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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.

Eternal God, today make our lawmakers instruments of Your grace and goodness. Teach them how to be patient with themselves and each other. Forgive them when they permit impatience to lead them astray, preventing them from seeing the wonder and majesty of Your purpose for our Nation and world. Lord, renew in them the joy of belonging to You as they yield their hearts to You in trust and love. May no duty be left undone and no constructive words be left unsaid.

We pray in Your holy 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.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 345, S. 2199, the Paycheck Fairness Act.

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

The bill clerk read as follows:

Motion to proceed to Calendar No. 345, 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.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business until 12:30 p.m., with the time equally divided and controlled. The Senate will recess from 12:30 p.m. to 2:15 p.m. for our weekly caucus meetings, as we always do on Tuesdays.

MEASURE PLACED ON THE CALENDAR—H.R. 2575

Mr. President, I understand that H.R. 2575 is at the desk and due for a second reading.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (H.R. 2575) to amend the Internal Revenue Code of 1986 to repeal the 30-hour threshold for classification of a full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act and replace it with 40 hours.

Mr. REID. I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

EQUAL PAY DAY

Mr. REID. Mr. President, Ralph Waldo Emerson said this: ''America is another name for opportunity.''

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Today this body, the Senate, should put Emerson's words to the test as we turn attention to the question of equal pay. For working American women, millions of whom are primary wage earners for their families, the Paycheck Fairness Act represents a unique opportunity, a chance to better provide for themselves and their families.

It is unconscionable that American women currently take home an average of 77 cents for every dollar their male colleagues earn for doing the exact same work. Wage disparity is true regardless of whether a woman has a college degree, what job she holds or how many hours she spends at the office or factory or wherever it might be.

Consider this just for a brief moment: For a woman to make the same salary as a man in 1 year for doing similar work in America, she must work not only that year but also an additional 3 months and 8 days. That is why today, April 8, the eighth day of the fourth month, is Equal Pay Day. It represents the extra work American women have to put forth to provide for their families. This is an injustice and should not be permitted to take place in America. While President Obama and Democrats have made significant progress toward helping women achieve equal pay, there is still much for us to do.

Five years ago the very first law President Obama ever signed, the first act he performed in the Oval Office, was to sign the Lilly Ledbetter Fair Pay Act. Remember, this is the legislation based on the good woman who found out—after having worked at this place for so many years, having additional responsibilities than all the men—they were all getting paid much more than she. She was the boss getting paid less than the people who worked for her. Why? Because she is a woman.

The Lilly Ledbetter legislation is the biggest step Congress has taken on behalf of women to help them with their wages since the Equal Pay Act of 1963. The bill provides that the statute of limitations doesn't begin to run until someone finds out they are being cheated by their employer. The legislation helped address the pay gap, but women still suffer from discriminatory wage disparity.

The Paycheck Fairness Act goes a step further by providing protections for women in the workplace. This legislation addresses unequal wages by empowering women to negotiate for equal pay and giving employers incentives to obey current law.

I was happy to hear all the news accounts that I was able to be briefed on—along with those I listened to on public radio while I was doing my exercises—the detailed accounts about how

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

women are not treated fairly. The legislation we are working on enables women to fight against wage discrimination while also preventing retaliation against employees who discuss salary information. Before Lilly Ledbetter and even today if you discuss what someone else makes you can be fired. That is the way it is in most places in America. It would finally give much needed assistance to victims of gender-based pay discrimination.

Simply put, the Paycheck Fairness Act gives American women the fair shot they deserve. Unfortunately, efforts to address this issue have not been well received by Republicans. A similar bill addressing equal pay—despite a Republican filibuster—passed Congress and the Congress before that. Let's hope the third time is a charm for American women. Let's hope Republicans will finally do what is right.

In any other circumstance Republicans would be up in arms with this type of economic discrimination—I would hope. They should be up in arms in terms of equal pay for women also. Why is it that so many Republicans are content to allow women working the same hours in the same job to make less money than their male coworkers? It is hard to comprehend, since women make up nearly half the U.S. labor force and more than half of the people enrolled in college. We are finding that the majority of students enrolled in professional schools, law schools, medical schools are women. Is it reasonable to assume that women should be treated unfairly? Is it reasonable to assume that Republicans in this body have wives, daughters or sisters who are or will be affected by this wage disparity and shouldn't we do something about it?

I urge my colleagues to keep those loved ones—people such as my daughter and my many granddaughters—in their minds and in their thoughts when considering the question of equal pay for women. We will have the first vote the day after tomorrow. We will have this vote. To do otherwise would simply be unfair.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

NCAA CHAMPIONSHIP KUDOS

Mr. MCCONNELL. Mr. President, I wish to take a minute to congratulate the Kentucky Wildcats for an extraordinary season. My home State has held on to the NCAA national championship trophy for the past 2 years, with the Louisville Cardinals claiming it last year and the Kentucky Wildcats winning it in 2012. John Calipari's young Wildcats started five freshmen who played like seasoned veterans and made an incredible run that captivated both our State and the Nation.

While the Commonwealth will now relinquish the trophy to Connecticut, I only ask that my colleagues, Senator MURPHY and Senator BLUMENTHAL, see to it that the trophy remains in pristine condition—pristine condition—as my State will undoubtedly reclaim it next year.

JOB CREATION SOLUTIONS

Mr. President, America's middle class is struggling. They need serious job creation solutions, but that is not what they have been getting from the President. He seems more intent on staging campaign-style rallies to bemoan an economy he has been presiding over for the last 5½ years, not to offer solutions but more to do what he does best, which is to shift the blame to others.

Meanwhile, yesterday in the Senate Republicans were hoping the majority leader would finally work with us to pass a job creation package that contains ideas from many of our Members—legislation with provisions several key Democrats support as well—but that is not what the majority leader chose to do. Instead of focusing on jobs, he launched into another confusing attack on the left's latest bizarre obsession.

Think about that. The percentage of Americans in the workforce is almost at a four-decade low, and Democrats chose to ignore serious job creation ideas so they could blow a few kisses to their powerful pals on the left.

At a time when so many Americans are desperate—desperate for a good job, at a time of fewer opportunities, people are hurting, college graduates cannot find a job, working families cannot afford to pay their bills—what Americans need right now are real job creation solutions, not some tone-deaf, blame-deflection rally or some daily bout of shadow boxing on the Senate floor.

Some say this is all embarrassing, but there is one positive side to the Washington Democrats' never-ending political road show. It throws the divide between the two parties into stark relief. On the one side we have a Washington Democratic Party that simply has run out of ideas. When it comes to fixing the economy, they have tried just about everything their ideology will allow: taxing, regulating, spending, stimulating, you name it, and none of it has worked. So at this point they have basically dropped any pretense of doing anything serious on the economy. That is why we heard them essentially admit that their governing agenda is actually a political document drafted by campaign staff, that the proposals it contains are basically just show votes designed specifically not to pass. So that is one side of American politics: a party that is out of ideas, campaign-obsessed, and utterly beholden to the far left.

