''CONTRACTS'' and inserting ''GRANTS''; and

(ii) by striking ''part A of title VI'' and inserting ''section 109A''; and

(6) by adding at the end the following:

''(25) COLLABORATION WITH INDUSTRY.—The State plan shall describe how the designated State agency will carry out the provisions of section 109A, including—

''(A) the criteria such agency will use to award grants under such section; and

''(B) how the activities carried out under such grants will be coordinated with other services provided under this title.

''(26) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance satisfactory to the Secretary that the State—

''(A) has developed and implemented strategies to address the needs identified in the assessments described in paragraph (15), and achieve the goals and priorities identified by the State in that paragraph, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

''(B) from funds reserved under section 110A, shall carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities that—

''(i) facilitate the transition of students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

''(ii) improve the achievement of post-school goals of students with disabilities, including improving the achievement through participation (as appropriate when career goals are discussed) in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

''(iii) provide career guidance, career exploration services, job search skills and strategies, and technical assistance to students with disabilities;

''(iv) support the provision of training and technical assistance to State and local educational agencies and designated State agency personnel responsible for the planning and provision of services to students with disabilities; and

''(v) support outreach activities to students with disabilities who are eligible for, and need, services under this title.''.

SEC. ___82. SCOPE OF SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

''(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment involved, including services described in clauses (i) through (iii) of section 101(a)(26)(B);'';

(2) in subsection (b), by striking paragraph (6) and inserting the following:

''(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.

''(ii) Training and technical assistance described in section 101(a)(26)(B)(iv).

''(B) Services for groups of individuals with disabilities who meet the requirements of clauses (i) and (iii) of section 7(35)(A), including services described in clauses (i), (ii), (iii), and (v) of section 101(a)(26)(B), to assist in the transition from school to post-school activities.''; and

(3) in subsection (b), by inserting at the end the following:

''(7) The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) to promote access to assistive technology for individuals with disabilities and employers.''.

SEC. ___83. STANDARDS AND INDICATORS.

(a) IN GENERAL.—Section 106 of the Rehabilitation Act of 1973 (29 U.S.C. 726) is amended—

(1) in the section heading, by striking ''**EVALUATION STANDARDS**'' and inserting ''**PERFORMANCE STANDARDS**'';

(2) by striking subsection (a) and inserting the following:

''(a) STANDARDS AND INDICATORS.—The performance standards and indicators for the vocational rehabilitation program carried out under this title—

''(1) shall be subject to paragraphs (2)(A) and (3) of section 136(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)); and

''(2) may, at a State's discretion, include additional indicators identified in the State plan submitted under section 101.''; and

(3) in subsection (b)(2)(B), by striking clause (i) and inserting the following:

''(i) on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Director, direct the State to make revisions to the plan to improve performance; and''.

(b) CONFORMING AMENDMENTS.—Section 107 of the Rehabilitation Act of 1973 (29 U.S.C. 727) is amended—

(1) in subsections (a)(1)(B) and (b)(2), by striking ''evaluation standards'' and inserting ''performance standards''; and

(2) in subsection (c)(1)(B), by striking ''an evaluation standard'' and inserting ''a performance standard''.

SEC. ___84. EXPENDITURE OF CERTAIN AMOUNTS.

Section 108(a) of the Rehabilitation Act of 1973 (29 U.S.C. 728(a)) is amended by striking ''under part B of title VI, or''.

SEC. ___85. COLLABORATION WITH INDUSTRY.

The Rehabilitation Act of 1973 is amended by inserting after section 109 (29 U.S.C. 728a) the following:

''SEC. 109A. COLLABORATION WITH INDUSTRY.

''(a) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term 'eligible entity' means a for-profit business, alone or in partnership with one or more of the following:

''(1) Community rehabilitation program providers.

''(2) Indian tribes.

''(3) Tribal organizations.

''(b) AUTHORITY.—A State shall use not less than one-half of one percent of the payment the State receives under section 111 for a fiscal year to award grants to eligible entities to pay for the Federal share of the cost of carrying out collaborative programs, to create practical job and career readiness and training programs, and to provide job placements and career advancement.

''(c) AWARDS.—Grants under this section shall—

''(1) be awarded for a period not to exceed 5 years; and

''(2) be awarded competitively.

''(d) APPLICATION.—To receive a grant under this section, an eligible entity shall submit an application to a designated State agency at such time, in such manner, and containing such information as such agency shall require. Such application shall include, at a minimum—

''(1) a plan for evaluating the effectiveness of the collaborative program;

''(2) a plan for collecting and reporting the data and information described under subparagraphs (A) through (C) of section 101(a)(10), as determined appropriate by the designated State agency; and

''(3) a plan for providing for the non-Federal share of the costs of the program.

''(e) ACTIVITIES.—An eligible entity receiving a grant under this section shall use the grant funds to carry out a program that provides one or more of the following:

''(1) Job development, job placement, and career advancement services for individuals with disabilities.

''(2) Training in realistic work settings in order to prepare individuals with disabilities for employment and career advancement in the competitive market.

''(3) Providing individuals with disabilities with such support services as may be required in order to maintain the employment and career advancement for which the individuals have received training.

''(f) ELIGIBILITY FOR SERVICES.—An individual shall be eligible for services provided under a program under this section if the individual is determined under section 102(a)(1) to be eligible for assistance under this title.

''(g) FEDERAL SHARE.—The Federal share for a program under this section shall not exceed 80 percent of the costs of the program.''.

SEC. ___86. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

''SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

''Each State shall reserve not less than 10 percent of the funds allotted to the State under section 110(a) to carry out programs or activities under sections 101(a)(26)(B) and 103(b)(6).''.

SEC. ___87. CLIENT ASSISTANCE PROGRAM.

Section 112(e)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 732(e)(1)) is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D) The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium under the Developmental Disabilities and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) to provide services in accordance with this section, as determined by the Secretary. The amount of such grants shall be the same as the amount provided to territories under this subsection.''.

SEC. ___88. RESEARCH.

Section 204(a)(2)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 764(a)(2)(A)) is amended by striking ''VI,''.

SEC. ___89. TITLE III AMENDMENTS.

Title III of the Rehabilitation Act of 1973 (29 U.S.C. 771 et seq.) is amended—

(1) in section 301(a) (21 U.S.C. 771(a))—

(A) in paragraph (2), by inserting ''and'' at the end;

(B) by striking paragraphs (3) and (4); and

(C) by redesignating paragraph (5) as paragraph (3);

(2) in section 302 (29 U.S.C. 772)—

(A) in subsection (g)—

(i) in the heading, by striking ''AND IN-SERVICE TRAINING''; and

(ii) by striking paragraph (3); and

(B) in subsection (h), by striking ''section 306'' and inserting ''section 304'';

(3) in section 303 (29 U.S.C. 773)—

(A) in subsection (b)(1), by striking ''section 306'' and inserting ''section 304''; and

(B) in subsection (c)—

(i) in paragraph (4)—

(I) by amending subparagraph (A)(ii) to read as follows:

''(ii) to coordinate activities and work closely with the parent training and information centers established pursuant to section 671 of the Individuals with Disabilities Education Act (20 U.S.C. 1471), the community parent resource centers established pursuant to section 672 of such Act (29 U.S.C. 1472), and the eligible entities receiving awards under section 673 of such Act (20 U.S.C. 1473); and''; and

(II) in subparagraph (C), by inserting '', and demonstrate the capacity for serving,'' after ''serve''; and

(ii) by adding at the end the following:

''(8) RESERVATION.—From the amount appropriated to carry out this subsection for a fiscal year, 20 percent of such amount or $500,000, whichever is less, shall be reserved to carry out paragraph (6).'';

(4) by striking sections 304 and 305 (29 U.S.C. 774, 775); and

(5) by redesignating section 306 (29 U.S.C. 776) as section 304.

SEC. ___90. REPEAL OF TITLE VI.

Title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq.) is repealed.

SEC. ___91. TITLE VII GENERAL PROVISIONS.

(a) PURPOSE.—Section 701(3) of the Rehabilitation Act of 1973 (29 U.S.C. 796(3)) is amended by striking ''State programs of supported employment services receiving assistance under part B of title VI,''.

(b) CHAIRPERSON.—Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

''(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.''.

SEC. ___92. AUTHORIZATIONS OF APPROPRIATIONS.

The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is further amended—

(1) in section 100 (29 U.S.C. 720)—

(A) in subsection (b)(1), by striking ''such sums as may be necessary for fiscal years 1999 through 2003'' and inserting ''$3,121,712,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''; and

(B) in subsection (d)(1)(B), by striking ''2003'' and inserting ''2021'';

(2) in section 110(c) (29 U.S.C. 730(c)), by amending paragraph (2) to read as follows:

''(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary, not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1) for each of fiscal years 2015 through 2020.'';

(3) in section 112(h) (29 U.S.C. 732(h)), by striking ''such sums as may be necessary for fiscal years 1999 through 2003'' and inserting ''$12,240,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(4) by amending subsection (a) of section 201 (29 U.S.C. 761(a)) to read as follows: ''(a) There are authorized to be appropriated $108,817,000 for fiscal year 2015 and each of the 6 succeeding fiscal years to carry out this title.'';

(5) in section 302(i) (29 U.S.C. 772(i)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$35,515,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(6) in section 303(e) (29 U.S.C. 773(e)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$5,325,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(7) in section 405 (29 U.S.C. 785), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$3,258,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(8) in section 502(j) (29 U.S.C. 792(j)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$7,400,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(9) in section 509(l) (29 U.S.C. 794e(l)), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$18,031,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(10) in section 714 (29 U.S.C. 796e–3), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$23,359,000 for fiscal year 2015 and each of the 6 succeeding fiscal years'';

(11) in section 727 (29 U.S.C. 796f–6), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$79,953,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''; and

(12) in section 753 (29 U.S.C. 796l), by striking ''such sums as may be necessary for each of the fiscal years 1999 through 2003'' and inserting ''$34,018,000 for fiscal year 2015 and each of the 6 succeeding fiscal years''.

SEC. ___93. CONFORMING AMENDMENTS.

Section 1(b) of the Rehabilitation Act of 1973 is amended—

(1) by inserting after the item relating to section 109 the following:

''Sec. 109A. Collaboration with industry.'';

(2) by inserting after the item relating to section 110 the following:

''Sec. 110A. Reservation for expanded transition services.'';

(3) by striking the item related to section 304 and inserting the following:

''Sec. 304. Measuring of project outcomes and performance.'';

(4) by striking the items related to sections 305 and 306;

(5) by striking the items related to title VI; and

(6) by striking the item related to section 706 and inserting the following:

''Sec. 706. Responsibilities of the Director.''.

Subtitle F—Studies by the Comptroller General

SEC. ___96. STUDY BY THE COMPTROLLER GENERAL ON EXHAUSTING FEDERAL PELL GRANTS BEFORE ACCESSING WIA FUNDS.

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) evaluates the effectiveness of subparagraph (B) of section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(B)) (as such subparagraph was in effect on the day before the date of enactment of this Act), including—

(A) a review of the regulations and guidance issued by the Secretary of Labor to State and local areas on how to comply with such subparagraph;

(B) a review of State policies to determine how local areas are required to comply with such subparagraph;

(C) a review of local area policies to determine how one-stop operators are required to comply with such subparagraph; and

(D) a review of a sampling of individuals receiving training services under section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)) to determine if, before receiving such training services, such individuals have exhausted funds received through the Federal Pell Grant program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(2) makes appropriate recommendations with respect to the matters evaluated under paragraph (1).

SEC. ___97. STUDY BY THE COMPTROLLER GENERAL ON ADMINISTRATIVE COST SAVINGS.

(a) STUDY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) determines the amount of administrative costs at the Federal and State levels for the most recent fiscal year for which satisfactory data are available for—

(A) each of the programs authorized under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) or repealed under section ___71 of this title, as such programs were in effect for such fiscal year; and

(B) each of the programs described in subparagraph (A) that have been repealed or consolidated on or after the date of enactment of this Act;

(2) determines the amount of administrative cost savings at the Federal and State levels as a result of repealing and consolidating programs by calculating the differences in the amount of administrative costs between subparagraph (A) and subparagraph (B) of paragraph (1); and

(3) estimates the administrative cost savings at the Federal and State levels for a fiscal year as a result of States consolidating amounts under section 501(e) of the Workforce Investment Act of 1998 (20 U.S.C. 9271(e)) to reduce inefficiencies in the administration of federally-funded State and local employment and training programs.

(b) DEFINITION.—For purposes of this section, the term ''administrative costs'' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

SA 2913. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS IN A MONTH FOR WHICH EMERGENCY UNEMPLOYMENT COMPENSATION IS RECEIVED.

(a) IN GENERAL.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(k) DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS.—If for any month an individual is entitled to emergency unemployment compensation under this title, such individual shall be deemed to have engaged in substantial gainful activity for such month for purposes of sections 222 and 223 of the Social Security Act.''.

(b) DATA MATCHING.—The Commissioner of Social Security shall implement the amendments made by this section using appropriate electronic data.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to months beginning after the date of the enactment of this Act.

SA 2914. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. ALTERNATIVE QUALIFICATIONS FOR FEDERAL EMPLOYMENT.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code;

(2) the term ''Director'' means the Director of the Office of Personnel Management; and

(3) the term ''individual with alternative educational experience'' means an individual who—

(A) does not have a degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(B) has received training or education in 1 or more subject areas or occupational fields from an educational provider that does not meet the requirements of such section 101(a).

(b) ESTABLISHMENT OF PILOT PROGRAM; PILOT PROGRAM SPECIFICATIONS.—

(1) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Director shall establish a pilot program to appoint to positions in the civil service individuals with alternative educational experience, in accordance with paragraph (2).

(2) PILOT PROGRAM SPECIFICATIONS.—

(A) IN GENERAL.—In carrying out the pilot program established under paragraph (1), the Director shall select positions in the civil service for which the employing agency—

(i) is accepting applications for employment as of the date of establishment of the pilot program, or is likely to accept applications for employment within 1 year of such date;

(ii) may not require an individual to have a degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to be appointed to such positions; and

(iii) shall consider an application for employment, if any, from an individual with alternative educational experience.

(B) SCOPE AND NUMBER OF POSITIONS SELECTED.—

(i) POSITIONS SELECTED.—The Director shall select not less than 25 positions under subparagraph (A) during each of fiscal years 2015 through 2019.

(ii) OCCUPATIONAL FIELDS COVERED.—The positions selected under clause (i) shall be from across not less than 10 diverse occupational fields.

(c) REPORT TO CONGRESS.—Not later than December 31, 2020, the Director shall submit to Congress a report on the pilot program established under subsection (b)(1), which shall include—

(1) the number and description of the positions selected under subsection (b)(2), including the geographic locations and occupational fields of such positions;

(2) the number of individuals with alternative educational experience whose applications were considered for a position selected under subsection (b)(2);

(3) the number of individuals with alternative educational experience who were appointed to a position selected under subsection (b)(2); and

(4) the number of individuals described in paragraph (3) who, as of the end of fiscal year 2019, with respect to the position to which the individual was appointed under the pilot program—

(A) continued to occupy the position;

(B) were promoted; or

(C) were terminated.

SA 2915. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL REGULATORY BUDGET ACT.