On the other side we have a Republican Party that is committed to getting our economy working for the middle class. We believe in the power of ideas, and we know that with the right forward-looking policies we can and will break through the stagnation of the Obama economy. The Republicans' focus is on offering more opportunity to the middle class and those who aspire to it. Our focus is on offering innovative ways to generate the kind of stable, well-paying jobs that Americans actually want. We also know we can get more done as a country if both parties can work together to see these policies through and leave behind the sterile campaign theatrics that have been on daily display in the Senate under the Democratic majority.

I am asking our Democratic colleagues to consider dropping all the show votes, the blame deflecting, and the perpetual campaigning. What I am asking is for them to consider shifting from policies that don't work—in other words, what they have been trying for the last 5½ years—to ones that will. Every Senator was sent here to get things done for our constituents, and we can. We can pass a positive jobs agenda for the American people. All we need is for Washington Democrats to work with us for a change.

I have one other item. This morning IRS Commissioner Koskin will testify before the Finance Committee. I am sure Members will be reminding him of this, and I know several sent a letter yesterday too. But I would like to underline the point. Commissioner Koskin led Congress to believe that his agency will not be imposing anti-free speech rules before this November's election. It is a point he basically reiterated again just the other day, so Congress plans to hold him to what he has been leading the American people to believe.

Honestly, what he really needs to do is to stop the IRS from stepping on the First Amendment all together. He needs to stop this proposed regulation just as the Secretary of the Treasury told us he could do if he wanted. In fact, the House of Representatives recently voted to halt it too.

Remember, tens of thousands of Americans made their opinions known directly to the IRS about this regulation. It was an unprecedented response and nearly all of the comments were opposed. The comments came from straight across the political spectrum.

Commissioner Koskin needs to live up to what we told the Senate when we confirmed him when he led us to believe he would be an independent voice for reform. As I said before, Commissioner Koskin has a choice. He can be a hero—like the IRS commissioner who stood up to President Nixon—or he can be another pawn of this administration. Both Congress and the American people expect him to make the right decision.

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, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to

speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Illinois.

PAYCHECK FAIRNESS ACT

Mr. DURBIN. Mr. President, my wife and I are blessed with a son and daughter who are good people, hard workers with good values. We basically believe the following: If they did the same job, they deserve the same pay—my daughter and my son. Most Americans agree with that. People should be judged on what they do, their performance, their productivity, not on their gender. That is at the heart of the issue pending before the Senate at this moment.

Tomorrow we will take a vote. It is a procedural vote, so it takes 60 Senators to vote to move forward on what is known as the Paycheck Fairness Act. We have 55 Democrats. The simple math tells you that unless five Republican Senators join us to move forward on this issue, that is the end of the story. It would be unfortunate if it is the end of the story.

The Paycheck Fairness Act amends the Equal Pay Act to discourage discrimination based on gender and to help narrow the pay gap in America. No. 1, the bill provides women the same remedies for sex-based pay discrimination that are available to people today based on racial or national origin discrimination. No. 2, the bill prohibits retaliation against workers who disclose their wages. Think about that for a second.

Lilly Ledbetter worked in a tire factory in Alabama for years. Toward the end of her work life, she received an anonymous note that said: Lilly, you have been underpaid. You have been making less than the men do in the same job in this plant since you have been here. She was crushed. She thought she was a valued employee. No one ever questioned the quality of her work, and she was being paid less than the men doing the same job at her factory.

She filed a lawsuit, and it made it all the way to the Supreme Court—across the street. Not surprisingly, this conservative, business-oriented, Republican-oriented Supreme Court said: Sorry, Ms. Ledbetter. You should have reported that pay discrimination when it first started. Well, why didn't she? She didn't know. How could she know? Payroll information is not published—except perhaps for government employees. That payroll information was not available to her to file the lawsuit when it first occurred. When she found out about it, she filed the lawsuit across the street, and the learned Supreme Court said: Too late.

So we changed the law. The very first law signed by the President of the United States Barack Obama was the Lilly Ledbetter Fair Pay Act, which said that Lilly Ledbetter and women just like her across America, deserve an opportunity for equal pay for equal work. What we have before us today—this Paycheck Fairness Act—is an effort to make sure that law is strong and helps women across America.

No. 1, it says that women cannot be discriminated against in the workplace simply because they are women. No. 2, you can't threaten retaliation if one worker tells another what the pay is at that particular place of work. No. 3, it adds programs for training, research, technical assistance, and awards to recognize pay equity employers.

The Equal Pay Act was signed into law almost 50 years ago, but the pay gap between men and women in America is just about the same today as it was then. According to the U.S. Census Bureau—as we heard over and over—women earn 77 cents for every dollar earned by men. African-American women make 70 cents on the dollar, and Hispanic women make about 60 cents on the dollar.

In my State of Illinois, 37 percent of married employed mothers are their family's primary wage earners. Yet they face the same income disparity. It turns out to be a yearly gap of $11,596 on average between men and women who work full time in my State. That is what the disparity in pay between men and women means in the State of Illinois. It is not just less take-home pay for women doing the same job, it means fewer Social Security benefits when they retire. They are not earning at the same level as men. They pay for this discrimination for a lifetime.

The National Partnership for Women and Families found that ending this wage gap would provide women in my State with additional earnings that would be the equivalent of 97 weeks of food, 13 months of rent, 7 months of mortgage payments or 3,000 gallons of gas. It is a big deal for a struggling family—particularly for a woman who is a struggling wage earner in Illinois.

Regardless of occupation, education, industry or marital status, pay for women in my State lags behind their male counterparts. Women in Illinois who work in business and financial management earn 72 percent of their male counterpart's salary. That is what is before the Senate.

Is it wrong? Yes, it is. Are we prepared to say so in legislation? Tune in tomorrow and find out whether five Republicans will join us to raise this issue of pay fairness for women across America.

I am not encouraged by the statement that was just made on the floor by the Senate Republican leader. He referred to this whole conversation about paycheck fairness and minimum wage increases—so that people who go to work every single day do not live in poverty—as ''the left's latest bizarre obsession.'' He said that we were blowing a few kisses to our powerful pals on the left with this legislative agenda. He called it tone deaf, blame deflection, and shadow boxing on the Senate floor.

The Senate Republican leader said the divide between the two parties is in stark relief. He is right. He went on to say: We should drop any pretense of doing anything serious in this Chamber if this is what we are going to discuss.

How serious is equal pay for equal work to working people across America? I think it is critical. It is one thing for the Senate Republican leader to talk about job creation. We all want it. We are desperate for it. We are moving toward it in many different ways, but let's talk to those who are working and have jobs and whether they are paid fairly. Is that important to them? Of course.

Simply having a job may be important, but when you get to the heart of it, people want to be rewarded for good work. They don't want to work 40 hours a week, get up every morning, get on the bus in the dark, put their kids in their neighbor's house for daycare, head to their job, and at the end of the week realize they are still living in poverty. And that is what today's minimum wage does.

The women on those buses and the CTA trains that we see every morning in Chicago, with their shopping bags full of the basics so they can go to work and leaving their kids behind, want to believe they will be paid fairly for what they do. That is not much to ask.

According to the Republican leader, it shows the stark contrast between the two parties. It is a stark contrast. The Republican leader says that we want to work for a commitment to jobs and focus on the power of ideas. I want to focus on the power of an idea too. It is the idea of fairness and fair play. It is as basic as being an American, to believe that people ought to be treated fairly, and that when they do the same work they are entitled to the same pay. That is not too much to ask. In fact, we should demand it.