(a) SHORT TITLE.—This section may be cited as the ''National Regulatory Budget Act of 2014''.

(b) ESTABLISHMENT OF THE OFFICE OF REGULATORY ANALYSIS.—

(1) IN GENERAL.—Part I of title 5, United States Code, is amended by inserting after chapter 6 the following:

''CHAPTER 6A—NATIONAL REGULATORY BUDGET AND OFFICE OF REGULATORY ANALYSIS

''Sec.
''613. Definitions.
''614. Office of Regulatory Analysis; establishment; powers.
''615. Functions of Office of Regulatory Analysis; Executive branch agency compliance.
''616. Public disclosure of estimate methodology and data; privacy.
''617. National Regulatory Budget; timeline.
''618. Executive branch agency cooperation mandatory; information sharing.
''619. Enforcement.
''620. Regulatory Analysis Advisory Board.

''§ 613. Definitions

''In this chapter—

''(1) the term 'aggregate costs', with respect to a covered Federal rule, means the sum of—

''(A) the direct costs of the covered Federal rule; and

''(B) the regulatory costs of the covered Federal rule;

''(2) the term 'covered Federal rule' means—

''(A) a rule (as defined in section 551);

''(B) an information collection requirement given a control number by the Office of Management and Budget; or

''(C) guidance or a directive that—

''(i) is not described in subparagraph (A) or (B);

''(ii)(I) is mandatory in its application to regulated entities; or

''(II) represents a statement of agency position that regulated entities would reasonably construe as reflecting the enforcement or litigation position of the agency; and

''(iii) imposes not less than $25,000,000 in annual costs on regulated entities;

''(3) the term 'direct costs' means—

''(A) expenditures made by an Executive branch agency that relate to the promulgation, administration, or enforcement of a covered Federal rule; or

''(B) costs incurred by an Executive branch agency, a Government corporation, the United States Postal Service, or any other instrumentality of the Federal Government because of a covered Federal rule;

''(4) the term 'Director' means the Director of the Office of Regulatory Analysis established under section 614(b);

''(5) the term 'Executive branch agency' means—

''(A) an Executive department (as defined in section 101); and

''(B) an independent establishment (as defined in section 104);

''(6) the term 'regulated entity' means—

''(A) a for-profit private sector entity (including an individual who is in business as a sole proprietor);

''(B) a not-for-profit private sector entity; or

''(C) a State or local government; and

''(7) the term 'regulatory costs' means all costs incurred by a regulated entity because of covered Federal rules.

''§ 614. Office of Regulatory Analysis; establishment; powers

''(a) ESTABLISHMENT.—There is established in the executive branch an independent establishment to be known as the 'Office of Regulatory Analysis'.

''(b) DIRECTOR.—

''(1) ESTABLISHMENT OF POSITION.—There shall be at the head of the Office of Regulatory Analysis a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) TERM.—

''(A) IN GENERAL.—The term of office of the Director shall—

''(i) be 4 years; and

''(ii) expire on the last day of February following each Presidential election.

''(B) APPOINTMENTS PRIOR TO EXPIRATION OF TERM.—Subject to subparagraph (C), an individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of the term.

''(C) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—An individual serving as Director at the expiration of a term may continue to serve until a successor is appointed.

''(3) POWERS.—

''(A) APPOINTMENT OF DEPUTY DIRECTORS, OFFICERS, AND EMPLOYEES.—

''(i) IN GENERAL.—The Director may appoint Deputy Directors, officers, and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53.

''(ii) TERM OF DEPUTY DIRECTORS.—A Deputy Director shall serve until the expiration of the term of office of the Director who appointed the Deputy Director (and until a successor to that Director is appointed), unless sooner removed by the Director.

''(B) CONTRACTING.—

''(i) IN GENERAL.—The Director may contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such other Federal agency as the Director determines appropriate, for which payment shall be made in advance, or by reimbursement, from funds of the Office of Regulatory Analysis in such amounts as may be agreed upon by the Director and the head of the Federal agency providing the services.

''(ii) SUBJECT TO APPROPRIATIONS.—Contract authority under clause (i) shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Regulatory Analysis for each fiscal year such sums as may be necessary to enable the Office of Regulatory Analysis to carry out its duties and functions.

''§ 615. Functions of Office of Regulatory Analysis; Executive branch agency compliance

''(a) ANNUAL REPORT REQUIRED.—

''(1) IN GENERAL.—Not later than January 30 of each year, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Small Business of the House of Representatives a Report on National Regulatory Costs (referred to in this section as the 'Report') that includes the information specified under paragraph (2).

''(2) CONTENTS.—Each Report shall include–

''(A) an estimate, for the fiscal year during which the Report is submitted and for the preceding fiscal year, of—

''(i) the regulatory costs imposed by each Executive branch agency on regulated entities;

''(ii) the aggregate costs imposed by each Executive branch agency;

''(iii) the aggregate costs imposed by all Executive branch agencies combined;

''(iv) the direct costs incurred by the Federal Government because of covered Federal rules issued by each Executive branch agency;

''(v) the sum of the costs described in clauses (iii) and (iv);

''(vi) the regulatory costs imposed by each Executive branch agency on small businesses, small organizations, and small governmental jurisdictions (as those terms are defined in section 601); and

''(vii) the sum of the costs described in clause (vi);

''(B) an analysis of any major changes in estimation methodology used by the Office of Regulatory Analysis since the previous annual report;

''(C) an analysis of any major estimate changes caused by improved or inadequate data since the previous annual report;

''(D) recommendations, both general and specific, regarding—

''(i) how regulations may be streamlined, simplified, and modernized;

''(ii) regulations that should be repealed; and

''(iii) how the Federal Government may reduce the costs of regulations without diminishing the effectiveness of regulations; and

''(E) any other information that the Director determines may be of assistance to Congress in determining the National Regulatory Budget required under section 617.

''(b) REGULATORY ANALYSIS OF NEW RULES.—

''(1) REQUIREMENT.—The Director shall publish in the Federal Register and on the website of the Office of Regulatory Analysis a regulatory analysis of each proposed covered Federal rule issued by an Executive branch agency, and each proposed withdrawal or modification of a covered Federal rule by an Executive branch agency, that—

''(A) imposes costs on a regulated entity; or

''(B) reduces costs imposed on a regulated entity.

''(2) CONTENTS.—Each regulatory analysis published under paragraph (1) shall include—

''(A) an estimate of the change in regulatory cost of each proposed covered Federal rule (or proposed withdrawal or modification of a covered Federal rule); and

''(B) any other information or recommendation that the Director may choose to provide.

''(3) TIMING OF REGULATORY ANALYSIS.—

''(A) INITIAL REGULATORY ANALYSIS.—Not later than 60 days after the date on which the Director receives a copy of a proposed covered Federal rule from the head of an Executive branch agency under paragraph (4), the Director shall publish an initial regulatory analysis.

''(B) REVISED REGULATORY ANALYSIS.—The Director may publish a revised regulatory analysis at any time.

''(4) NOTICE TO DIRECTOR OF PROPOSED COVERED FEDERAL RULE.—The head of an Executive branch agency shall provide a copy of each proposed covered Federal rule to the Director in a manner prescribed by the Director.

''(c) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a covered Federal rule may not take effect earlier than 75 days after the date on which the head of the Executive branch agency proposing the covered Federal rule submits a copy of the proposed covered Federal rule to the Director in the manner prescribed by the Director under subsection (b)(4).

''(2) EXCEPTION.—If the head of the Executive branch agency proposing a covered Federal rule determines that the public health or safety or national security requires that the covered Federal rule be promulgated earlier than the date specified under paragraph (1), the head of the Executive branch agency may promulgate the covered Federal rule without regard to paragraph (1).

''§ 616. Public disclosure of estimate methodology and data; privacy

''(a) PRIVACY.—The Director shall comply with all relevant privacy laws, including—

''(1) the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note);

''(2) section 9 of title 13; and

''(3) section 6103 of the Internal Revenue Code of 1986.

''(b) DISCLOSURE.—

''(1) IN GENERAL.—To the maximum extent permitted by law, the Director shall disclose, by publication in the Federal Register and on the website of the Office of Regulatory Analysis, the methodology and data used to generate the estimates in the Report on National Regulatory Costs required under section 615.

''(2) GOAL OF DISCLOSURE.—In disclosing the methodology and data under paragraph (1), the Director shall seek to provide sufficient information so that outside researchers may replicate the results contained in the Report on National Regulatory Costs.

''§ 617. National Regulatory Budget; timeline

''(a) DEFINITION.—In this section—

''(1) the term 'annual overall regulatory cost cap' means the maximum amount of regulatory costs that all Executive branch agencies combined may impose in a fiscal year;

''(2) the term 'annual agency regulatory cost cap' means the maximum amount of regulatory costs that an Executive branch agency may impose in a fiscal year; and

''(3) the term 'National Regulatory Budget' means an Act of Congress that establishes, for a fiscal year—

''(A) the annual overall regulatory cost cap; and

''(B) an annual agency regulatory cost cap for each Executive branch agency.

''(b) COMMITTEE DEADLINES.—

''(1) REFERRAL.—Not later than March 31 of each year—

''(A) the Committee on Small Business and Entrepreneurship of the Senate shall refer to the Committee on Homeland Security and Governmental Affairs of the Senate a bill that sets forth a National Regulatory Budget for the fiscal year beginning on October 1 of that year; and

''(B) the Committee on Small Business of the House of Representatives shall refer to the Committee on Oversight and Government Reform of the House of Representatives a bill that sets forth a National Regulatory Budget for the fiscal year beginning on October 1 of that year.

''(2) REPORTING.—Not later than May 31 of each year—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate shall report a bill establishing a National Regulatory Budget for the fiscal year beginning on October 1 of that year; and

''(B) the Committee on Oversight and Government Reform of the House of Representatives shall report a bill establishing a National Regulatory Budget for the fiscal year beginning on October 1 of that year.

''(c) PASSAGE.—Not later than July 31 of each year, the House of Representatives and the Senate shall each pass a bill establishing a National Regulatory Budget for the fiscal year beginning on October 1 of that year.

''(d) PRESENTMENT.—Not later than September 15 of each year, Congress shall pass and present to the President a National Regulatory Budget for the fiscal year beginning on October 1 of that year.

''(e) DEFAULT BUDGET.—

''(1) IN GENERAL.—If a National Regulatory Budget is not enacted with respect to a fiscal year, the most recently enacted National Regulatory Budget shall apply to that fiscal year.

''(2) DEFAULT INITIAL BUDGET.—

''(A) CALCULATION.—If a National Regulatory Budget is not enacted with respect to a fiscal year, and no National Regulatory Budget has previously been enacted—

''(i) the annual agency regulatory cost cap for an Executive branch agency for the fiscal year shall be equal to the amount of regulatory costs imposed by that Executive branch agency on regulated entities during the preceding fiscal year, as estimated by the Director in the annual report submitted to Congress under section 615(a); and

''(ii) the annual overall regulatory cost cap for the fiscal year shall be equal to the sum of the amounts described in clause (i).

''(B) EFFECT.—For purposes of section 619, an annual agency regulatory cost cap described in subparagraph (A) that applies to a fiscal year shall have the same effect as if the annual agency regulatory cost cap were part of a National Regulatory Budget applicable to that fiscal year.

''(f) INITIAL BUDGET.—The first National Regulatory Budget shall be with respect to fiscal year 2016.

''§ 618. Executive branch agency cooperation mandatory; information sharing

''(a) EXECUTIVE BRANCH AGENCY COOPERATION MANDATORY.—Not later than 45 days after the date on which the Director requests any information from an Executive branch agency, the Executive branch agency shall provide the Director with the information.

''(b) MEMORANDA OF UNDERSTANDING REGARDING CONFIDENTIALITY.—

''(1) IN GENERAL.—An Executive branch agency may require the Director to enter into a memorandum of understanding regarding the confidentiality of information provided by the Executive branch agency to the Director under subsection (a) as a condition precedent to providing any requested information.

''(2) DEGREE OF CONFIDENTIALITY OR DATA PROTECTION.—An Executive branch agency may not require a greater degree of confidentiality or data protection from the Director in a memorandum of understanding entered into under paragraph (1) than the Executive branch agency itself must adhere to.

''(3) SCOPE.—A memorandum of understanding entered into by the Director and an Executive branch agency under paragraph (1) shall—

''(A) be general in scope; and

''(B) govern all pending and future requests made to the Executive branch agency by the Director.

''(c) SANCTIONS FOR NON-COOPERATION.—

''(1) IN GENERAL.—The appropriations of an Executive branch agency for a fiscal year shall be reduced by one-half of 1 percent if, during that fiscal year, the Director finds that—

''(A) the Executive branch agency has failed to timely provide information that the Director requested under subsection (a);

''(B) the Director has provided notice of the failure described in subparagraph (A) to the Executive branch agency;

''(C) the Executive branch agency has failed to cure the failure described in subparagraph (A) within 30 days of being notified under subparagraph (B); and

''(D) the information that the Director requested under subsection (a)—

''(i) is in the possession of the Executive branch agency; or

''(ii) may reasonably be developed by the Executive branch agency.

''(2) SEQUESTRATION.—The Office of Management and Budget, in consultation with the Office of Federal Financial Management and Financial Management Service, shall enforce a reduction in appropriations under paragraph (1) by sequestering the appropriate amount of funds and returning the funds to the Treasury.

''(3) APPEALS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget may reduce the amount of, or except as provided in subparagraph (B), waive, a sanction imposed under paragraph (1) if the Director of the Office of Management and Budget finds that—

''(i) the sanction is unwarranted;

''(ii) the sanction is disproportionate to the gravity of the failure;

''(iii) the failure has been cured; or

''(iv) providing the requested information would adversely affect national security.

''(B) NO WAIVER FOR HISTORICALLY NON-COMPLIANT AGENCIES.—The Director of the Office of Management and Budget may not waive a sanction imposed on an Executive branch agency under paragraph (1) if the Executive branch agency has a history of non-compliance with requests for information by the Director of the Office of Regulatory Analysis under subsection (a).

''(d) NATIONAL SECURITY.—The Director may not require an Executive branch agency to provide information under subsection (a) that would adversely affect national security.

''§ 619. Enforcement

''(a) EXCEEDING ANNUAL AGENCY REGULATORY COST CAP.—An Executive branch agency that exceeds the annual agency regulatory cost cap imposed by the National Regulatory Budget for a fiscal year may not promulgate a new covered Federal rule that increases regulatory costs until the Executive branch agency no longer exceeds the annual agency regulatory cost cap imposed by the applicable National Regulatory Budget.

''(b) DETERMINATION OF DIRECTOR.—

''(1) IN GENERAL.—An Executive branch agency may not promulgate a covered Federal rule unless the Director determines, in conducting the regulatory analysis of the covered Federal rule under section 615(b)(3)(A) that, after the Executive branch agency promulgates the covered Federal rule, the Executive branch agency will not exceed the annual agency regulatory cost cap for that Executive branch agency.

''(2) TIMING.—The Director shall make a determination under paragraph (1) with respect to a proposed covered Federal rule not later than 60 days after the Director receives a copy of the proposed covered Federal rule under section 615(b)(4).