I suppose we are going to have a critical, historic vote tomorrow. I am hoping five—just five—Republicans will step up on behalf of working women across America and join us on this Paycheck Fairness Act. Without them, this idea will die for now, but it is not going to die forever. The American people have the last word. They will have it in the election. They can decide if this is important. They can decide whether—as the Republican leader said—this is just a bizarre obsession on the part of the left to think of fair pay for the same work. I think it is pretty basic to America.

This is our chance. Paycheck fairness and a minimum wage to keep people who get up and go to work every day out of poverty are fundamental to a good workplace and a workforce across America which is respected by the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

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

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

FORT HOOD SHOOTING

Mr. CORNYN. Mr. President, last week the men and women at the Fort Hood Army post in Killeen, TX, witnessed a shocking act of violence as a gunman suddenly and inexplicably opened fire, killing 3 fellow soldiers and wounding 16 others. Yet, even as our attention has focused on the horror of this event, I think it is also important to talk about the very best of humanity demonstrated during this time of tragedy and crisis.

The men and women at Fort Hood saw the very best of humanity in the military police officer who confronted the shooter, for example.

They saw it in Private Jacob Sanders, who risked his own life in the hopes of saving one of the victims.

They saw it in SGT Jonathan Westbrook, who was shot and wounded by the gunman but still managed to radio Fort Hood officials and sound the alert so that others might be protected and safe.

They also saw it in SFC Danny Ferguson, who served a combat tour in Iraq and had recently gotten home from a second one in Afghanistan. Last Wednesday Sergeant Ferguson used his own body to prevent the shooter from entering a crowded room. He gave his life so that his fellow soldiers could keep theirs. He showed the kind of heroism that few of us could even imagine, the kind of heroism that defines our men and women in uniform.

So even as we mourn the terrible loss of Sergeant Ferguson, we want to also take a moment to celebrate his wonderful example and his wonderful life, just as we celebrate the remarkable lives of SGT Timothy Owens and SSG Carlos Lazaney-Rodriguez.

Sergeant Owens served his country in Iraq and in Kuwait. He also served as a counselor at Fort Hood. According to his mother, he counseled literally ''hundreds of people.'' His brother Darrell described him as someone who ''would help anybody who needed help.''

Sergeant Lazaney-Rodriguez was a native of Puerto Rico, and he served multiple combat tours in Iraq. He too made a distinct impression on his friends and fellow soldiers at Fort Hood. One of them described him as ''the epitome of what you want a leader to be in the Army.''

As I mentioned a moment ago, as we mourn the loss of Sergeant Ferguson, Sergeant Owens, and Sergeant Lazaney-Rodriguez, we should take a moment to celebrate their lives and their service. All three of these men chose—they volunteered—to devote their lives to a noble cause—the defense of our country—and our memories of their work and their sacrifice will live forever.

Before I conclude, I wish to say one more word about Fort Hood, where I will be traveling to tomorrow with the President. Fort Hood is also known as The Great Place. They call it The Great Place. I had the honor of visiting the post last Thursday, and I will do so again tomorrow for the memorial, as I said. As we all remember, Fort Hood was also the scene of an earlier mass shooting in November of 2009. That was yet another day where we saw both the worst and the best of humanity. We saw the very best of humanity in people such as Michael Cahill, a civilian physician's assistant and retired soldier, and Army CPT John Gaffaney, both of whom charged the gunman—MAJ Nidal Hasan—and gave their lives in order to save the lives of others around them.

Over the last 13 years, the Fort Hood community has made enormous contributions to America's missions in Iraq and in Afghanistan, where more than 550 of their soldiers have made the ultimate sacrifice. In fact, the last combat brigade to leave Iraq was a Fort Hood brigade—the Third Brigade of the storied 1st Cavalry Division.

I sometimes think about the fact that most Americans probably don't have a close friend or relative who has served in the Armed Forces. So in some ways the American people have become isolated to some degree from the realities of war and national security. For them the war in Afghanistan is something they read about in the newspaper or they hear about on TV, but it is not very real to them unless they have a family member or a loved one or a friend who has served.

For the families at Fort Hood and in the surrounding Texas communities of Belton, Copperas Cove, Harker Heights, Killeen, and Temple, it is something much different, something much more personal because it is a family member, it is a loved one, it is a friend who has served, and many of them have lost their lives in the process because they believed that keeping the American people safe was more important than their own personal security and safety.

I wish to take this moment to let the families and friends of the victims at Fort Hood know that—and, indeed, to tell all the good people at Fort Hood—your fellow Americans are thinking about you, we are praying for you and keeping you close in our hearts during this difficult time.

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

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

UCONN VICTORY

Mr. BLUMENTHAL. Mr. President, I want to begin by remarking on the extraordinary and remarkable triumph of the UConn men's basketball team last night—a victory that is beyond my words to describe—and the achievement it represents for those players, for the school, for coach Kevin Ollie, and for the entire university, particularly in the face of last year's disqualification—unfair and unjustified, in my view.

I am so proud of our team and the University of Connecticut for its steadfast and relentless pursuit of this national championship, which last night culminated in a huge and joyous triumph felt throughout Connecticut and, in fact, throughout the country.

I will be commenting in greater length and depth on how this achievement reflects on the University of Connecticut, what it means to college athletics, and what lessons we can take from this great triumph.

In the meantime, I am wearing my University of Connecticut tie with the emblem of the Huskies because last night's triumph is only a prelude to tonight.

UConn is rolling with momentum toward two national championships. The women, I believe, will prevail tonight, and I expect to collect on another debt—the debt owed to me already by my colleagues from Kentucky I think will be supplemented tomorrow—and I will ask that my Kentucky colleague, Senator PAUL, wear this tie, if only for a brief moment, to demonstrate who was the better team last night. They are both great teams, but Connecticut was the greatest.

PAYCHECK FAIRNESS ACT

Mr. BLUMENTHAL. Mr. President, I am here this morning on a very serious and important subject—the Paycheck Fairness Act. I thank my colleagues who were with me earlier today at an event we attended. The President is doing an event right now. He has announced he will require all Federal contractors to follow the rule that there should be no retaliation against people in the workplace who share information about their pay. It sounds like a basic principle of fairness but, unfortunately, the law has gaps that permit discrimination—gender discrimination, unequal pay for the same work. So today on Equal Pay Day, I am here to advocate for the Paycheck Fairness Act, which will help fill some of those gaps.

This issue is not a man's issue, it is not a woman's issue. It is a family issue. It is not about women, it is about paycheck fairness. So it is as much about men as it is about women. Right now 40 percent of all our families are supported by women either as the sole or primary breadwinner. That means the children in those families, and the men, depend on that income and on the fairness of their paychecks to keep a roof over their head and to keep food on the table.

Paycheck fairness is about a fair shot—a fair shot for every woman and

every person in American society. It is part of a larger agenda which includes raising the minimum wage, which we still have to do, and restoring unemployment insurance, which the Senate did yesterday but we still have to do in the House. That larger agenda about a fair shot goes to the core of the American conscience about what is right, but it also happens to be what is economically smart. Paying women equal to men for the same work means that women will come to jobs and they will work better in those jobs, more productively. Women have so much to contribute in jobs where they serve equally or better than men.

Unfortunately, the promise of the Equal Pay Act, signed in 1963 by President Kennedy, has yet to be achieved. That promise was that equality would prevail in the workplace. Yet 51 years later the disparities are glaring, the gaps between gender pay are unacceptable and inexcusable. Women make only 77 percent of every dollar earned by men. The disparity is even greater in certain professions. In the janitorial profession, among supervisors, and among CEOs, women make 70 cents or less on the dollar. The same is true among financial advisers and among product inspectors. So the disparities cut across all professions. In fact, in 97 percent of all professions, women make less on average than men. That is why we must work to change the law.

The Paycheck Fairness Act would accomplish a number of very simple straightforward goals. No. 1, it would enable workers to share information without fear of retaliation. Right now, a worker can be fired or demoted if he or she shares information about what they are making. The Lilly Ledbetter Act of 2009 advanced these goals and made some progress, but this threat of retaliation is real and completely unconscionable and it should be directly prohibited by law.

Second, the burden should be on the employer to establish that pay disparities are business related or job specific. Those disparities ought to be the job of the employer to justify, not the employee. After all, it is not the employee who makes those decisions, it is the employer. So the employer ought to be the one to present a justification based on objective and real business-related or job-specific factors.

Finally, the Paycheck Fairness Act provides for punitive damages. Only by establishing punitive damages can the evil and harm done by pay discrimination be effectively deterred. The economic penalty will discourage employers by providing real consequences for their discrimination.

This issue is really an American issue that has resonance coast to coast, job to job, and person to person, but mostly it has resonance among families. The estimates are that eliminating the gender pay gap will reduce poverty among families headed by single working mothers from 28.7 percent to 15 percent. It will reduce poverty, most importantly, among children. It will give those children a leg up that they lack now. It will give their moms a sense of justified dignity and self-respect. It will make a practical difference in the lives of families, raising the self-respect and dignity of men as well as women. If they are the beneficiaries of false factors, simple gender discrimination, how can they justify the additional pay that they as men make?

Discovering and proving discrimination is a formidable, daunting, sometimes insurmountable challenge. Discovering it is difficult enough. That is why sharing of information is necessary. Proving it is sometimes virtually impossible without the kind of law the Paycheck Fairness Act will provide, the rights and making those rights real that can be achieved, ending systemic pay discrimination that undermines and disserves our entire society. It demeans all of us. It fails to give people a fair shot when that is the ethos, the core conscience of American economic profit. A fair shot is not only fair, it is smart. It will promote jobs and economic growth, which all of us deeply want and deserve.

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

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

POLITICAL STRATEGY

Mr. THUNE. Madam President, 2 weeks ago the New York Times published an article on the congressional Democrats' plan for the rest of the year. It boiled down to one thing: Campaigning. That is right; 8 months out from the election, Democrats in Congress have given up on legislating. Instead, they are going to spend the next 8 months focused on show votes, which will—and I quote from the story—''be timed to coincide with campaign-style trips by President Obama.''

While these votes will focus on ''pocketbook issues'' Democrats hope will appeal to voters, the votes are not designed to actually accomplish anything. The New York Times goes on to say:

> Democrats concede that making new laws is not really the point. Rather, they are trying to force Republicans to vote against them.

The article goes on to say:

> Privately, White House officials say they have no intention of searching for any grand bargain with Republicans on any of these issues. ''The point isn't to compromise,'' a senior White House official said.

So that is where we are. The economy is stagnant, unemployment is hovering at recession-level highs, 10 million Americans are unemployed—nearly 4 million of them for 6 months or longer—household income has fallen, health care costs are soaring, and Democrats have decided to give up doing anything about it so they can get reelected in November.

This political strategy was front and center last week when Democrats blocked all Republican amendments during the Senate debate of the employment benefits extension bill. Republicans wanted to offer a number of amendments that were focused specifically on job creation. After all, the only reason we are considering extending unemployment benefits for the 13th time since 2008 is because so many Americans still don't have jobs. While unemployment benefits can provide limited short-term help, they do nothing to get unemployed Americans what they really want—steady, good-paying jobs with an opportunity for advancement.

Republicans thought that we should accompany yet another extension of emergency unemployment benefits with measures to make it easier and cheaper to create jobs for the millions of Americans currently searching for work. We proposed amendments to create jobs with measures such as reining in burdensome regulatory requirements and improving job training for people who are unemployed. Democrats, however, didn't want to take any votes on Republican proposals, so they simply refused to allow amendments to be considered. That is not the mark of a party that is serious about helping the unemployed.

If Democrats were really serious, they would be focused on permanent relief through jobs rather than merely treating the symptoms of unemployment. Democrats brought up unemployment benefits not because they offer real, long-term help to the unemployed but because they think these benefits might win them a few votes in November.

They are planning to keep on doing the same thing. Soon Democrats plan to bring up a 40-percent minimum wage hike that the nonpartisan Congressional Budget Office estimates will cost up to 500,000 jobs by the end of 2016. By the way, 57 percent of those job losses—according to the CBO—would be held by women. But that is not stopping the Democrats who hope that a minimum wage hike will gain them votes at the polls even if it hurts workers in the process.

This week Senator REID filed cloture on the motion to proceed to a similarly political bill, the so-called Paycheck Fairness Act. All Senate Republicans believe in equal pay for equal work. Paycheck fairness has been the law of the land since 1963. Democrats are playing politics with equal pay and attempting to distract from the real harm that their policies have done to women. Right now there are 3.7 million more women living in poverty than there were when the President took office. Since the President took office,

the poverty rate for women has increased from 14.4 percent to 16.3 percent. Income for female college graduates has dropped by over $1,400, and the median income for women is down by $733 since the President took office.

It would be nice if this legislation that is being proposed by the Democratic majority provided women with real economic help, but it is far more likely to line the pockets of trial lawyers. In fact, this election-year ploy would actually hurt women by increasing Federal regulations that would cut flexibility in the workforce for working moms and end merit pay to reward quality work.

If Democrats were really serious about helping women, they would work with us on bills to create jobs and to expand workplace opportunities for women as well as for men—bills such as Senator RUBIO's legislation to amend the National Labor Relations Act to allow employers to give merit-based pay increases to good workers; or Senator COLLINS' bill to repeal ObamaCare's 30-hour workweek rule, which is reducing hours and lowering wages for many workers, particularly women, who make up 63 percent of those affected; or the bill proposed by Senator MIKE LEE, which would help employers balance work and family life by allowing private sector employers to give workers the choice of monetary compensation or comp time for the overtime hours that they work; or Senator MCCONNELL and Senator AYOTTE's bill, which would give hourly workers access to flexible work arrangements like comp time off and flexible credit hours; or my bill combining several of my colleagues' proposals to stimulate job creation and increase hours and wages through energy development, job training, and regulatory relief. Then, of course, there is Senator FISCHER's proposal to give women the tools and knowledge they need to fight discrimination at work.

Many of these proposals have passed the House of Representatives and are awaiting action by the Senate. These bills would create new jobs, open new opportunities, and help reverse the economic decline that women have experienced over the past 5 years. But Democrats don't seem to be interested in providing economic relief to women. They are interested in elections and scoring political points.