''(c) EFFECT OF VIOLATION OF THIS SECTION.—

''(1) NO FORCE OR EFFECT.—A covered Federal rule that is promulgated in violation of this section shall have no force or effect.

''(2) JUDICIAL ENFORCEMENT.—Any party may bring an action in a district court of the United States to declare that a covered Federal rule has no force or effect because the covered Federal rule was promulgated in violation of this section.

''§ 620. Regulatory Analysis Advisory Board

''(a) ESTABLISHMENT OF BOARD.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Director shall—

''(1) establish a Regulatory Analysis Advisory Board; and

''(2) appoint not fewer than 9 and not more than 15 individuals as members of the Regulatory Analysis Advisory Board.

''(b) QUALIFICATIONS.—The Director shall appoint individuals with technical and practical expertise in economics, law, accounting, science, management, and other areas that will aid the Director in preparing the annual Report on National Regulatory Costs required under section 615.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF CHAPTERS.—The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 6 the following:

''6A. National Regulatory Budget and Office of Regulatory Analysis 613''.

(B) INTERNAL REVENUE CODE OF 1986.—Section 6103(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(7) OFFICE OF REGULATORY ANALYSIS.—Upon written request by the Director of the Office of Regulatory Analysis established under section 614 of title 5, United States Code, the Secretary shall furnish to officers and employees of the Office of Regulatory Analysis return information for the purpose of, but only to the extent necessary for, an analysis of regulatory costs.''.

(c) REPORT ON DUPLICATIVE PERSONNEL; REPORT ON REGULATORY ANALYSIS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Director'' means the Director of the Office of Regulatory Analysis; and

(B) the term ''Office of Regulatory Analysis'' means the Office of Regulatory Analysis established under section 614(a) of title 5, United States Code (as added by subsection (b)).

(2) REPORT ON DUPLICATIVE PERSONNEL.—Not later than December 31, 2014, the Director shall submit to Congress a report determining positions in the Federal Government that are—

(A) duplicative of the work performed by the Office of Regulatory Analysis; or

(B) otherwise rendered cost ineffective by the work of the Office of Regulatory Analysis.

(3) REPORT ON REGULATORY ANALYSIS.—

(A) REPORT REQUIRED.—Not later than June 30, 2015, the Director shall provide to Congress a report analyzing the practice with respect to, and the effectiveness of—

(i) chapter 6 of title 5, United States Code (commonly known as the ''Regulatory Flexibility Act'');

(ii) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note);

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'';

(iv) each Executive Order that mandates economic analysis of Federal regulations; and

(v) Office of Management and Budget circulars, directives, and memoranda that mandate the economic analysis of Federal regulation.

(B) RECOMMENDATIONS.—The report under subparagraph (A) shall include recommendations about how Federal regulatory analysis may be improved.

(d) ADMINISTRATIVE PROCEDURE.—

(1) DEFINITION OF ''RULE''.—Section 551(4) of title 5, United States Code, is amended by inserting after ''requirements of an agency'' the following: '', whether or not the agency statement amends the Code of Federal Regulations and including, without limitation, a statement described by the agency as a regulation, rule, directive, or guidance,''.

(2) NOTICE OF PROPOSED RULEMAKING.—Section 553(b) of title 5, United States Code, is amended, following the flush text, in subparagraph (A) by striking ''interpretative rules, general statements of policy, or''.

SA 2916. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ____. ENTREPRENEURIAL TRAINING.

(a) SHORT TITLE.—This section may be cited as the ''Entrepreneurial Training Improvement Act of 2014''.

(b) FINDINGS.—Congress finds the following:

(1) Entrepreneurship represents an important part of the economic recovery. According to the 2012 Kauffman Index of Entrepreneurial Activity, adults in the United States created an average of 543,000 new businesses each month in 2011, among the highest levels of entrepreneurship in the last 16 years.

(2) Of the estimated 27,500,000 small businesses in the United States, 21,400,000 had no employees in 2008, according to the Office of Advocacy of the Small Business Administration.

(3) According to a January 2010 report entitled ''Think Entrepreneurs: A Call to Action'' prepared by the Consortium for Entrepreneurship Education for the Employment and Training Administration of the Department of Labor, ''Entrepreneurship is not well established in Federal and statewide policy and execution strategies.'' The report continues to state that Workforce Investment Board staff ''lacks information and training about self-employment as a career option, including accessibility to resources, technical assistance, outreach efforts, available partnerships, assessment processes, and coordination of available funding options'' and that the Boards report that ''self-employment outcomes are hard to document for [Department of Labor] regulations; entrepreneurship does not fit into current methods for measuring performance.''

(4) In Training and Employment Guidance Letter No. 12–10, issued November 15, 2010, the Employment and Training Administration noted that ''Certain types of employment, particularly self-employment, are generally not covered by state [unemployment insurance] wage records, and the system has noted this as a challenge in providing entrepreneurship training. However, supplemental data options for some performance measures, combined with performance target negotiations, offer flexibility to accommodate entrepreneurship training within the workforce system.''

(5) There are many existing supplemental data sources and authorities that can be used to better measure the success of an entrepreneurial training program.

(6) All reasonable effort should be made by the Secretary of Labor to reduce regulatory barriers and disincentives that discourage local workforce investment boards from offering entrepreneurial training programs.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Labor shall establish alternate standards for measuring the progress of State and local performance for entrepreneurial training services, as authorized in section 134(d)(4)(D)(vi) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(D)(vi)), and provide the State and local workforce investment boards with specific guidance on successful approaches to collecting performance information on entrepreneurial training services.

(2) CONSIDERATIONS.—In determining the alternate standards, the Secretary shall consider using standards based, for participants in such services, on—

(A) obtaining a State license, or a Federal or State tax identification number, for a corresponding business;

(B) documenting income from a corresponding business; or

(C) filing a Federal or State tax return for a corresponding business.

(3) AUTHORITIES.—In determining the alternate standards, the Secretary shall consider utilizing authorities granted under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including a State's waiver authority, as authorized in section 189(i)(4) of such Act (29 U.S.C. 2939(i)(4)).

(4) REPORT.—The Secretary shall prepare a report on the progress of State and local workforce investment boards in implementing new programs of entrepreneurial training services and any ongoing challenges to offering such programs, with recommendations on how best to address those challenges. Not later than 12 months after publication of the final regulations establishing the alternate standards, the Secretary shall submit the report to the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate.

SA 2917. Mr. SESSIONS (for himself, Mr. GRASSLEY, Mr. LEE, Mr. VITTER, Mr. ENZI, Mr. BOOZMAN, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCOUNTABILITY THROUGH ELECTRONIC VERIFICATION.

(a) SHORT TITLE.—This section may be cited as the ''Accountability Through Electronic Verification Act''.

(b) PERMANENT REAUTHORIZATION.—Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless the Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2015.''.

(c) MANDATORY USE OF E-VERIFY.—Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in subsection (e)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

''(A) EXECUTIVE DEPARTMENTS AND AGENCIES.—Each department and agency of the Federal Government shall participate in E-Verify by complying with the terms and conditions set forth in this section.''; and

(ii) in subparagraph (B), by striking '', that conducts hiring in a State'' and all that follows and inserting ''shall participate in E-Verify by complying with the terms and conditions set forth in this section.'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) UNITED STATES CONTRACTORS.—Any person, employer, or other entity that enters into a contract with the Federal Government shall participate in E-Verify by complying with the terms and conditions set forth in this section.

''(3) DESIGNATION OF CRITICAL EMPLOYERS.—Not later than 7 days after the date of the enactment of the Accountability Through Electronic Verification Act, the Secretary of Homeland Security shall—

''(A) conduct an assessment of employers that are critical to the homeland security or national security needs of the United States;

''(B) designate and publish a list of employers and classes of employers that are deemed to be critical pursuant to the assessment conducted under subparagraph (A); and

''(C) require that critical employers designated pursuant to subparagraph (B) participate in E-Verify by complying with the terms and conditions set forth in this section not later than 30 days after the Secretary makes such designation.'';

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

''(f) MANDATORY PARTICIPATION IN E-VERIFY.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), all employers in the United States shall participate in E-Verify, with respect to all employees recruited, referred, or hired by such employer on or after the date that is 1 year after the date of the enactment of the Accountability Through Electronic Verification Act.

''(2) USE OF CONTRACT LABOR.—Any employer who uses a contract, subcontract, or exchange to obtain the labor of an individual in the United States shall certify in such contract, subcontract, or exchange that the employer uses E-Verify. If such certification is not included in a contract, subcontract, or exchange, the employer shall be deemed to have violated paragraph (1).

''(3) INTERIM MANDATORY PARTICIPATION.—

''(A) IN GENERAL.—Before the date set forth in paragraph (1), the Secretary of Homeland Security shall require any employer or class of employers to participate in E-Verify, with respect to all employees recruited, referred, or hired by such employer if the Secretary has reasonable cause to believe that the employer is or has been engaged in a material violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

''(B) NOTIFICATION.—Not later than 14 days before an employer or class of employers is required to begin participating in E-Verify pursuant to subparagraph (A), the Secretary shall provide such employer or class of employers with—

''(i) written notification of such requirement; and

''(ii) appropriate training materials to facilitate compliance with such requirement.''.

(d) CONSEQUENCES OF FAILURE TO PARTICIPATE.—

(1) IN GENERAL.—Section 402(e)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as redesignated by subsection (c)(1)(B), is amended to read as follows:

''(5) CONSEQUENCES OF FAILURE TO PARTICIPATE.—If a person or other entity that is required to participate in E-Verify fails to comply with the requirements under this title with respect to an individual—

''(A) such failure shall be treated as a violation of section 274A(a)(1)(B) with respect to such individual; and

''(B) a rebuttable presumption is created that the person or entity has violated section 274A(a)(1)(A).''.

(2) PENALTIES.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(A) in subsection (e)—

(i) in paragraph (4)—

(I) in subparagraph (A), in the matter preceding clause (i), by inserting '', subject to paragraph (10),'' after ''in an amount'';

(II) in subparagraph (A)(i), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $2,500 and not more than $5,000'';

(III) in subparagraph (A)(ii), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $5,000 and not more than $10,000'';

(IV) in subparagraph (A)(iii), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $10,000 and not more than $25,000''; and

(V) by amending subparagraph (B) to read as follows:

''(B) may require the person or entity to take such other remedial action as is appropriate.'';

(ii) in paragraph (5)—

(I) by inserting '', subject to paragraphs (10) through (12),'' after ''in an amount'';

(II) by striking ''$100'' and inserting ''$1,000'';

(III) by striking ''$1,000'' and inserting ''$25,000'';

(IV) by striking ''the size of the business of the employer being charged, the good faith of the employer'' and inserting ''the good faith of the employer being charged''; and

(V) by adding at the end the following: ''Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).''; and

(iii) by adding at the end the following:

''(10) EXEMPTION FROM PENALTY.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

''(11) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

''(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such an person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may waive the operation of this paragraph or refer the matter to any appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(D) REVIEW.—Any decision to debar a person or entity under in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.''; and

(B) in subsection (f)—

(i) by amending paragraph (1) to read as follows:

''(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $15,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 1 year and not more than 10 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels.''; and

(ii) in paragraph (2), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

(e) PREEMPTION; LIABILITY.—Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as amended by this section, is further amended by adding at the end the following:

''(h) LIMITATION ON STATE AUTHORITY.—

''(1) PREEMPTION.—A State or local government may not prohibit a person or other entity from verifying the employment authorization of new hires or current employees through E-Verify.

''(2) LIABILITY.—A person or other entity that participates in E-Verify may not be held liable under any Federal, State, or local law for any employment-related action

taken with respect to the wrongful termination of an individual in good faith reliance on information provided through E-Verify.''.

(f) EXPANDED USE OF E-VERIFY.—Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

''(A) IN GENERAL.—

''(i) BEFORE HIRING.—The person or other entity may verify the employment eligibility of an individual through E-Verify before the individual is hired, recruited, or referred if the individual consents to such verification. If an employer receives a tentative nonconfirmation for an individual, the employer shall comply with procedures prescribed by the Secretary, including—

''(I) providing the individual employees with private, written notification of the finding and written referral instructions;

''(II) allowing the individual to contest the finding; and

''(III) not taking adverse action against the individual if the individual chooses to contest the finding.

''(ii) AFTER EMPLOYMENT OFFER.—The person or other entity shall verify the employment eligibility of an individual through E-Verify not later than 3 days after the date of the hiring, recruitment, or referral, as the case may be.

''(iii) EXISTING EMPLOYEES.—Not later than 3 years after the date of the enactment of the Accountability Through Electronic Verification Act, the Secretary shall require all employers to use E-Verify to verify the identity and employment eligibility of any individual who has not been previously verified by the employer through E-Verify.''.

(g) REVERIFICATION.—Section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

''(5) REVERIFICATION.—Each person or other entity participating in E-Verify shall use the E-Verify confirmation system to reverify the work authorization of any individual not later than 3 days after the date on which such individual's employment authorization is scheduled to expire (as indicated by the Secretary or the documents provided to the employer pursuant to section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b))), in accordance with the procedures set forth in this subsection and section 402.''.

(h) HOLDING EMPLOYERS ACCOUNTABLE.—

(1) CONSEQUENCES OF NONCONFIRMATION.—Section 403(a)(4)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

''(C) CONSEQUENCES OF NONCONFIRMATION.—

''(i) TERMINATION AND NOTIFICATION.—If the person or other entity receives a final nonconfirmation regarding an individual, the employer shall immediately—

''(I) terminate the employment, recruitment, or referral of the individual; and

''(II) submit to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering United States immigration laws.

''(ii) CONSEQUENCE OF CONTINUED EMPLOYMENT.—If the person or other entity continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).''.

(2) INTERAGENCY NONCONFIRMATION REPORT.—Section 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

''(c) INTERAGENCY NONCONFIRMATION REPORT.—

''(1) IN GENERAL.—The Director of U.S. Citizenship and Immigration Services shall submit a weekly report to the Assistant Secretary of Immigration and Customs Enforcement that includes, for each individual who receives final nonconfirmation through E-Verify—

''(A) the name of such individual;

''(B) his or her Social Security number or alien file number;

''(C) the name and contact information for his or her current employer; and

''(D) any other critical information that the Assistant Secretary determines to be appropriate.

''(2) USE OF WEEKLY REPORT.—The Secretary of Homeland Security shall use information provided under paragraph (1) to enforce compliance of the United States immigration laws.''.

(i) INFORMATION SHARING.—The Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly establish a program to share information among such agencies that may or could lead to the identification of unauthorized aliens (as defined in section 274A(h)(3) of the Immigration and Nationality Act), including any no-match letter and any information in the earnings suspense file.

(j) FORM I–9 PROCESS.—Not later than 9 months after date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that contains recommendations for—

(1) modifying and simplifying the process by which employers are required to complete and retain a Form I–9 for each employee pursuant to section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); and

(2) eliminating the process described in paragraph (1).

(k) ALGORITHM.—Section 404(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended to read as follows:

''(d) DESIGN AND OPERATION OF SYSTEM.—E-Verify shall be designed and operated—

''(1) to maximize its reliability and ease of use by employers;

''(2) to insulate and protect the privacy and security of the underlying information;

''(3) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(4) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed;

''(5) to register any times when E-Verify is unable to receive inquiries;

''(6) to allow for auditing use of the system to detect fraud and identify theft;

''(7) to preserve the security of the information in all of the system by—

''(A) developing and using algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

''(B) developing and using algorithms to detect misuse of the system by employers and employees;

''(C) developing capabilities to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system; and

''(D) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees;

''(8) to confirm identity and work authorization through verification of records maintained by the Secretary, other Federal departments, States, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, as determined necessary by the Secretary, including—

''(A) records maintained by the Social Security Administration;

''(B) birth and death records maintained by vital statistics agencies of any State or other jurisdiction in the United States;

''(C) passport and visa records (including photographs) maintained by the Department of State; and

''(D) State driver's license or identity card information (including photographs) maintained by State department of motor vehicles;

''(9) to electronically confirm the issuance of the employment authorization or identity document; and

''(10) to display the digital photograph that the issuer placed on the document so that the employer can compare the photograph displayed to the photograph on the document presented by the employee or, in exceptional cases, if a photograph is not available from the issuer, to provide for a temporary alternative procedure, specified by the Secretary, for confirming the authenticity of the document.''.

(l) IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7), by striking ''of another person'' and inserting ''that is not his or her own''; and

(2) in subsection (b)(3)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(D) to facilitate or assist in harboring or hiring unauthorized workers in violation of section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, and 1324c).''.

(m) SMALL BUSINESS DEMONSTRATION PROGRAM.—Section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) SMALL BUSINESS DEMONSTRATION PROGRAM.—Not later than 9 months after the date of the enactment of the Accountability Through Electronic Verification Act, the Director of U.S. Citizenship and Immigration Services shall establish a demonstration program that assists small businesses in rural areas or areas without internet capabilities to verify the employment eligibility of newly hired employees solely through the use of publicly accessible internet terminals.''.

SA 2918. Mr. REID submitted an amendment intended to be proposed to amendment SA 2922 submitted by Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK) and intended to be proposed to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 2919. Mr. REID submitted an amendment intended to be proposed to

amendment SA 2922 submitted by Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK) and intended to be proposed to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

SA 2920. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall become effective 4 days after enactment.

SA 2921. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

In the amendment, strike ''4 days'' and insert ''5 days''.

SA 2922. Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Unemployment Compensation Extension Act of 2014''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Extension of emergency unemployment compensation program.
Sec. 3. Temporary extension of extended benefit provisions.
Sec. 4. Extension of funding for reemployment services and reemployment and eligibility assessment activities.
Sec. 5. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 6. Flexibility for unemployment program agreements.
Sec. 7. Ending unemployment payments to jobless millionaires and billionaires.
Sec. 8. GAO study on the use of work suitability requirements in unemployment insurance programs.
Sec. 9. Funding stabilization.
Sec. 10. Prepayment of certain PBGC premiums.
Sec. 11. Extension of customs user fees.
Sec. 12. Emergency services, government, and certain nonprofit volunteers.

SEC. 2. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''January 1, 2014'' and inserting ''June 1, 2014''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (J), by inserting ''and'' at the end; and

(3) by inserting after subparagraph (J) the following:

''(K) the amendment made by section 2(a) of the Emergency Unemployment Compensation Extension Act of 2014;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 3. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking ''December 31, 2013'' each place it appears and inserting ''May 31, 2014''; and

(2) in subsection (c), by striking ''June 30, 2014'' and inserting ''November 30, 2014''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 30, 2014'' and inserting ''November 30, 2014''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2013'' and inserting ''May 31, 2014''; and

(2) in subsection (f)(2), by striking ''December 31, 2013'' and inserting ''May 31, 2014''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 4. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) EXTENSION.—

(1) IN GENERAL.—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''through fiscal year 2014'' and inserting ''through the first five months of fiscal year 2015''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

(b) TIMING FOR SERVICES AND ACTIVITIES.—

(1) IN GENERAL.—Section 4001(i)(1)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new sentence:

''At a minimum, such reemployment services and reemployment and eligibility assessment activities shall be provided to an individual within a time period (determined appropriate by the Secretary) after the date the individual begins to receive amounts under section 4002(b) (first tier benefits) and, if applicable, again within a time period (determined appropriate by the Secretary) after the date the individual begins to receive amounts under section 4002(d) (third tier benefits).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the date of the enactment of this Act.

(c) PURPOSES OF SERVICES AND ACTIVITIES.—The purposes of the reemployment services and reemployment and eligibility assessment activities under section 4001(i) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) are—

(1) to better link the unemployed with the overall workforce system by bringing individuals receiving unemployment insurance benefits in for personalized assessments and referrals to reemployment services; and

(2) to provide individuals receiving unemployment insurance benefits with early access to specific strategies that can help get them back into the workforce faster, including through—

(A) the development of a reemployment plan;

(B) the provision of access to relevant labor market information;

(C) the provision of access to information about industry-recognized credentials that are regionally relevant or nationally portable;

(D) the provision of referrals to reemployment services and training; and

(E) an assessment of the individual's ongoing eligibility for unemployment insurance benefits.

SEC. 5. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking ''June 30, 2013'' and inserting ''November 30, 2013''; and

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

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $105,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

SEC. 6. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) FLEXIBILITY.—

(1) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act,

2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) EFFECTIVE DATE.—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) PERMITTING A SUBSEQUENT AGREEMENT.—Nothing in title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

SEC. 7. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used for payments of unemployment compensation under the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) to an individual whose adjusted gross income in the preceding year was equal to or greater than $1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual's adjusted gross income was not equal to or greater than $1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by subsection (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the States to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no Federal funds may be expended for purposes of determining whether or not the prohibition under subsection (a) applies with respect to an individual.

(e) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 8. GAO STUDY ON THE USE OF WORK SUITABILITY REQUIREMENTS IN UNEMPLOYMENT INSURANCE PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the use of work suitability requirements to strengthen requirements to ensure that unemployment insurance benefits are being provided to individuals who are actively looking for work and who truly want to return to the labor force. Such study shall include an analysis of—

(1) how work suitability requirements work under both State and Federal unemployment insurance programs; and

(2) how to incorporate and improve such requirements under Federal unemployment insurance programs; and

(3) other items determined appropriate by the Comptroller General.

(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall brief Congress on the ongoing study required under subsection (a). Such briefing shall include preliminary recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 9. FUNDING STABILIZATION.

(a) FUNDING STABILIZATION UNDER THE INTERNAL REVENUE CODE.—The table in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

''If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012, 2013, 2014, 2015, 2016, or 2017	90%	110%
2018	85%	115%
2019	80%	120%
2020	75%	125%
After 2020	70%	130%''.

(b) FUNDING STABILIZATION UNDER ERISA.—

(1) IN GENERAL.—The table in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

''If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012, 2013, 2014, 2015, 2016, or 2017	90%	110%
2018	85%	115%
2019	80%	120%
2020	75%	125%
After 2020	70%	130%''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Clause (ii) of section 101(f)(2)(D) of such Act is amended by striking ''2015'' and inserting ''2020''.

(B) STATEMENTS.—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

(c) STABILIZATION NOT TO APPLY FOR PURPOSES OF CERTAIN ACCELERATED BENEFIT DISTRIBUTION RULES.—

(1) INTERNAL REVENUE CODE OF 1986.—The second sentence of paragraph (2) of section 436(d) of the Internal Revenue Code of 1986 is amended by striking ''of such plan'' and inserting ''of such plan (determined by not taking into account any adjustment of segment rates under section 430(h)(2)(C)(iv))''.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—The second sentence of subparagraph (B) of section 206(g)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)(3)(B)) is amended by striking ''of such plan'' and inserting ''of such plan (determined by not taking into account any adjustment of segment rates under section 303(h)(2)(C)(iv))''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to plan years beginning after December 31, 2014.

(B) COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements, the amendments made by this subsection shall apply to plan years beginning after December 31, 2015.

(4) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii).

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by this subsection, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under any provision as so amended, and

(II) on or before the last day of the first plan year beginning on or after January 1, 2016, or such later date as the Secretary of the Treasury may prescribe.

(ii) CONDITIONS.—This subsection shall not apply to any amendment unless, during the period—

(I) beginning on the date that the amendments made by this subsection or the regulation described in clause (i)(I) takes effect (or in the case of a plan or contract amendment not required by such amend

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and such plan or contract amendment applies retroactively for such period.

(C) ANTI-CUTBACK RELIEF.—A plan shall not be treated as failing to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 and section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of a plan amendment to which this paragraph applies.

(d) MODIFICATION OF FUNDING TARGET DETERMINATION PERIODS.—

(1) INTERNAL REVENUE CODE OF 1986.—Clause (i) of section 430(h)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''the first day of the plan year'' and inserting ''the valuation date for the plan year''.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Clause (i) of section 303(h)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(B)(i)) is amended by striking ''the first day of the plan year'' and inserting ''the valuation date for the plan year''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply with respect to plan years beginning after December 31, 2012.

(2) ELECTIONS.—A plan sponsor may elect not to have the amendments made by subsections (a), (b), and (d) apply to any plan year beginning before January 1, 2014, either (as specified in the election)—

(A) for all purposes for which such amendments apply, or

(B) solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the Employee Retirement Income Security Act of 1974 for such plan year.

A plan shall not be treated as failing to meet the requirements of section 204(g) of such Act and section 411(d)(6) of such Code solely by reason of an election under this paragraph.

SEC. 10. PREPAYMENT OF CERTAIN PBGC PREMIUMS.

(a) IN GENERAL.—Section 4007 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1307) is amended by adding at the end the following new subsection:

''(f) ELECTION TO PREPAY FLAT DOLLAR PREMIUMS.—

''(1) IN GENERAL.—The designated payor may elect to prepay during any plan year the premiums due under clause (i) or (v), whichever is applicable, of section 4006(a)(3)(A) for the number of consecutive subsequent plan years (not greater than 5) specified in the election.

''(2) AMOUNT OF PREPAYMENT.—

''(A) IN GENERAL.—The amount of the prepayment for any subsequent plan year under paragraph (1) shall be equal to the amount of the premium determined under clause (i) or (v), whichever is applicable, of section 4006(a)(3)(A) for the plan year in which the prepayment is made.

''(B) ADDITIONAL PARTICIPANTS.—If there is an increase in the number of participants in the plan during any plan year with respect to which a prepayment has been made, the designated payor shall pay a premium for such additional participants at the premium rate in effect under clause (i) or (v), whichever is applicable, of section 4006(a)(3)(A) for such plan year. No credit or other refund shall be granted in the case of a plan that has a decrease in number of participants during a plan year with respect to which a prepayment has been made.

''(C) COORDINATION WITH PREMIUM FOR UNFUNDED VESTED BENEFITS.—The amount of the premium determined under section 4006(a)(3)(A)(i) for the purpose of determining the prepayment amount for any plan year shall be determined without regard to the increase in such premium under section 4006(a)(3)(E). Such increase shall be paid in the same amount and at the same time as it would otherwise be paid without regard to this subsection.

''(3) ELECTION.—The election under this subsection shall be made at such time and in such manner as the corporation may prescribe.''.

(b) CONFORMING AMENDMENT.—The second sentence of subsection (a) of section 4007 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1307) is amended by striking ''Premiums'' and inserting ''Except as provided in subsection (f), premiums''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 11. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''September 30, 2023'' and inserting ''September 30, 2024''; and

(2) in subparagraph (B)(i), by striking ''September 30, 2023'' and inserting ''September 30, 2024''.

SEC. 12. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 30, 2013.

SA 2923. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AMENDMENTS TO THE HIGHER EDUCATION ACT.

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Subject to paragraphs (2) through (4)'' and inserting ''Subject to paragraphs (2) through (5)'';

(3) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

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

''(B) if accredited by an authorized accreditation authority in a State that has an alternative accreditation agreement with the Secretary, as described in paragraph (5)—

''(i) an institution that provides postsecondary education;

''(ii) a postsecondary apprenticeship program; or

''(iii) a postsecondary education course or program provided by an institution of postsecondary education, a nonprofit organization, or a for-profit organization or business;''; and

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

''(5) STATE ALTERNATIVE ACCREDITATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a State may establish an alternative accreditation system for the purpose of establishing institutions that provide postsecondary education and postsecondary education courses or programs as eligible for funding under title IV if the State enters into an agreement with the Secretary for the establishment of the alternative accreditation system. Such institutions, courses, or programs may include—

''(i) institutions that provide postsecondary education;

''(ii) postsecondary apprenticeship programs;

''(iii) any other postsecondary education course or program offered at an institution of postsecondary education, a nonprofit organization, or a for-profit organization or business; and

''(iv) any of the entities described in clauses (i) through (iii) that do not award a postsecondary certification, credential, or degree, provided that such entity provides credit that will apply toward a postsecondary certification, credential, or degree.

''(B) ALTERNATIVE ACCREDITATION AGREEMENT.—The alternative accreditation agreement described in subparagraph (A) shall include the following:

''(i) The designation of 1 or more authorized accrediting entities within the State, such as the State Department of Education, another State agency, an industry-specific accrediting agency, or another entity, and an explanation of the process through which the State will select such authorized accrediting entities.

''(ii) The standards or criteria that an institution that provides postsecondary education and a postsecondary education course or program must meet in order to—

''(I) receive an initial accreditation as part of the alternative accreditation system; and

''(II) maintain such accreditation.

''(iii) A description of the appeals process through which an institution that provides postsecondary education and a postsecondary education course or program may appeal to an authorized accrediting entity if such institution, course, or program is denied accreditation under the State alternative accreditation system.

''(iv) Each authorized accrediting entity's policy regarding the transfer of credits between institutions that provide postsecondary education and postsecondary education courses or programs within the State that are accredited as part of the alternative accreditation system.

''(v) The Secretary's reporting requirements for the State regarding the State alternative accreditation system, including—

''(I) the contents of reports that must be submitted to the Secretary, which may include information such as—

''(aa) in the case of a postsecondary education course or program that is accredited through the State alternative accreditation system—

''(AA) the number and percentage of students who successfully complete each such postsecondary education course or program; and

''(BB) the number and percentage of students who successfully obtain a postsecondary certification, credential, or degree using credit obtained from each such postsecondary education course or program; and

''(bb) in the case of an institution that provides postsecondary education that is accredited through the State alternative accreditation system—

''(AA) the number and percentage of students who successfully obtain a postsecondary certification, credential, or degree from such institution; and

''(BB) the number and percentage of students who do not successfully obtain a postsecondary certification, credential, or degree from such institution but do obtain credit from such institution toward a postsecondary degree, credential, or certification;

''(II) the frequency with which such reports must be submitted to the Secretary; and

''(III) any requirements for third party verification of information contained in such reports.

''(vi) The State policy regarding public accessibility to certain information relating to institutions that provide postsecondary education and postsecondary education courses and programs accredited under the State alternative accreditation system, including—

''(I) the information described in subclause (I) of clause (v); and

''(II) information about the rates of job placement for individuals that have graduated from an institution or completed a course or program that is accredited under the State alternative accreditation system.

''(vii) An assurance by the State that under the State alternative accreditation system, only institutions that provide postsecondary education and postsecondary education courses or programs that provide credits toward a postsecondary certification, credential, or degree (as defined by the State in accordance with clause (viii)) will be accredited.