Democrats can go on campaigning for the rest of the year if they want. They can twist the legislative process for their own political ends and ignore the economic pain they have caused women and men. Meanwhile, the middle class in this country continues to fall further and further behind.

Republicans in the Senate will continue to propose legislation to create jobs and opportunities for Americans and help make up the ground that the American people have lost in the Obama economy. Democrats can still change their minds and join us, and I hope they will because the situation has not gotten any better. We still have chronic high unemployment, lower take-home pay, and lower household income.

We have almost 4 million people who have been unemployed for more than 6 months. The labor participation rate—the number of people who are actually in the labor workforce today—is at the lowest level we have seen in 35 years, meaning there are millions of Americans who left the workforce. Those statistics are crying out for solutions that will do something about the need for jobs in our economy, that will do something about growing and expanding our economy, so those people who are unemployed can find the work they need to improve their standard of living and that of their families as well.

So I hope all of these issues I have mentioned—these are all amendments that have been filed by my colleagues on the Republican side of the aisle. So far there is no indication, no suggestion that any of these amendments are going to get an opportunity to be offered, to be debated, and to be voted on—amendments that actually would improve the outlook for not only men in this country but women as well, by growing the economy, expanding the economy, creating the types of good-paying jobs that will create opportunities for advancement for hard-working Americans.

If the Senate is going to continue to be a place where debate and amendments are shut down, blocked by the other side simply so they can have show votes designed to appeal to a political audience as we head into the midterm elections; if we aren't going to be doing anything to solve the real-world problems millions of Americans who are unemployed have, or millions of Americans who have been hurt by this economy, and millions of Americans who have seen their standard of living and their quality of life eroded by bad policies coming out of Washington, DC, that make it more difficult and more expensive to create jobs—that is what we ought to be focused on. Republicans come to the floor, as we did last week when we were debating unemployment insurance, with amendments designed specifically at growing the economy and creating jobs. At every turn we have been blocked from offering those amendments and, in turn, we are talking about nothing more than political rhetoric in an election year that does nothing to address the real problems of the American people. They deserve better. We can do better. I hope we will. I hope the Democrats will change their minds and join us and allow us to have that debate, to have those votes, and allow us to do something meaningful for middle-class families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EQUAL PAY DAY

Mr. HARKIN. Madam President, today is Equal Pay Day. I mentioned that to someone earlier and they said: What does that mean? What that means is an American woman working full time in America today—I am talking about an average American woman working full time, year-round—had to work all last year and up to today of this year to earn what the average male made last year up to December 31. That is what Equal Pay Day is. Think about that. A man gets paid up to December 31, and a woman has to work all that year and up to today to get the same pay.

It is shocking that in 2014 that is still happening in America—shocking—because we passed the Equal Pay Act in 1963. In 1963, a woman made about 60 cents on the dollar for what a man made. Today, it is 77 cents, so I guess we can say we have made some headway. So 1963, 1973, 1983—in 40 years, we have gone from 60 cents to 77 cents.

What we found out, through our committee hearings of the committee I am privileged to chair, the Committee on Health, Education, Labor, and Pensions, is that a lot of employers in this country are not abiding by some of the provisions of the Equal Pay Act. I compliment Senator MIKULSKI, who is a member of our committee as well as the Chair of the full Appropriations Committee, for her leadership in bringing this bill, the Paycheck Fairness Act, to the Senate.

When we passed it in 1963, 25 million female workers, as I said, earned about 60 cents on the dollar. Now it is 77 cents. Again, the deficit and what it means for a lifetime of earnings is startling. Over the course of a 40-year career, women, on average, earn more than $450,000 less than men. And get this: Women with a college degree, or more, face an even wider gap of more than $700,000 over a lifetime compared with men with the same higher education. So, again, the consequences are enormous, impacting not just women but their families as well, and not just impacting women during their working lives, but keep this in mind: When a woman is making that much less, then a woman is getting that much less in her retirement, in her Social Security, or maybe her 401(k), or a defined benefit, whatever it might be. So women get whacked twice during their working life and then when they retire because they have made substantially less than men.

Again, I congratulate Senator MIKULSKI for bringing this bill forward and for her indefatigable work on this issue. It is time to pass the Paycheck Fairness Act. It is simple, commonsense legislation to make sure we have procedures and processes that are in place, to make sure the Equal Pay Act, passed in 1963, has some teeth, so employers can't just skirt around it anymore, and so there will be avenues for women to take to make sure they are not discriminated against in terms of pay.

For example, right now it can be a violation of company policy if a woman wants to talk to another person about what their salary is. Some companies say employees can't do that. This bill says, yes, employees can do that. Employees can talk to someone else. They don't have to tell—we don't force anybody to tell what their salary is—but an employee can make inquiries and can discuss it with other fellow employees, and an employer cannot retaliate against an employee for doing that. That is a huge step forward, by the way: a little bit of transparency, a little bit of knowledge that a woman can have to understand whether she is being discriminated against in her employment.

Of course, we have a good deal of anecdotal evidence and many examples of employers retaliating against women for discussing salary information. So this bill is long overdue and we need to pass it.

We can't just stop there on this paycheck fairness bill. We have to pass it and then we have to do a few other things. We have to tackle the more subtle discrimination that occurs when we systematically undervalue the work traditionally done by women. The fact is millions of female-dominated jobs—jobs that are equivalent in skill, effort, responsibility, and working conditions to similar jobs dominated by men—pay significantly less than male equivalent-type jobs. For example, why is a housekeeper worth less than a janitor? Think about it: Eighty-four percent of the maids such as those who clean our rooms in hotels—are female; 75 percent of janitors are male. While the jobs are equivalent in terms of skill, effort, responsibility, and working conditions, the median weekly earnings for a maid are $399. For a janitor, it is $484.

Truckdrivers—a job that is 96-percent male—have median weekly earnings of $730. In contrast, a childcare worker—a job that is 93-percent female—has median weekly earnings of $390. Why do we value someone who moves products more than we value someone who looks after the safety and well-being of our children? I am not saying that truckdrivers are overpaid; I am just saying that jobs we consider ''women's work'' are often underpaid, even though they are equivalent in skills, effort, responsibility, and working conditions. Quite frankly, some of the jobs women do, such as nursing or home health aides, require a lot more physical effort than being a truckdriver. Maybe in the old days truckdrivers had to be strong to muscle those trucks around. Now everybody has power steering and power brakes and everything else. A person doesn't have to be some big, heavy-weight giant to drive trucks anymore. But to be a nursing aide, if you are rolling people who weigh over 250 pounds and doing other things, that can take quite a bit of effort. So why are nursing and home health aides paid so much less than truckdrivers?

That is why in every Congress since 1996 I have introduced the Fair Pay Act, which would require employers to provide equal pay for equivalent jobs. My counterpart in the House is Delegate ELEANOR HOLMES NORTON, and together we have introduced it in every Congress since 1996. It requires employers to provide equal pay for jobs that are equivalent in skills, effort, responsibility, and working conditions, but which are dominated by employees of a different gender, race, or national origin.

People may say maybe that is a stretch. Well, in 1983, the legislature of my State of Iowa, working with a Republican Governor, passed a bill stipulating that the State of Iowa could not discriminate in compensation between predominantly male and female jobs. They had to pay equivalent wages. So they hired Arthur Young & Company and they evaluated 800 job classifications in State government and, finally, in April of 1984, determined that 10,751 employees should be given a pay increase. Since 1984 in Iowa we have had that equivalency.

In Minnesota, our neighbor to the north and the neighbor of the Presiding Officer to the east, they went even a step further. Minnesota at that time passed a bill providing for equivalent pay not only in State jobs but clear down to the local level. That was in Minnesota. So it can be done. The women in this country are currently being paid less not because of their skills, not because of their education, working conditions, or responsibility, but simply because they are in what we call female-dominated jobs. This bill would make sure they receive their real worth. It will make a huge difference for them and their families who rely on their wages.

What my bill would do basically is require employers to publicly disclose their job categories and their pay scales. They wouldn't have to publish what every employee is making; they would have to say here are our job classifications and here are the pay scales in those job classifications. So it would give women information about what their male colleagues are earning or anyone who is in that pay scale, so they can negotiate a better deal for themselves in the workplace. Right now, women who believe they are a victim of pay discrimination must file a lawsuit and endure a drawn-out legal discovery process to find out whether they make less than the man working beside them, but with statistics readily available, this could be avoided. The number of lawsuits would go down if employees could see upfront whether they are being treated fairly.

Several years ago our committee had Lilly Ledbetter come and testify before our committee. We had provided her with a copy of the Fair Pay Act that I have been introducing since 1996, and she took a look at it and its description. I asked her, if the Fair Pay Act had been law when she was hired, would it have obviated her wage discrimination case. She said with the information about pay scales the bill provides, she would have known from the beginning she was a victim of discrimination and could have tried to address the problem sooner before it caused a lifelong drop in her earnings and before she had to go all the way to the Supreme Court to make things right.

So, again, it is time to get done and put some teeth in it, but it is time to take the next step, because the biggest gap right now between what women make and what men make—among the various known reasons for the gap, like education, race, union status, and work experience—is occupation; that is, the number of women who are in what we have traditionally known as women's jobs—housekeepers, maids, child care workers, nurse assistants, and so on. It is time to take the step that my State and Minnesota—and there are other States; I just mentioned those two because I am familiar with them—have taken to address this problem of equivalency.

The next thing we need to do to make sure Equal Pay Day is not today but is December 31, like when men get paid for a full year, is to raise the minimum wage. Hopefully, we will be voting on that soon to raise the minimum wage from $7.25 to $10.10 an hour.

Again, the majority of low-wage workers are women because of the trends I just mentioned. Jobs primarily held by women are undervalued and underpaid and most of the low-wage workers are women. So again we have to raise that, and we need to raise tipped wages.

Tipped wages right now are $2.13 an hour. It has not been changed since 1991. Who are most of the tipped workers? Women, and many of them are providing income for their families, for their children. I said this the other day to a group and they were astounded. They thought I must be wrong about it, but I am not wrong. Do you know how someone gets classified as a tipped worker? A lot of people do not know this. How does someone get classified as a tipped worker? Under the law, if their employer says they make more than $30 a month in tips, they can be classified as a tipped worker. Think about that, $30 a month.

Let's say if someone works 5 days a week and they are working 20 days a month, that is $1.50 a day. If they get $1.50 a day in tips, they can be classified as a tipped worker and they can pay them $2.13 an hour—unconscionable.

It has not been raised since 1991. Our minimum wage bill, which we hope to have on the floor shortly, would raise that tipped wage over 6 years from its present level to 70 percent of the minimum wage, and then it is indexed for the future.

So there are three things we need to do: pass the Paycheck Fairness Act championed by Senator MIKULSKI, address and pass the Fair Pay Act, and

raise the minimum wage. If we do those three things, Equal Pay Day will not be today, it will be December 31 for everybody.

150TH ANNIVERSARY OF GALLAUDET UNIVERSITY

Mr. HARKIN. Madam President, I see the time has come to recess for the caucuses, but I just wish to say that today is another important day. Today is the 150th anniversary of the date that Abraham Lincoln signed the law authorizing the institution we now know as Gallaudet University in Washington, DC. That was 150 years ago today. What began on April 8, 1864, as a school with just eight students has flourished into the world's first and only institution of higher education dedicated to deaf and hard-of-hearing students, renowned internationally for its outstanding academic programs and also for its leading research into the history, language, and culture of deaf people.

I take pride in the fact that it was Senator James W. Grimes of Iowa, then-chair of the Committee on the District of Columbia, who initiated that legislation allowing the school to confer degrees. Dr. T. Alan Hurwitz, who is now the current distinguished president of Gallaudet, was born and raised in Sioux City, IA, not too far from the Presiding Officer's State of North Dakota. In fact, Dr. Hurwitz's father and my brother were classmates at the Iowa School for the Deaf. We are proud of the many Iowa students, including a recent intern in my office, Joseph Lewis, who are graduates of Gallaudet.

It is a wonderful school. If you have never been there, you ought to go and take a look at it. They do fantastic work at Gallaudet, attracting people from all around the globe to go there. In 1894 it was named after Thomas Hopkins Gallaudet, and then in 1986 it was conferred university status by the Congress. Again, 150 years ago today, on April 8, 1864, Abraham Lincoln signed it into law.

In 1864, the school was known as the Columbia Institution for the Instruction of the Deaf and Dumb and Blind. It was inspired by the work of Thomas Hopkins Gallaudet, who had traveled to Paris to study the successful work of French educators who pioneered the use of a manual communication method of instructing the deaf—in other words, sign language. In 1894, the name of the institution was changed to Gallaudet College in honor of Thomas Hopkins Gallaudet. In 1986, by act of Congress, the college was granted university status.

My brother Frank was deaf from an early age. During his childhood, in the 1940s and 1950s, most Americans had very backward, ignorant attitudes toward deaf people. It pained me to witness the brazen discrimination and prejudice that he faced on a daily basis and I promised that if I ever got into a position of power, I would change things to prevent that kind of discrimination in the future.

As it turned out, I did rise to a position of power. I was determined to make good on my promise to pass legislation to end discrimination against people with disabilities, and an unexpected event gave a huge impetus to my legislative ambition.

In 1988, Gallaudet University was hiring a new president. At that time, the school had never had a deaf president. There were three candidates: one was deaf and two were hearing. The Board of Visitors selected a hearing president.

To the students at Gallaudet, who believed passionately that the time had come for a deaf president, this was unacceptable. They rose up in a movement that came to be known as Deaf President Now. They organized protests. They boycotted classes. Some 2,000 Gallaudet students marched from their campus to the U.S. Capitol Building. They demanded a president at Gallaudet who could relate to them in a way that no hearing person could.

I had the privilege of speaking to them. I told them, ''You are my heroes.'' They are still my heroes because they kept up their protests until they won. Gallaudet got its first deaf president, I. King Jordan.

But that is not all those students won. The protests by the students at Gallaudet struck a chord with other people with disabilities all across America. Those students were like a spark that ignited a brushfire.

They rose up and said: Enough. No more second-class citizenship. No more discrimination. And other people with disabilities took up the same rallying cry.

As the chief Senate sponsor of the Americans with Disabilities Act, ADA, there is no question in my mind that the students' successful protests at Gallaudet were one of the key reasons why we were able to pass the ADA 2 years later.