''(viii) The State's definition of a postsecondary certification, credential, or degree, as such term applies to the requirement described in clause (vii).

''(ix) A description of the agreements that the State will enter into with institutions that provide postsecondary education and postsecondary education courses or programs that are accredited under the alternative accreditation system to enable such institutions, courses, or programs to be eligible under a program authorized under title IV, for participation in the direct student loan program, and for the origination of loans under part D of title IV, and how such agreements will operate in lieu of the agreements described in sections 487 and 454.

''(x) A description of how the State will select institutions that provide postsecondary education and postsecondary education courses or programs that are accredited under the alternative accreditation system, in lieu of the selection process described in section 453, for—

''(I) participation in the direct student loan program under part D of title IV; and

''(II) approval allowing such institution, program, or course to originate direct loans under part D of title IV.

''(xi) A description of how the State will administer title IV funds for institutions that provide postsecondary education, postsecondary apprenticeship programs, and postsecondary education courses or programs provided by an institution of postsecondary education, a nonprofit organization, or a for-profit organization or business that are accredited through the alternative accreditation system.

''(C) ADMINISTRATIVE COSTS FOR PELL GRANT STUDENTS.—

''(i) PELL GRANTS ADMINISTERED BY ENTITIES.—In the case of an institution that provides postsecondary education, a postsecondary apprenticeship program, or an entity that provides a postsecondary education course or program that is accredited through the alternative accreditation system and that will administer the Federal Pell Grant, Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grants in accordance with the agreement described in subparagraph (B)(xi), the Secretary shall, in lieu of carrying out section 690.10 of title 34, Code of Federal Regulations, and subject to available appropriations, pay $5.00 to the institution, apprenticeship program, or entity, as the case may be, for each student who receives a Federal Pell Grant at that institution, apprenticeship program, or entity for an award year.

''(ii) PELL GRANTS ADMINISTERED BY STATES.—In the case of an institution that provides postsecondary education, a postsecondary apprenticeship program, or an entity that provides a postsecondary education course or program that is accredited through the alternative accreditation system and will not administer the Federal Pell Grant, Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grants, but will have such programs administered by the State in accordance with the agreement described in subparagraph (B)(xi), the Secretary shall, in lieu of carrying out section 690.10 of title 34, Code of Federal Regulations, and subject to available appropriations, pay $5.00 to the State for each student who receives a Federal Pell Grant at that institution, apprenticeship program, or entity, as the case may be, for an award year.

''(iii) USE OF FUNDS.—All funds that an institution, apprenticeship program, entity, or the State receives under this subparagraph shall be used solely to pay the cost of—

''(I) administering the Federal Pell Grant, Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grants; and

''(II) carrying out the reporting requirements described under subparagraph (B)(v).

''(iv) FINANCIAL AID SERVICES.—If an institution, apprenticeship program, or entity described in this subparagraph enrolls a significant number of students who are attending less-than-full-time or are independent students, such institution, apprenticeship program, entity, or the State, as the case may be, shall use a reasonable proportion of the funds provided under this subparagraph to make financial aid services available during times and in places that will most effectively accommodate the needs of those students.''.

(b) TITLE IV ELIGIBILITY REQUIREMENTS.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

''SEC. 493E. STATE ACCREDITED INSTITUTIONS, PROGRAMS, OR COURSES.

''Notwithstanding any other provision of law, an institution, program, or course that is eligible for funds under this title in accordance with section 102(a)(1)(B) and meets the requirements of section 102(a)(5) shall not be required to meet any other requirements of this title. For purposes of this title, such an institution, program, or course shall be deemed to be an eligible institution that meets the requirements of section 487.''.

SA 2924. Mr. LEE (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. COMPENSATORY TIME.

(a) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(s) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

''(1) GENERAL RULE.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

''(2) CONDITIONS.—An employer may provide compensatory time to employees under paragraph (1)(A) only if such time is provided in accordance with—

''(A) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

''(B) in the case of employees who are not represented by a labor organization that has been certified or recognized as the representative of such employees under applicable law, an agreement arrived at between the employer and employee before the performance of the work and affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c)—

''(i) in which the employer has offered and the employee has chosen to receive compensatory time in lieu of monetary overtime compensation; and

''(ii) entered into knowingly and voluntarily by such employees and not as a condition of employment.

No employee may receive or agree to receive compensatory time off under this subsection unless the employee has worked at least 1,000 hours for the employee's employer during a period of continuous employment with the employer in the 12-month period before the date of agreement or receipt of compensatory time off.

''(3) HOUR LIMIT.—

''(A) MAXIMUM HOURS.—An employee may accrue not more than 160 hours of compensatory time.

''(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

''(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time in excess of 80 hours at any time after giving the employee at least 30 days notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

''(D) POLICY.—Except where a collective bargaining agreement provides otherwise, an employer that has adopted a policy offering

compensatory time to employees may discontinue such policy upon giving employees 30 days notice.

''(E) WRITTEN REQUEST.—An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time accrued that has not yet been used. Within 30 days of receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (6).

''(4) PRIVATE EMPLOYER ACTIONS.—An employer that provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of—

''(A) interfering with such employee's rights under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours; or

''(B) requiring any employee to use such compensatory time.

''(5) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time in accordance with paragraph (6).

''(6) RATE OF COMPENSATION.—

''(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than—

''(i) the regular rate received by such employee when the compensatory time was earned; or

''(ii) the final regular rate received by such employee,

whichever is higher.

''(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

''(7) USE OF TIME.—An employee—

''(A) who has accrued compensatory time off authorized to be provided under paragraph (1); and

''(B) who has requested the use of such compensatory time,

shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

''(8) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'employee' does not include an employee of a public agency; and

''(B) the terms 'overtime compensation' and 'compensatory time' shall have the meanings given such terms by subsection (o)(7).''.

(b) REMEDIES.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking ''(b) Any employer'' and inserting ''(b) Except as provided in subsection (f), any employer''; and

(2) by adding at the end the following:

''(f) An employer that violates section 7(s)(4) shall be liable to the employee affected in the amount of the rate of compensation (determined in accordance with section 7(s)(6)(A)) for each hour of compensatory time accrued by the employee and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee.''.

(c) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this section.

(d) GAO REPORT.—Beginning 2 years after the date of enactment of this Act and each of the 3 years thereafter, the Comptroller General shall submit a report to Congress providing, with respect to the reporting period immediately prior to each such report—

(1) data concerning the extent to which employers provide compensatory time pursuant to section 7(s) of the Fair Labor Standards Act of 1938, as added by this section, and the extent to which employees opt to receive compensatory time;

(2) the number of complaints alleging a violation of such section filed by any employee with the Secretary of Labor;

(3) the number of enforcement actions commenced by the Secretary or commenced by the Secretary on behalf of any employee for alleged violations of such section;

(4) the disposition or status of such complaints and actions described in paragraphs (2) and (3); and

(5) an account of any unpaid wages, damages, penalties, injunctive relief, or other remedies obtained or sought by the Secretary in connection with such actions described in paragraph (3).

(e) SUNSET.—This section and the amendments made by this Act shall expire 5 years after the date of enactment of this Act.

SA 2925. Mr. LEE (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—TRANSPORTATION EMPOWERMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Transportation Empowerment Act''.

SEC. __02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) the objective described in paragraph (1) has been attained, and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing motor fuels used in the States and then distributing the proceeds to the States based on the perceptions of the Federal Government on what is best for the States;

(7) the Federal Government has used the Federal motor fuels tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this title are—

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national surface transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public land;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of Federal and State transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

SEC. __03. FUNDING LIMITATION.

Notwithstanding any other provision of law, if the Secretary of Transportation determines for any of fiscal years 2015 through 2019 that the aggregate amount required to carry out transportation programs and projects under this title and amendments made by this title exceeds the estimated aggregate amount in the Highway Trust Fund available for those programs and projects for the fiscal year, each amount made available for that program or project shall be reduced by the pro rata percentage required to reduce the aggregate amount required to carry out those programs and projects to an amount equal to that available for those programs and projects in the Highway Trust Fund for the fiscal year.

SEC. __04. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(A) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation program under section 133 of that title, the metropolitan transportation planning program under section 134 of that title, the highway safety improvement program under section 148 of that title, and the congestion mitigation and air quality improvement program under section 149 of that title—

(i) $37,592,576,000 for fiscal year 2015;
(ii) $19,720,696,000 for fiscal year 2016;
(iii) $13,147,130,000 for fiscal year 2017;
(iv) $10,271,196,000 for fiscal year 2018; and
(v) $7,600,685,000 for fiscal year 2019.

(B) EMERGENCY RELIEF.—For emergency relief under section 125 of title 23, United States Code, $100,000,000 for each of fiscal years 2015 through 2019.

(C) FEDERAL LANDS PROGRAMS.—

(i) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, $300,000,000 for each of fiscal years 2015 through 2019, of which $240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service and $30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

(ii) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, $250,000,000 for each of fiscal years 2015 through 2019.

(D) ADMINISTRATIVE EXPENSES.—Section 104(a) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

''(A) $437,600,000 for fiscal year 2015;
''(B) $229,565,000 for fiscal year 2016;
''(C) $153,043,000 for fiscal year 2017;
''(D) $119,565,000 for fiscal year 2018; and
''(E) $88,478,000 for fiscal year 2019.''.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

''(f) TRANSFERABILITY OF FUNDS.—

''(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

''(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

(3) FEDERAL-AID SYSTEM.—

(A) IN GENERAL.—Section 103(a) of title 23, United States Code, is amended by striking ''the National Highway System, which includes''.

(B) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(i) in section 103 by striking the section designation and heading and inserting the following:

''§ 103. Federal-aid system'';

and

(ii) in the analysis by striking the item relating to section 103 and inserting the following:

''103. Federal-aid system.''.

(4) CALCULATION OF STATE AMOUNTS.—Section 104(c)(2) of title 23, United States Code, is amended—

(A) in the paragraph heading by striking ''FOR FISCAL YEAR 2014'' and inserting ''SUBSEQUENT FISCAL YEARS''; and

(B) in subparagraph (A) by striking ''fiscal year 2014'' and inserting ''fiscal year 2014 and each subsequent fiscal year''.

(5) NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—

(A) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(i) in subsection (e)(1) by inserting ''on the Federal-aid system'' after ''any bridge''; and

(ii) in subsection (f)(1) by inserting ''on the Federal-aid system'' after ''construct any bridge''.

(B) REPEAL OF HISTORIC BRIDGES PROVISIONS.—Section 144(g) of title 23, United States Code, is repealed.

(6) REPEAL OF TRANSPORTATION ALTERNATIVES PROGRAM.—The following provisions are repealed:

(A) Section 213 of title 23, United States Code.

(B) The item relating to section 213 in the analysis for chapter 1 of title 23, United States Code.

(7) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(A) in the first sentence, by striking ''under subsection (a) of section 104 of this title'' and inserting ''to carry out this section''; and

(B) by striking the second sentence.

(8) FEDERALIZATION AND DEFEDERALIZATION OF PROJECTS.—Notwithstanding any other provision of law, beginning on October 1, 2014—

(A) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project unless and until a State expends Federal funds for the construction portion of the project;

(B) a highway construction or improvement project shall not be considered to be a Federal highway construction or improvement project solely by reason of the expenditure of Federal funds by a State before the construction phase of the project to pay expenses relating to the project, including for any environmental document or design work required for the project; and

(C)(i) a State may, after having used Federal funds to pay all or a portion of the costs of a highway construction or improvement project, reimburse the Federal Government in an amount equal to the amount of Federal funds so expended; and

(ii) after completion of a reimbursement described in clause (i), a highway construction or improvement project described in that clause shall no longer be considered to be a Federal highway construction or improvement project.

(9) REPORTING REQUIREMENTS.—No reporting requirement, other than a reporting requirement in effect as of the date of enactment of this Act, shall apply on or after October 1, 2014, to the use of Federal funds for highway projects by a public-private partnership.

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) EXPENDITURES FOR CORE PROGRAMS.—Section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1)—

(i) by striking ''October 1, 2014'' and inserting ''October 1, 2020''; and

(ii) by striking ''MAP–21'' and inserting ''Transportation Empowerment Act'';

(B) in paragraphs (3)(A)(i), (4)(A), and (5), by striking ''October 1, 2016'' each place it appears and inserting ''October 1, 2022''; and

(C) in paragraph (2), by striking ''July 1, 2017'' and inserting ''July 1, 2023''.

(2) AMOUNTS AVAILABLE FOR CORE PROGRAM EXPENDITURES.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(g) CORE PROGRAMS FINANCING RATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2)—

''(A) in the case of gasoline and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(i), the core programs financing rate is—

''(i) after September 30, 2014, and before October 1, 2015, 18.3 cents per gallon,

''(ii) after September 30, 2015, and before October 1, 2016, 9.6 cents per gallon,

''(iii) after September 30, 2016, and before October 1, 2017, 6.4 cents per gallon,

''(iv) after September 30, 2017, and before October 1, 2018, 5.0 cents per gallon, and

''(v) after September 30, 2018, 3.7 cents per gallon, and

''(B) in the case of kerosene, diesel fuel, and special motor fuels the tax rate of which is the rate specified in section 4081(a)(2)(A)(iii), the core programs financing rate is—

''(i) after September 30, 2014, and before October 1, 2015, 24.3 cents per gallon,

''(ii) after September 30, 2015, and before October 1, 2016, 12.7 cents per gallon,

''(iii) after September 30, 2016, and before October 1, 2017, 8.5 cents per gallon,

''(iv) after September 30, 2017, and before October 1, 2018, 6.6 cents per gallon, and

''(v) after September 30, 2018, 5.0 cents per gallon.

''(2) APPLICATION OF RATE.—In the case of fuels used as described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), the core programs financing rate is zero.''.

(c) TERMINATION OF MASS TRANSIT ACCOUNT.—Section 9503(e)(2) of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence, by inserting '', and before October 1, 2014'' after ''March 31, 1983''; and

(2) by adding at the end the following:

''(6) TRANSFER TO HIGHWAY ACCOUNT.—On October 1, 2014, the Secretary shall transfer all amounts in the Mass Transit Account to the Highway Account.''.

(d) EFFECTIVE DATE.—The amendments and repeals made by this section take effect on October 1, 2014.

SEC. __05. FUNDING FOR HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out section 503(b) of title 23, United States Code, $115,000,000 for each of fiscal years 2015 through 2019.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this title (including the amendments by this title) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable.

SEC. __06. RETURN OF EXCESS TAX RECEIPTS TO STATES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(6) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

''(A) IN GENERAL.—On the first day of each of fiscal years 2016, 2017, 2018, and 2019, the Secretary, in consultation with the Secretary of Transportation, shall—

''(i) determine the excess (if any) of—

''(I) the amounts appropriated in such fiscal year to the Highway Trust Fund under subsection (b) which are attributable to the taxes described in paragraphs (1) and (2) thereof (after the application of paragraph (4) thereof) over the sum of—

''(II) the amounts so appropriated which are equivalent to—

''(aa) such amounts attributable to the core programs financing rate for such year, plus

''(bb) the taxes described in paragraphs (3)(C), (4)(B), and (5) of subsection (c), and

''(ii) allocate the amount determined under clause (i) among the States (as defined in section 101(a) of title 23, United States Code) for surface transportation (including mass transit and rail) purposes so that—

''(I) the percentage of that amount allocated to each State, is equal to

''(II) the percentage of the amount determined under clause (i)(I) paid into the Highway Trust Fund in the latest fiscal year for which such data are available which is attributable to highway users in the State.

''(B) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in subparagraph (A), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2014.

SEC. __07. REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS FUNDING HIGHWAY TRUST FUND.

(a) REDUCTION IN TAX RATE.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended—

(A) in clause (i), by striking ''18.3 cents'' and inserting ''3.7 cents''; and

(B) in clause (iii), by striking ''24.3 cents'' and inserting ''5.0 cents''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4081(a)(2)(D) of such Code is amended—

(i) by striking ''19.7 cents'' and inserting ''4.1 cents'', and

(ii) by striking ''24.3 cents'' and inserting ''5.0 cents''.

(B) Section 6427(b)(2)(A) of such Code is amended by striking ''7.4 cents'' and inserting ''1.5 cents''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 4041(a)(1)(C)(iii)(I) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents per gallon (4.3 cents per gallon after September 30, 2016)'' and inserting ''1.4 cents per gallon (zero after September 30, 2021)''.

(2) Section 4041(a)(2)(B)(ii) of such Code is amended by striking ''24.3 cents'' and inserting ''5.0 cents''.

(3) Section 4041(a)(3)(A) of such Code is amended by striking ''18.3 cents'' and inserting ''3.7 cents''.

(4) Section 4041(m)(1) of such Code is amended—

(A) in subparagraph (A), by striking ''2016'' and inserting ''2021,'';

(B) in subparagraph (A)(i), by striking ''9.15 cents'' and inserting ''1.8 cents'';

(C) in subparagraph (A)(ii), by striking ''11.3 cents'' and inserting ''2.3 cents''; and

(D) by striking subparagraph (B) and inserting the following:

''(B) zero after September 30, 2021.''.

(5) Section 4081(d)(1) of such Code is amended by striking ''4.3 cents per gallon after September 30, 2016'' and inserting ''zero after September 30, 2021''.

(6) Section 9503(b) of such Code is amended—

(A) in paragraphs (1) and (2), by striking ''October 1, 2016'' both places it appears and inserting ''October 1, 2021'';

(B) in the heading of paragraph (2), by striking ''OCTOBER 1, 2016'' and inserting ''OCTOBER 1, 2021'';

(C) in paragraph (2), by striking ''after September 30, 2016, and before July 1, 2017'' and inserting ''after September 30, 2021, and before July 1, 2022''; and

(D) in paragraph (6)(B), by striking ''October 1, 2014'' and inserting ''October 1, 2019''.

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2019, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2020; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2019—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2020; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuel removed after September 30, 2019.

(2) CERTAIN CONFORMING AMENDMENTS.—The amendments made by subsections (b)(4) and (b)(6) shall apply to fuel removed after September 30, 2016.

SEC. __08. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this title and the amendments made by this title.

SEC. __09. EFFECTIVE DATE CONTINGENT ON CERTIFICATION OF DEFICIT NEUTRALITY.

(a) PURPOSE.—The purpose of this section is to ensure that—

(1) this title will become effective only if the Director of the Office of Management and Budget certifies that this title is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this title; and

(3) the tax reduction made by this title is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(b) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this title, this title and the amendments made by this title shall take effect only if—

(1) the Director of the Office of Management and Budget (referred to in this section as the ''Director'') submits the report as required in subsection (c); and

(2) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2019.

(c) OMB ESTIMATES AND REPORT.—

(1) REQUIREMENTS.—Not later than 5 calendar days after the date of enactment of this Act, the Director shall—

(A) estimate the net change in revenues resulting from this title for each fiscal year through fiscal year 2019;

(B) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this title for each fiscal year through fiscal year 2019;

(C) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2019; and

(D) submit to Congress a report setting forth the estimates and determination.

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(A) REVENUE ESTIMATES.—The revenue estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and score keeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) OUTLAY ESTIMATES.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the level of discretionary outlays resulting from this title with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(d) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—On compliance with the requirements specified in subsection (b), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2019 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under subsection (c)(1)(B).

(e) PAYGO INTERACTION.—On compliance with the requirements specified in subsection (b), no changes in revenues estimated to result from the enactment of this Act shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

SA 2926. Mr. COATS submitted an amendment intended to be proposed to

amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

On page 16 of the amendment, strike line 15 and all that follows through page 18, line 19, and insert the following:

SEC. 10. REDUCTION IN BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by inserting after section 224 the following new section:

''REDUCTION IN BENEFITS BASED ON RECEIPT OF UNEMPLOYMENT COMPENSATION

''SEC. 224A (a)(1) If for any month prior to the month in which an individual attains retirement age (as defined in section 216(l)(1))—

''(A) such individual is entitled to benefits under section 223, and

''(B) such individual is entitled for such month to unemployment compensation,

the total of the individual's benefits under section 223 for such month and of any benefits under section 202 for such month based on the individual's wages and self-employment income shall be reduced (but not below zero) by the total amount of unemployment compensation received by such individual for such month.

''(2) The reduction of benefits under paragraph (1) shall also apply to any past-due benefits under section 223 for any month in which the individual was entitled to—

''(A) benefits under such section, and

''(B) unemployment compensation.

''(3) The reduction of benefits under paragraph (1) shall not apply to any benefits under section 223 for any month, or any benefits under section 202 for such month based on the individual's wages and self-employment income for such month, if the individual is entitled for such month to unemployment compensation following a period of trial work (as described in section 222(c)(1), participation in the Ticket to Work and Self-Sufficiency Program established under section 1148, or participation in any other program that is designed to encourage an individual entitled to benefits under section 223 or 202 to work.

''(b) If any unemployment compensation is payable to an individual on other than a monthly basis (including a benefit payable as a lump sum to the extent that it is a commutation of, or a substitute for, such periodic compensation), the reduction under this section shall be made at such time or times and in such amounts as the Commissioner of Social Security (referred to in this section as the 'Commissioner') determines will approximate as nearly as practicable the reduction prescribed by subsection (a).

''(c) Reduction of benefits under this section shall be made after any applicable reductions under section 203(a) and section 224, but before any other applicable deductions under section 203.

''(d)(1) Subject to paragraph (2), if the Commissioner determines that an individual may be eligible for unemployment compensation which would give rise to a reduction of benefits under this section, the Commissioner may require, as a condition of certification for payment of any benefits under section 223 to any individual for any month and of any benefits under section 202 for such month based on such individual's wages and self-employment income, that such individual certify—

''(A) whether the individual has filed or intends to file any claim for unemployment compensation, and

''(B) if the individual has filed a claim, whether there has been a decision on such claim.

''(2) For purposes of paragraph (1), the Commissioner may, in the absence of evidence to the contrary, rely upon a certification by the individual that the individual has not filed and does not intend to file such a claim, or that the individual has so filed and no final decision thereon has been made, in certifying benefits for payment pursuant to section 205(i).

''(e) Whenever a reduction in total benefits based on an individual's wages and self-employment income is made under this section for any month, each benefit, except the disability insurance benefit, shall first be proportionately decreased, and any excess of such reduction over the sum of all such benefits other than the disability insurance benefit shall then be applied to such disability insurance benefit.

''(f)(1) Notwithstanding any other provision of law, the head of any Federal agency shall provide such information within its possession as the Commissioner may require for purposes of making a timely determination of the amount of the reduction, if any, required by this section in benefits payable under this title, or verifying other information necessary in carrying out the provisions of this section.

''(2) The Commissioner is authorized to enter into agreements with States, political subdivisions, and other organizations that administer unemployment compensation, in order to obtain such information as the Commissioner may require to carry out the provisions of this section.

''(g) For purposes of this section, the term 'unemployment compensation' has the meaning given that term in section 85(b) of the Internal Revenue Code of 1986, and the total amount of unemployment compensation to which an individual is entitled shall be determined prior to any applicable reduction under State law based on the receipt of benefits under section 202 or 223.''.

(b) CONFORMING AMENDMENT.—Section 224(a) of the Social Security Act (42 U.S.C. 424a(a)) is amended, in the matter preceding paragraph (1), by striking ''the age of 65'' and inserting ''retirement age (as defined in section 216(l)(1))''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to benefits payable for months beginning on or after the date that is 12 months after the date of enactment of this section.

SA 2927. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—REINS ACT

SECTION 201. SHORT TITLE.

This Act may be cited as the ''Regulations From the Executive in Need of Scrutiny Act of 2014'' or the ''REINS Act''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(2) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(3) By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(b) PURPOSE.—The purpose of this title is to increase accountability for and transparency in the Federal regulatory process.

SEC. 203. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''Sec.
''801. Congressional review.
''802. Congressional approval procedure for major rules.
''803. Congressional disapproval procedure for nonmajor rules.
''804. Definitions.
''805. Judicial review.
''806. Exemption for monetary policy.
''807. Effective date of certain rules.

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the actions of the agency pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

''(iii) the actions of the agency pursuant to sections 1532, 1533, 1534, and 1535 of title 2, United States Code; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The

report of the Comptroller General shall include an assessment of compliance by the agency with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, sections 802 and 803 shall apply, in the succeeding session of Congress, to any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session; or

''(B) in the case of the House of Representatives, 60 legislative days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day after the succeeding session of Congress first convenes; or

''(II) in the case of the House of Representatives, the 15th legislative day after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title: 'Approving the rule submitted by _____ relating to _____.' (The blank spaces being appropriately filled in);

''(C) includes after its resolving clause only the following: 'That Congress approves the rule submitted by _____ relating to _____.' (The blank spaces being appropriately filled in); and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or the designee of the majority leader) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within 3 legislative days; and

''(B) in the case of the Senate, within 3 session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee or committees shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for not fewer than 5 legislative days to call up the joint resolution for immediate consideration in the House without intervention of any point of order. When so called up, a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) For purposes of this subsection, the term 'identical joint resolution' means a joint resolution of the first House that proposes to approve the same major rule as a joint resolution of the second House.

''(2) If the second House receives from the first House a joint resolution, the Chair shall determine whether the joint resolution is an identical joint resolution.

''(3) If the second House receives an identical joint resolution—

''(A) the identical joint resolution shall not be referred to a committee; and

''(B) the procedure in the second House shall be the same as if no joint resolution had been received from the first house, except that the vote on final passage shall be on the identical joint resolution.

''(4) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives,

respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the nonmajor rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter—

''(1) the term 'Federal agency' means any agency as that term is defined in section 551(1);

''(2) the term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(3) the term 'nonmajor rule' means any rule that is not a major rule; and

''(4) the term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not—

''(1) be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule;

''(2) extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule; and

''(3) form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. 204. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following:

''(E) Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SA 2928. Mr. BURR (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADDITIONAL REQUIREMENTS FOR RECEIPT OF EXTENDED UNEMPLOYMENT BENEFITS.

(a) SHORT TITLE.—This section may be cited as the ''Extended Unemployment Benefits Reform Act of 2014''.

(b) FINDINGS.—Congress makes the following findings:

(1) The Founding Fathers of this Nation held the value and virtue of work to be an integral part of the American spirit of freedom and unity.

(2) Honest work of an individual's choice, whether paid or unpaid, benefits both the individual and society as a whole.

(3) The betterment of communities through public service should be encouraged by the Federal Government.

(4) After the first months of eligibility for unemployment benefits, involvement by an

individual in public service will not infringe on such individual's readiness to work or their ability to search for employment.

(c) ADDITIONAL REQUIREMENTS FOR RECEIPT OF EXTENDED UNEMPLOYMENT BENEFITS.—

(1) IN GENERAL.—Section 3304 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a)—

(i) in paragraph (18), by striking ''and'' at the end;

(ii) by redesignating paragraph (19) as paragraph (20); and

(iii) by inserting after paragraph (18) the following new paragraph:

''(19) extended compensation, including any such compensation under a temporary program, shall not be payable to an individual for any week in which such individual does not—

''(A) perform at least 20 hours of public service (as described in subsection (g)); and

''(B) engage in at least 20 hours of active job searching (as described in subsection (h)); and''; and

(2) by adding at the end the following new subsections:

''(g) PUBLIC SERVICE.—

''(1) IN GENERAL.—For purposes of subsection (a)(19)(A), the term 'public service' means unpaid service by an individual to an organization described in section 501(c)(3), or a Federal, State, or local agency (as permitted in accordance with applicable Federal, State, and local law), with tangible evidence to be provided to the State agency by the individual on a weekly basis demonstrating that the individual has performed such service during the previous week.

''(2) EXCEPTIONS.—For purposes of the public service requirement under subsection (a)(19)(A), an individual shall be deemed to have satisfied such requirement for that week if the individual—

''(A) provides tangible evidence to the State agency demonstrating that such individual was unable to perform the required public service for that week due to an illness or family emergency;

''(B) is a parent of a qualifying child (as defined in section 152(c)) and provides tangible evidence to the State agency demonstrating an inability to perform the required number of hours of public service due to responsibility for child care;

''(C) provides tangible evidence to the State agency demonstrating an inability to perform the required number of hours of public service due to a lack of available transportation, telephone, or internet services; or

''(D) provides tangible evidence of a bona fide attempt to perform public service and, pursuant to such criteria as is determined appropriate by the State agency, is determined to be unable to perform such service due to a lack of available public service opportunities in the area in which the individual resides.

''(3) PERFORMANCE OF WORK ACTIVITIES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the total number of hours of public service required under subsection (a)(19)(A) shall be reduced by 1 hour for each hour during that week that an individual performs work activities.

''(B) MINIMUM PUBLIC SERVICE REQUIREMENT.—For purposes of subparagraph (A), any reduction in the total number of hours of public service required under subsection (a)(19)(A) based upon performance of work activities shall not be greater than 15 hours for each week.

''(C) DEFINITION OF WORK ACTIVITIES.—For purposes of this paragraph, the term 'work activities' has the same meaning as provided under subsection (d) of section 407 of the Social Security Act (42 U.S.C. 607), except that such activities shall not include job searching, as described in paragraph (6) of such subsection.

''(h) ACTIVE SEARCH FOR EMPLOYMENT.—

''(1) IN GENERAL.—For purposes of subsection (a)(19)(B), the term 'active job searching' means an active and ongoing search for employment by an individual, with tangible evidence of such search to be provided to the State agency by the individual on a weekly basis, which shall include a record of potential employers contacted by the individual (including relevant contact information for such employers) and such other information as determined appropriate by the State agency.

''(2) ALTERNATIVE JOB SEARCH REQUIREMENTS.—The State agency may reduce the total number of hours of active job searching required under subparagraph (A) of subsection (a)(19) and provide alternative job search requirements for an individual who has met the requirements under subparagraphs (A) and (B) of such subsection for a period of not less than 12 weeks.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on July 1, 2014.