Today, Gallaudet University is a diverse, bilingual university dedicated to the intellectual and professional advancement of deaf and hard-of-hearing individuals through American Sign Language and English. I have always been an admirer and supporter of Gallaudet. I respect it as a place that opens doors and creates opportunity. At Gallaudet, the focus is on ability, not disability, and, as with all schools, sometimes it is on extraordinary ability, such as Adham Talaat, the academic all-American defensive end who helped to lead the Gallaudet football team to a 9 and 1 record this past season or faculty member Dr. Laura-Ann Pettito and her Visual Language and Visual Learning Center, where she and her graduate students map the brain to better understand how we decode auditory and visual language or 2011 graduate James Caverly, who starred in the play ''Tribes'' about a hearing family with a deaf son.

Gallaudet aims not only to educate but also to empower, and this is an incredibly important gift to give to the men and women who attend Gallaudet. I join with my colleagues in the Senate in saluting this remarkable institution on its 150th anniversary.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3:15 p.m. will be controlled by the majority.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise today to speak on paycheck fairness, the bill we will be voting on tomorrow in the Senate. During the next hour 11 Democratic women will be coming to the floor to speak. I am not going to introduce each one. We want to get right to the issue. Rather than talking flowery talk about each other, we want to talk about the need for paycheck fairness.

I ask unanimous consent that each Senator be permitted to speak for up to 5 minutes.

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

Ms. MIKULSKI. I am the leadoff speaker. I want to be very clear on why we are on the Senate floor. We believe women need a fair shot to get equal pay for equal work. We want the same pay for the same job. We want it in our lawbooks, and we want it in our checkbooks. We want to finish the job we began with Lilly Ledbetter 5 years ago.

Five years ago, one of the first bills that we passed in the Obama administration was the Lilly Ledbetter bill. We reopened the courthouse doors to women who wanted to seek redress for the way they were treated unequally in the workplace. But we need to finish the job. That is what paycheck fairness does.

What does ''finish the job'' mean? Well, right now in the United States of America, there is a veil of secrecy—a veil of secrecy. Where is it? In the workplace. Right now, in companies and businesses, employees are forbidden to talk about the pay they receive with another employee. In many places, when an employee seeks redress, she is retaliated against. Last but not at all least, there are loopholes

that many employers use to justify women being paid less. They invent excuses, and they call them business necessity explanations. Well, we are on the floor today to say we want to end the soft bigotry of low wages for women. Equal pay for equal work. No secrecy. No retaliation. No loopholes. No way. Today is the day for equal pay.

We are on the floor today because it is Equal Pay Day. What does that mean? It means the women of the United States of America have to work in many instances 15 months to earn what a man doing the same job, with the same experience and the same seniority, earns in 1 year.

Now, we are not against the guys. There are many men who do jobs they hate so their daughters can have the jobs they love. After working to ensure that they have a good home and a good education, they see their daughters are paid less.

We all know there is a generalized wage suppression going on in the middle class—another topic and another debate. But right now we are on the job and we want to be paid for what we do. It is hard to believe that women are almost half of the workforce and yet during that time, as we make up 50 percent of the workforce, we still make only 77 cents for every dollar a man makes; African-American women earn 62 cents; Latino women 54 cents—almost half. This is a disgrace.

We need to change the law. That is what we seek to do by bringing up the Paycheck Fairness Act. Our President has tried to do his part. He supported the Lilly Ledbetter bill. Today we were at the White House, where he took an Executive order step to ban retaliation against employees who work for Federal contractors. So we are going to start being a model employer by banning retaliation not only within the Federal Government but with our Federal contractors. He also then called upon the contractors to submit data, information, so that we would know what are the gender differences that are going on on the very contracts we have.

When we signed the Equal Pay Act—it was in 1963 under Lyndon Johnson—women made only 59 cents. You know what. That was 50 years ago. In 50 years we have gained 18 cents. Well, that is not the way to go. The way to go is to pass the Paycheck Fairness Act. What we want to do is make sure that, as I said, there is no retaliation, no excuses.

We hear this all the time: Oh, the guys do harder jobs; they are the breadwinners. But so are many women now who are heading households or who are single breadwinners.

The other important thing is that no longer will women be limited in pay to just backpay when they have been discriminated against.

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

Ms. MIKULSKI. My time is up. I am so into this bill. I have been at this legislation for a long time. But what I have now is hope. Help is on the way. Reinforcements are here.

Now I turn to Senator ELIZABETH WARREN and then Senator CLAIRE MCCASKILL and Senator CANTWELL, in that order.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, I thank Senator MIKULSKI for her incredible leadership on this issue.

I come to the floor today in support of equal pay for equal work. I honestly cannot believe we are still arguing over equal pay in 2014. Congress first moved to solve this problem more than 50 years ago when the Equal Pay Act was signed into law.

In 1963 women were earning 59 cents on the dollar for every dollar earned by a man. Today women earn only 77 cents on the dollar compared to what a man earns.

Women are taking a hit in nearly every occupation. Bloomberg analyzed census data and found that median earnings for women were lower than those for men in 264 out of 265 major occupational categories. In 99.6 percent of all occupations, men get paid more than women—99.6 percent. That is not an accident; that is discrimination.

The effects of this discrimination are real and they are long lasting. Women, for example, borrow roughly the same amount of money as men to pay for college, but according to the American Association of University Women, these women make only 82 cents on the dollar compared with men 1 year after graduating. So women take out the same loans to go to college, but they face an even steeper road to repay those loans.

Unequal pay also means a tougher retirement. The average woman in Massachusetts who collects Social Security will receive about $3,000 less each year than a similarly situated man because the benefits are tied to how much people earn while they are working.

This is a problem—a big problem—and women are fed up. Fifty years and a woman still cannot earn the same as a man for doing the same work. Women are ready to fix it, but it is not easy.

Today some women can be fired just for asking the guy across the hall how much money he makes. Earlier today the President issued Executive orders to stop Federal contractors from retaliating against women who ask about their pay and to instruct the Department of Labor to collect better data for the gender pay gap. Good for him, and good for women working for contractors. Now the Congress should extend these protections to all women.

The Senate will soon vote on the Paycheck Fairness Act. This is a commonsense proposal: No discrimination and no retaliation when women ask how much the guys are getting paid. We will get basic data to tell us how much men and women are getting paid for key jobs.

So there it is. It is basic protection, basic information—a fair shot. That is essentially what this bill does.

Sure, sometimes men are paid more than women. Employers can pay different salaries based on factors such as skill, performance, expertise, seniority, and so forth. The Paycheck Fairness Act does not touch any of that. It simply provides the tools that women need to make sure salary differences have something to do with the actual job they are doing and not just the fact that they are women.

Several States have already adopted similar rules. Businesses in these States continue to thrive without any explosion of lawsuits. This bill is about good business, a level playing field for men and women, an equal chance to get the job done, a fair shot for all of us.

America's women are tired of hearing that pay inequality is not real. We are tired of hearing that somehow it is our fault. We are ready to fight back against pay discrimination.

I thank Senator MIKULSKI and all of my colleagues who are speaking on the floor today for their leadership on this important proposal. I urge the Senate to pass the Paycheck Fairness Act to strengthen America's middle-class families and to level the playing field for hard-working women.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Madam President, every once in a while it is probably healthy for all of us to sit back for a moment and reflect on why we are here. What is the Senate supposed to be about? Why do we come to the Senate? Why did our Founding Fathers lay out a Constitution that had these branches of government?