(B) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State which the Secretary of Labor determines requires State legislation (other than legislation appropriating funds) in order for the State law to meet the additional requirements imposed by the amendments made by this section, the State law shall not be regarded as failing to comply with the requirements of such section 3304(a)(19) of the Internal Revenue Code of 1986, as added by such amendments, solely on the basis of the failure of the State law to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SA 2929. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. _____. COMMERCIAL DRIVERS LICENSE SKILLS TESTING REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine—

(A) the Commercial Drivers License (referred to in this section as ''CDL'') skills testing procedures used by each State;

(B) whether States using the procedures described in paragraph (2)(A) have reduced testing wait times, on average, compared to the procedures described in subparagraphs (B) and (C) of paragraph (2);

(C) for each of the 3 CDL skills testing procedures described in paragraph (2)—

(i) the average time between a CDL applicant's request for a CDL skills test and such test in States using such procedure;

(ii) the failure rate of CDL applicants in States using such procedure; and

(iii) the average time between a CDL applicant's request to retake a CDL skills test and such test; and

(D) the total economic impact of CDL skills testing delays.

(2) SKILLS TESTING PROCEDURES.—The procedures described in this paragraph are—

(A) third party testing, using nongovernmental contractors to proctor CDL skills tests on behalf of the State;

(B) modified third party testing, administering CDL skills tests at State testing facilities, community colleges, or a limited number of third parties; and

(C) State testing, administering CDL skills tests only at State-owned facilities.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of the study conducted pursuant to subsection (a).

SEC. _____. WAIVER OF NONCONFLICTING REGULATIONS FOR INFRASTRUCTURE PROJECTS.

(a) DEFINITIONS.—In this section:

(1) INFRASTRUCTURE PROJECT.—

(A) IN GENERAL.—The term ''infrastructure project'' means any physical systems project carried out in the United States, such as a project relating to transportation, communications, sewage, or water.

(B) INCLUSION.—The term ''infrastructure project'' includes a project for energy infrastructure.

(2) NONCONFLICTING REGULATION.—The term ''nonconflicting regulation'' means a Federal regulation applicable to an infrastructure project, the waiver of which would not conflict with any provision of Federal or State law, as determined by the Secretary concerned.

(3) SECRETARY CONCERNED.—

(A) IN GENERAL.—The term ''Secretary concerned'' means the head of a Federal department or agency with jurisdiction over a nonconflicting regulation.

(B) INCLUSIONS.—The term ''Secretary concerned'' includes—

(i) the Administrator of the Environmental Protection Agency, with respect to nonconflicting regulations of the Environmental Protection Agency; and

(ii) the Secretary of the Army, acting through the Chief of Engineers, with respect to nonconflicting regulations of the Corps of Engineers.

(b) ACTION BY SECRETARY CONCERNED.—

(1) IN GENERAL.—Subject to paragraph (3), on receipt of a request of the Governor of a State in which an infrastructure project is conducted, the Secretary concerned shall waive any nonconflicting regulation applicable to the infrastructure project that, as determined by the Secretary concerned, in consultation with the Governor, impedes or could impede the progress of the infrastructure project.

(2) DEADLINE FOR WAIVER.—The Secretary concerned shall waive a nonconflicting regulation by not later than 90 days after the date of receipt of a request under paragraph (1).

(3) EXCEPTION.—The Secretary concerned shall provide a waiver under this subsection with respect to a nonconflicting regulation unless the Secretary concerned provides to the applicable Governor, by not later than the date described in paragraph (2), a written notice that the nonconflicting regulation is necessary due to a specific, direct, and quantifiable concern for safety or the environment.

SEC. _____. STATE CONTROL OF ENERGY DEVELOPMENT AND PRODUCTION ON ALL AVAILABLE FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) AVAILABLE FEDERAL LAND.—The term ''available Federal land'' means any Federal land that, as of May 31, 2013—

(A) is located within the boundaries of a State;

(B) is not held by the United States in trust for the benefit of a federally recognized Indian tribe;

(C) is not a unit of the National Park System;

(D) is not a unit of the National Wildlife Refuge System; and

(E) is not a Congressionally designated wilderness area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

(b) STATE PROGRAMS.—

(1) IN GENERAL.—A State—

(A) may establish a program covering the leasing and permitting processes, regulatory requirements, and any other provisions by which the State would exercise its rights to develop all forms of energy resources on available Federal land in the State; and

(B) as a condition of certification under subsection (c)(2) shall submit a declaration to the Departments of the Interior, Agriculture, and Energy that a program under subparagraph (A) has been established or amended.

(2) AMENDMENT OF PROGRAMS.—A State may amend a program developed and certified under this section at any time.

(3) CERTIFICATION OF AMENDED PROGRAMS.—Any program amended under paragraph (2) shall be certified under subsection (c)(2).

(c) LEASING, PERMITTING, AND REGULATORY PROGRAMS.—

(1) SATISFACTION OF FEDERAL REQUIREMENTS.—Each program certified under this section shall be considered to satisfy all applicable requirements of Federal law (including regulations), including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(2) FEDERAL CERTIFICATION AND TRANSFER OF DEVELOPMENT RIGHTS.—Upon submission of a declaration by a State under subsection (b)(1)(B)(i)—

(A) the program under subsection (b)(1)(A) shall be certified; and

(B) the State shall receive all rights from the Federal Government to develop all forms of energy resources covered by the program.

(3) ISSUANCE OF PERMITS AND LEASES.—If a State elects to issue a permit or lease for the development of any form of energy resource on any available Federal land within the borders of the State in accordance with a program certified under paragraph (2), the permit or lease shall be considered to meet all applicable requirements of Federal law (including regulations).

(d) JUDICIAL REVIEW.—Activities carried out in accordance with this Act shall not be subject to judicial review.

(e) ADMINISTRATIVE PROCEDURE ACT.—Activities carried out in accordance with this Act shall not be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

SEC. _____. FRACTURING REGULATIONS ARE EFFECTIVE IN STATE HANDS.

(a) FINDINGS.—Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'' and dated May 2009 finding that the ''current State regulation of oil and gas activities is environmentally proactive and preventive'';

(3) that report also concluded that ''[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources'';

(4) a 2004 study by the Environmental Protection Agency, entitled ''Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs'', found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'', found a ''lack of evidence'' that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated ''The states, who regulate production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.'';

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was ''not aware of any proven case where the fracking process itself has affected water'';

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, ''We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.'';

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin, entitled ''Fact-Based Regulation for Environmental Protection in Shale Gas Development'', found that ''[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations''.

(b) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation; and

(4) land under the jurisdiction of the Corps of Engineers.

(c) STATE AUTHORITY.—

(1) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on or under any land within the boundaries of the State.

(2) FEDERAL LAND.—The treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SEC. _____. ALTERNATIVE FUEL VEHICLE DEVELOPMENT.

(a) ALTERNATIVE FUEL VEHICLES.—

(1) MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32906(a) of title 49, United States Code, is amended by striking ''(except an electric automobile)'' and inserting ''(except an electric automobile or, beginning with model year 2016, an alternative fueled automobile that does not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1))''.

(2) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—Section 32901(c)(2) of title 49, United States Code, is amended—

(A) in subparagraph (B), by inserting '', except that beginning with model year 2016, alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1) shall have a minimum driving range of 150 miles'' after ''at least 200 miles''; and

(B) in subparagraph (C), by adding at the end the following: ''Beginning with model year 2016, if the Secretary prescribes a minimum driving range of 150 miles for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1), subparagraph (A) shall not apply to dual fueled automobiles (except electric automobiles).''.

(3) MANUFACTURING PROVISION FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32905(d) of title 49, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''For any model'' and inserting the following:

''(1) MODEL YEARS 1993 THROUGH 2015.—For any model'';

(C) in paragraph (1), as redesignated, by striking ''2019'' and inserting ''2015''; and

(D) by adding at the end the following:

''(2) MODEL YEARS AFTER 2015.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer after model year 2015, the Administrator shall calculate fuel economy as a weighted harmonic average of the fuel economy on gaseous fuel as measured under subsection (c) and the fuel economy on gasoline or diesel fuel as measured under section 32904(c). The Administrator shall apply the utility factors set forth in the table under section 600.510–12(c)(2)(vii)(A) of title 40, Code of Federal Regulations.

''(3) MODEL YEARS AFTER 2016.—Beginning with model year 2017, the manufacturer may elect to utilize the utility factors set forth under subsection (e)(1) for the purposes of calculating fuel economy under paragraph (2).''.

(4) ELECTRIC DUAL FUELED AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following:

''(e) ELECTRIC DUAL FUELED AUTOMOBILES.—

''(1) IN GENERAL.—At the request of the manufacturer, the Administrator may measure the fuel economy for any model of dual fueled automobile manufactured after model year 2015 that is capable of operating on electricity in addition to gasoline or diesel fuel, obtains its electricity from a source external to the vehicle, and meets the minimum driving range requirements established by the Secretary for dual fueled electric automobiles, by dividing 1.0 by the sum of—

''(A) the percentage utilization of the model on gasoline or diesel fuel, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(c); and

''(B) the percentage utilization of the model on electricity, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(a)(2).

''(2) ALTERNATIVE UTILIZATION.—The Administrator may adapt the utility factor established under paragraph (1) for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1).

''(3) ALTERNATIVE CALCULATION.—If the manufacturer does not request that the Administrator calculate the manufacturing incentive for its electric dual fueled automobiles in accordance with paragraph (1), the Administrator shall calculate such incentive for such automobiles manufactured by such manufacturer after model year 2015 in accordance with subsection (b).''.

(5) CONFORMING AMENDMENT.—Section 32906(b) of title 49, United States Code, is amended by striking ''section 32905(e)'' and inserting ''section 32905(f)''.

(b) HIGH OCCUPANCY VEHICLE FACILITIES.—Section 166 of title 23, United States Code, is amended—

(1) in subparagraph (b)(5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW-EMISSION VEHICLES.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles listed in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

''(i) alternative fuel vehicles; and

''(ii) new qualified plug-in electric drive motor vehicles (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986).''; and

(2) in subparagraph (f)(1), by inserting ''solely'' before ''operating''.

(c) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, after consultation with the Secretary of Transportation, shall submit a report to Congress that—

(1) describes options to incentivize the development of public compressed natural gas fueling stations; and

(2) analyzes a variety of possible financing tools, which could include—

(A) Federal grants and credit assistance;

(B) public-private partnerships; and

(C) membership-based cooperatives.

SEC. _____. CATEGORICAL EXCLUSIONS IN EMERGENCIES.

Section 1315 of the Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 109 note; 126 Stat. 549) is amended by striking ''activity is—'' and all that follows through ''(2) commenced'' and inserting ''activity is commenced''.

SEC. _____. CATEGORICAL EXCLUSIONS FOR PROJECTS WITHIN RIGHT-OF-WAY.

Section 1316 of the Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 109 note; 126 Stat. 549) is amended—

(1) in the heading of subsection (b), by striking ''AN OPERATIONAL''; and

(2) in subsection (a)(1) and subsection (b), by striking ''operational'' each place it appears.

SEC. _____. LIMITATIONS ON CERTAIN FEDERAL ASSISTANCE.

Section 176 of the Clean Air Act (42 U.S.C. 7506) is amended—

(1) by striking ''(c)(1) No'' and all that follows through ''(d) Each'' and inserting the following:

''(a) IN GENERAL.—Each'';

(2) in the first sentence, by striking ''prepared under this section''; and

(3) by striking the second sentence and inserting the following:

''(b) APPLICABILITY.—This section applies to—

''(1) title 23, United States Code;

''(2) chapter 53 of title 49, United States Code; and

''(3) the Housing and Urban Development Act of 1968 (12 U.S.C. 1701t et seq.).''.

SEC. _____. TERMINATION OF EFFECTIVENESS.

(a) IN GENERAL.—The amendments made by this Act shall terminate on the day that is 30 days after the date of enactment of this Act if the Secretary of Labor, acting through the Bureau of Labor Statistics, in coordination with the heads of other Federal agencies, including the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, fails to publish in the Federal Register a report that models the impact of major Federal regulations on job creation across the whole economy of the United States.

(b) UPDATES.—

(1) IN GENERAL.—The Secretary of Labor, acting through the Bureau of Labor Statistics, shall update the report described in subsection (a) not less frequently than once every 30 days.

(2) TERMINATION.—The amendments made by this Act shall terminate on the date that is 30 days after the date on which the most recent report described in paragraph (1) is required if the Secretary of Labor, acting through the Bureau of Labor Statistics, fails to update the report in accordance with paragraph (1).

SA 2930. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS MODIFYING THE STREAM ZONE BUFFER RULE.

The Secretary of the Interior may not, before December 31, 2014, issue a regulation modifying the final rule entitled ''Excess Spoil, Coal Mine Waste, and Buffers for Perennial and Intermittent Streams'' (73 Fed. Reg. 75814 (December 12, 2008)).

SA 2931. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS IN A MONTH FOR WHICH EMERGENCY UNEMPLOYMENT COMPENSATION IS RECEIVED.

(a) IN GENERAL.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(k) DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS.—If for any month an individual is entitled to emergency unemployment compensation under this title, such individual shall be deemed to have engaged in substantial gainful activity for such month for purposes of sections 222 and 223 of the Social Security Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to months beginning after the date of the enactment of this Act.

SA 2932. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS IN A MONTH FOR WHICH EMERGENCY UNEMPLOYMENT COMPENSATION IS RECEIVED.

(a) IN GENERAL.—Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(k) DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS.—If for any month an individual is entitled to emergency unemployment compensation under this title, such individual shall be deemed to have engaged in substantial gainful activity for such month for purposes of sections 222 and 223 of the Social Security Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to months beginning after the date of the enactment of this Act.

SA 2933. Mr. FLAKE (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXPENSING CERTAIN DEPRECIABLE BUSINESS ASSETS FOR SMALL BUSINESS.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking ''shall not exceed—'' and all that follows and inserting ''shall not exceed $250,000.''.

(2) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of such Code is amended by striking ''exceeds—'' and all that follows and inserting ''exceeds $800,000.''.

(b) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) of such Code is amended by striking ''and before 2014''.

(c) ELECTION.—Paragraph (2) of section 179(c) of such Code is amended by striking ''may not be revoked'' and all that follows through ''and before 2014''.

(d) QUALIFIED REAL PROPERTY.—Section 179(f) of such Code is amended—

(1) by striking ''beginning in 2010, 2011, 2012, or 2013'' in paragraph (1), and

(2) by striking paragraph (4).

(e) INFLATION ADJUSTMENT.—Subsection (b) of section 179 of such Code is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2014, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '2013' for '1992' in subparagraph (B) thereof.

''(B) ROUNDING.—The amount of any increase under subparagraph (A) shall be rounded to the nearest multiple of $10,000.''.

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

SA 2934. Mr. FLAKE (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. _____. EXPENSING CERTAIN DEPRECIABLE BUSINESS ASSETS FOR SMALL BUSINESS.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking ''shall not exceed—'' and all that follows and inserting ''shall not exceed $250,000.''.

(2) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of such Code is amended by striking ''exceeds—'' and all that follows and inserting ''exceeds $800,000.''.

(b) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) of such Code is amended by striking ''and before 2014''.

(c) ELECTION.—Paragraph (2) of section 179(c) of such Code is amended by striking ''may not be revoked'' and all that follows through ''and before 2014''.

(d) QUALIFIED REAL PROPERTY.—Section 179(f) of such Code is amended—

(1) by striking ''beginning in 2010, 2011, 2012, or 2013'' in paragraph (1), and

(2) by striking paragraph (4).

(e) INFLATION ADJUSTMENT.—Subsection (b) of section 179 of such Code is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2014, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '2013' for '1992' in subparagraph (B) thereof.

''(B) ROUNDING.—The amount of any increase under subparagraph (A) shall be rounded to the nearest multiple of $10,000.''.

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

SA 2935. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. REID (for Mr. REED (for himself, Mr. HELLER, Mr. MERKLEY, Ms. COLLINS, Mr. BOOKER, Mr. PORTMAN, Mr. BROWN, Ms. MURKOWSKI, Mr. DURBIN, and Mr. KIRK)) to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORITY TO OFFER ADDITIONAL PLAN OPTIONS.

(a) CATASTROPHIC PLANS.—Notwithstanding title I of the Patient Protection and Affordable Care Act (Public Law 111–148), a catastrophic plan as described in section 1302(e) of such Act shall be deemed to be a qualified health plan (including for purposes of receiving tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing assistance under section 1402 of this Act), except that for purposes of enrollment in such plans, the provisions of paragraph (2) of such section 1302(e) shall not apply.

(b) INDIVIDUAL MANDATE.—Coverage under a catastrophic plan under subsection (a) shall be deemed to be minimum essential coverage for purposes of section 5000A of the Internal Revenue Code of 1986.

SA 2936. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORITY TO OFFER ADDITIONAL PLAN OPTIONS.

(a) CATASTROPHIC PLANS.—Notwithstanding title I of the Patient Protection and Affordable Care Act (Public Law 111–148), a catastrophic plan as described in section 1302(e) of such Act shall be deemed to be a qualified health plan (including for purposes of receiving tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing assistance under section 1402 of this Act), except that for purposes of enrollment in such plans, the provisions of paragraph (2) of such section 1302(e) shall not apply.

(b) INDIVIDUAL MANDATE.—Coverage under a catastrophic plan under subsection (a) shall be deemed to be minimum essential coverage for purposes of section 5000A of the Internal Revenue Code of 1986.

SA 2937. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

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

SEC. 3. REPEAL OF THE INDIVIDUAL MANDATE.

Section 1501 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 2938. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

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

SEC. 3. DEFINITION OF APPLICABLE LARGE EMPLOYER.

(a) IN GENERAL.—Paragraph (2) of section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''50 full-time employees'' each place it appears in subparagraphs (A) and (B)(i) and inserting ''500 full-time employees'', and

(2) by striking ''in excess of 50'' in subparagraph (B)(i)(II) and inserting ''in excess of 500''.

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

SA 2939. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

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

SEC. 3. DEFINITION OF APPLICABLE LARGE EMPLOYER.

(a) IN GENERAL.—Paragraph (2) of section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''50 full-time employees'' each place it appears in subparagraphs (A) and (B)(i) and inserting ''100,000,000 full-time employees'', and

(2) by striking ''in excess of 50'' in subparagraph (B)(i)(II) and inserting ''in excess of 100,000,000''.

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

SA 2940. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to

apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

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

SEC. 3. REPEAL OF THE EMPLOYER MANDATE.

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 2941. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LONG-TERM UNEMPLOYED INDIVIDUALS NOT TAKEN INTO ACCOUNT FOR EMPLOYER HEALTH CARE COVERAGE MANDATE.

(a) IN GENERAL.—Paragraph (4) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—

''(i) IN GENERAL.—The term 'full-time employee' shall not include any individual who is a long-term unemployed individual with respect to such employer.

''(ii) LONG-TERM UNEMPLOYED INDIVIDUAL.—For purposes of this subparagraph, the term 'long-term unemployed individual' means, with respect to any employer, an individual who—

''(I) begins employment with such employer after the date of the enactment of this subparagraph, and

''(II) has been unemployed for 27 weeks or longer, as determined by the Secretary of Labor, immediately before the date such employment begins.''.

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

SA 2942. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

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

SEC. 3. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

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

SA 2943. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

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

SEC. 3. DEFINITION OF FULL-TIME EMPLOYEE.

Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(E), by striking ''by 120'' and inserting ''by 174''; and

(2) in paragraph (4)(A) by striking ''30 hours'' and inserting ''40 hours''.

SA 2944. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

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

SEC. 3. DEFINITION OF FULL-TIME EMPLOYEE.

Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(E), by striking ''by 120'' and inserting ''by 174''; and

(2) in paragraph (4)(A) by striking ''30 hours'' and inserting ''40 hours''.

SEC. 4. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

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

SA 2945. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

Strike Sections 1 through 11.

SA 2946. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Volunteer Firefighters and Emergency Responders Act of 2014''.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

''(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms 'qualified services', 'bona fide volunteer', and 'eligible employer' shall have the respective meanings given such terms under section 457(e).

''(B) CERTAIN OTHER GOVERNMENT AND NONPROFIT VOLUNTEERS.—

''(I) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

''(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term 'bona fide volunteer' means an employee of a specified employer whose only compensation from such employer is in the form of—

''(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

''(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

''(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term 'specified employer' means—

''(I) any government entity, and

''(II) any organization described in section 501(c) and exempt from tax under section 501(a).

''(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(11)(C)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 30, 2013.

SA 2947. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFINITION OF APPLICABLE LARGE EMPLOYER.

(a) IN GENERAL.—Paragraph (2) of section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''50 full-time employees'' each place it appears in subparagraphs (A) and (B)(i) and inserting ''500 full-time employees'', and

(2) by striking ''in excess of 50'' in subparagraph (B)(i)(II) and inserting ''in excess of 500''.

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

SA 2948. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF THE INDIVIDUAL MANDATE.

Section 1501 and subsections (a), (b), (c), and (d) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 2949. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF THE EMPLOYER MANDATE.

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient

Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

SA 2950. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFINITION OF APPLICABLE LARGE EMPLOYER.

(a) IN GENERAL.—Paragraph (2) of section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''50 full-time employees'' each place it appears in subparagraphs (A) and (B)(i) and inserting ''100,000,000 full-time employees'', and

(2) by striking ''in excess of 50'' in subparagraph (B)(i)(II) and inserting ''in excess of 100,000,000''.

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

SA 2951. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. LONG-TERM UNEMPLOYED INDIVIDUALS NOT TAKEN INTO ACCOUNT FOR EMPLOYER HEALTH CARE COVERAGE MANDATE.

(a) IN GENERAL.—Paragraph (4) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR LONG-TERM UNEMPLOYED INDIVIDUALS.—

''(i) IN GENERAL.—The term 'full-time employee' shall not include any individual who is a long-term unemployed individual with respect to such employer.

''(ii) LONG-TERM UNEMPLOYED INDIVIDUAL.—For purposes of this subparagraph, the term 'long-term unemployed individual' means, with respect to any employer, an individual who—

''(I) begins employment with such employer after the date of the enactment of this subparagraph, and

''(II) has been unemployed for 27 weeks or longer, as determined by the Secretary of Labor, immediately before the date such employment begins.''.

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

SA 2952. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

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

SA 2953. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFINITION OF FULL-TIME EMPLOYEE.

Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(E), by striking ''by 120'' and inserting ''by 174''; and

(2) in paragraph (4)(A) by striking ''30 hours'' and inserting ''40 hours''.

SA 2954. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFINITION OF FULL-TIME EMPLOYEE.

Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(E), by striking ''by 120'' and inserting ''by 174''; and

(2) in paragraph (4)(A) by striking ''30 hours'' and inserting ''40 hours''.

SEC. _____. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

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

SA 2955. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 3979, to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION B—SAVING COAL JOBS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Saving Coal Jobs Act of 2013''.

TITLE I—PROHIBITION ON ENERGY TAX

SEC. 2101. PROHIBITION ON ENERGY TAX.

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, ''The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.'';

(F) according to the National Center for Health Statistics, ''children in poor families

were four times as likely to be in fair or poor health as children that were not poor'';

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

TITLE II—PERMITS

SEC. 2201. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) APPLICABILITY OF GUIDANCE.—

''(1) DEFINITIONS.—In this subsection:

''(A) GUIDANCE.—

''(i) IN GENERAL.—The term 'guidance' means draft, interim, or final guidance issued by the Administrator.

''(ii) INCLUSIONS.—The term 'guidance' includes—

''(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

''(II) the proposed guidance entitled 'Draft Guidance on Identifying Waters Protected by the Clean Water Act' and dated April 28, 2011;

''(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

''(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rulemaking process.

''(B) NEW PERMIT.—The term 'new permit' means a permit covering discharges from a structure—

''(i) that is issued under this section by a permitting authority; and

''(ii) for which an application is—

''(I) pending as of the date of enactment of this subsection; or

''(II) filed on or after the date of enactment of this subsection.

''(C) PERMITTING AUTHORITY.—The term 'permitting authority' means—

''(i) the Administrator; or

''(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

''(2) PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

''(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

''(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

''(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

''(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.''.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

''(b) STATE PERMIT PROGRAMS.—

''(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

''(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

''(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

''(A) to issue permits that—

''(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

''(ii) are for fixed terms not exceeding 5 years;

''(iii) can be terminated or modified for cause, including—

''(I) a violation of any condition of the permit;

''(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

''(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

''(iv) control the disposal of pollutants into wells;

''(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

''(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

''(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

''(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

''(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

''(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

''(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

''(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

''(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

''(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

''(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

''(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

''(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(II) in paragraph (2)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(ii) in subsection (d), in the first sentence, by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking ''subsection (b)(8) of this section'' and inserting ''subsection (b)(2)(H)''.

(c) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking ''(2)'' and all that follows through the end of the first sentence and inserting the following:

''(2) OBJECTION BY ADMINISTRATOR.—

''(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

''(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

''(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.'';

(2) in the second sentence, by striking ''Whenever the Administrator'' and inserting the following:

''(B) REQUIREMENTS.—If the Administrator''; and

(3) by adding at the end the following:

''(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

''(i) Guidance, as that term is defined in subsection (s)(1).

''(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

SEC. 2202. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through ''SEC. 404. (a) The Secretary may issue'' and inserting the following:

''SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

''(a) PERMITS.—

''(1) IN GENERAL.—The Secretary may issue''; and

(2) in subsection (a), by adding at the end the following:

''(2) DEADLINE FOR APPROVAL.—

''(A) PERMIT APPLICATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

''(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

''(II) approve or deny an application for a permit under this subsection not later than the latter of—

''(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

''(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

''(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

''(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

''(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

''(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

''(i) the application, and the permit requested in the application, shall be considered to be approved;

''(ii) the Secretary shall issue a permit to the applicant; and

''(iii) the permit shall not be subject to judicial review.''.

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORITY OF ADMINISTRATOR.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

''(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

''(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

''(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking ''for the discharge'' and inserting ''for all or part of the discharges''.

SEC. 2203. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

SEC. 2204. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled ''EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act'' (EPA–HQ–OW–2011–0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

SEC. 2205. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''(4) The'' and inserting the following:

''(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

''(A) IN GENERAL.—The'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) DEADLINE.—The Administrator shall promulgate;'' and

(4) by adding at the end the following:

''(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

SEC. 2206. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

''(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

''(A) IN GENERAL.—Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

''(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

''(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

''(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load into the current plan of the State under subsection (e).

''(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection. the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

''(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

''(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

''(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

''(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State's identification and load and incorporate the State's identification and load as amended into the current plan of the State under subsection (e).

''(D) NONCOMPLIANCE BY ADMINISTRATOR.—

''(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.''.

SA 2956. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 371, honoring the legacy and accomplishments of Jan Karski on the centennial of his birth; as follows:

Beginning on page 2, strike line 2 and all that follows through ''(3) applauds'' on page 3, line 3, and insert the following:

(1) recognizes the life and legacy of Dr. Jan Karski on the centennial of his birth, and expresses its gratitude for his efforts alerting the free world about the atrocities committed by Nazi and totalitarian forces in occupied Poland during World War II; and

(2) applauds

SA 2957. Mr. REID (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 371, 0; as follows:

Amend the title so as to read: ''Honoring the legacy and accomplishments of Jan Karski on the centennial of his birth.''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to the nomination of Katherine M. O'Regan, to be an Assistant Secretary of Housing and Urban Development, dated March 31, 2014.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 1, 2014, at 2:30 p.m. in room SR–253 of the Russell Senate Office Building, to conduct a hearing entitled, ''Reauthorization of the Satellite Television Extension and Localism Act.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 1, 2014, at 2:15 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on April 1, 2014, at 2:30 p.m. in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Access to Justice: Ensuring Equal Pay with the Paycheck Fairness Act.''

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

COMMITTEE ON THE JUDICIARY

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate on April 1, 2014, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Judicial Nominations.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 1, 2014, at 9:30 a.m. to conduct a hearing entitled, ''Caterpillar's Offshore Tax Strategy.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 1, 2014, at 2:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 1, 2014, at 2:15 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Diana Hodges and Benjamin Rowland, interns from the Senate Health, Education, Labor, and Pensions Committee, be granted floor privileges for the remainder of today's session.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, April 2, 2014, at a time to be determined by me, in consultation with Senator MCCONNELL, the Senate proceed to executive session to consider the following nominations: 520, 679, 705; that there be 2 minutes of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote on the nominations in the order listed; that all rollcall votes after the first be 10 minutes in length; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

JAN KARSKI DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 371 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 371) honoring the legacy of Jan Karski by designating April 24, 2014, as ''Jan Karski Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Menendez amendment to the resolution, which is at the desk, be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the Menendez amendment to the title, which is at the desk, be agreed to and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2956) was agreed to, as follows:

Beginning on page 2, strike line 2 and all that follows through ''(3) applauds'' on page 3, line 3, and insert the following:

(1) recognizes the life and legacy of Dr. Jan Karski on the centennial of his birth, and expresses its gratitude for his efforts alerting the free world about the atrocities committed by Nazi and totalitarian forces in occupied Poland during World War II; and

(2) applauds

The resolution (S. Res. 371), as amended, was agreed to.

The preamble was agreed to.

The amendment (No. 2957) was agreed to, as follows:

Amend the title so as to read: ''Honoring the legacy and accomplishments of Jan Karski on the centennial of his birth.''.

PARKINSON'S AWARENESS MONTH

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 408.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 408) supporting the designation of April as ''Parkinson's Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 408) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, APRIL 2, 2014

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 9 a.m.; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 3979, which is the vehicle for the unemployment insurance extension, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees; and that the filing deadline for second-degree amendments be 9:30 tomorrow morning.

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

MEASURES READ THE FIRST TIME—S. 2198 AND S. 2199

Mr. REID. There are two bills at the desk due for their first reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2198) to direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of Environmental Protection Agency to take action to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

A bill (S. 2199) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Mr. REID. I ask for a second reading for both bills but object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

PROGRAM

Mr. REID. The first rollcall vote will be at 10 a.m. tomorrow morning to invoke cloture on the substitute amendment to the unemployment bill. Additional votes are possible.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Wednesday, April 2, 2014, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 1, 2014:

DEPARTMENT OF STATE

KEVIN WHITAKER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–

COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

DEPARTMENT OF LABOR

CHRISTOPHER P. LU, OF VIRGINIA, TO BE DEPUTY SECRETARY OF LABOR.

DEPARTMENT OF JUSTICE

JOHN P. CARLIN, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.