In the branch of government in which we reside, we are called the legislative branch. So what is that about? I think what the Founding Fathers wanted us to do is to make our laws reflect the values and priorities of the American people.

The Paycheck Fairness Act is a simple step toward making our laws reflect two of the most important values we have in the United States of America.

I guarantee you that if you walked up to any of my colleagues who intend to vote against this and said, do you believe in equality and justice, they would say, of course we believe in equality and justice.

Then why would you not support this legislation, because it is just that simple. We are just trying to make the laws of this country reflect the American ideals of equality and justice.

Well, they say, there are laws on the books.

Well, here is the deal. You cannot get justice if you do not have the facts. If the facts are a secret, a protected secret, then justice is always going to be elusive and equality is going to be something to which we give lipservice,

not something we will truly enjoy in this country.

So this is just a step to say to American business: Let's understand why two people doing the same job have two different levels of pay. Explain it to us.

What is so evil about that? What is so evil about expecting a business to be able to explain why a man and a woman with the same experience, the same credentials, and the same work output are paid differently. If there is a good reason, then there is no litigation, there is no rush to the courthouse. But if there is not a good reason, that is where that justice comes in. That is where a woman has an opportunity to go into the hallowed halls of our courts—the envy of the world, I might add—to have a fair shot at justice.

The notion that someone can be fired for trying to get the facts about their own compensation, the notion that retaliation would somehow be embraced by my colleagues who do not intend to vote for this legislation I do not understand. I know they are trying to explain to the American people that this has something to do with us having a love affair with America's trial lawyers. I have never heard more rubbish in my life. It is not the trial lawyers whom we care about. It is the women. It is the single moms.

It is the women who have this sinking feeling in the pit of their stomach that they are getting paid less, that they are helpless because they can't get at the information. When they do, they have the entire burden of proof of showing that somehow they weren't inferior to their male colleagues.

There is absolutely no possible reason that any of us would be trying to help lawyers with this. It is their clients, guys; it is the women of America. It is the women of America who want the laws to reflect our values, equality, and justice. This is a simple step. It is nothing to be afraid of.

Frankly, the only thing anyone who opposes this bill should be afraid of is the wrath of American women across this country who are sick and tired of being told it is none of their business what their colleague is getting paid and: By the way, I don't have to explain to you why you make less even though your work output has been superior to your male colleagues. It is time and it is about our values.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I join my colleagues and thank the Senator from Missouri for her statement as somebody who has been involved in basically making sure the law is implemented and upheld too. I appreciate her views.

I thank Senator MIKULSKI for her leadership in advocating for equal pay for equal work. She has been a champion for many years and she is insistent now that we pass this legislation, and that is why we are here, because we want our colleagues to understand how important it is to pass the Paycheck Fairness Act.

I encourage my colleagues on both sides of the aisle to support this legislation and end the discrimination many women face in America. This is a critical issue, not only for women but for men because, obviously, the households of America deserve to have both people making equal pay.

The message from the American people is clear: They want Congress to focus on the most important economic issues of the day; that is, jobs. And certainly having a job that pays you equally for the work you do with your coworkers is critically important.

The Paycheck Fairness Act is exactly what we should be working on, ways to strengthen the pocketbooks of many Americans.

While we have made progress over the past five decades since we passed the Equal Pay Act, we still have a long way to go. In my State, the State of Washington, women are paid 78 cents for every $1 that men earn for the same work. That amounts to an average wage gap of $11,000 per year. The truth is that many women are the breadwinners in their family, and they should be paid as breadwinners. They should not face discrimination.

Today women make up 48 percent of the workforce in the State of Washington, and these families are very important to our economy. On average, mothers in Washington provide 41 percent of their household income, and nationally 40 percent of women are the sole primary breadwinners for their households. This is an important issue for our economy. Think of the boost they would get, the boost we would see if they were paid equally.

Right now one-third of those families headed by women in Washington live in poverty, so closing the wage gap means they would be able to afford 82 more weeks of food, according to the National Partnership for Women & Families. It would mean better economic freedom, it would mean the ability to buy more essentials, and it means their families would be better off.

But, more importantly, people need to realize that not only does this pay gap affect women's ability to support their family, the pay gap also reduces their ability to save for the future. From around the age of 35 through retirement, women are typically paid about 75 to 80 percent what men are paid, and over their lifetime a woman in Washington will earn $500,000 less than her male counterpart. That is money that can be saved and invested for the future. So we must pass the Paycheck Fairness Act to end this disparity because this act will require employers to provide justification other than gender for paying men higher wages than women for the exact same job. It protects employees who share that information with others from being retaliated against, and it provides victims of pay discrimination with the same remedies available to victims of other discrimination, including punitive and compensation damages.

This is important legislation. It is important legislation that will end the discrimination women are seeing in the workplace.

The Paycheck Fairness Act will also help eliminate the pay gap to help these families who are struggling in our economy. But just in case people get the wrong idea, I want to make sure people are clear. Even in fields such as engineering and computer science, women earn, on average, only 75 percent of what their male counterparts earn. A woman with a master's degree will only make 70 cents for every $1 of her equally educated male counterparts.

It is time the Senate end the pay discrimination by passing the Paycheck Fairness Act. That is why I have been happy to sponsor this legislation and work with my colleagues. I want young women growing up today to know this is not an issue they are going to have to deal with in the future. They will get equal pay.

I thank my colleagues. I hope my colleagues on the other side of the aisle will help us in invoking cloture and providing the votes we need to pass the Paycheck Fairness Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. I am proud to join this fight for paycheck fairness, an effort led by the dean of the women in the Senate, the first Democratic woman ever elected to the Senate in her own right, and the longest serving woman in Congress today—Senator BARBARA MIKULSKI.

This is the same fight many of our own mothers and grandmothers fought, equal pay for equal work. The promise made by the Equal Pay Act 50 years ago, literally half a century ago, continues to be broken every single day in this country.

When that happens, it doesn't just hold back women individually, it holds back entire families. It holds back the entire American economy.

Today women make up more than half of America's population and nearly half the workforce. Women are outearning men in college degrees and advanced degrees and a growing share of primary household earners. But to this day men are still outearning women for the exact same work. On average, women earn 77 cents for every $1 a man earns and even less for women of color. African-American women earn 69 cents on the dollar and Latinas earn just 58 cents on the dollar.

In the years leading to the Equal Pay Act, only about 11 percent of families relied on women as the primary wage earner for kids under 18—just 11 percent. Today 40 percent of primary or sole wage earners are women: 40 percent of families with kids under 18 who rely on women to pay the bills, balance

the family finances, make the tough choices around the kitchen table, and provide for their kids.

But you would not know this by looking at America's workplace policies. They are stuck in the past. They are stuck in the ''Mad Men'' era. Congress and State capitols have simply failed to keep up with the pace of the new economy and the face of the modern American workplace.

This has to change. How can two-income families and sole female-breadwinning households get ahead when they are shortchanged every single month? If we want a growing economy and a thriving middle class, pay women fairly. It is that simple. When women earn equal pay, America's GDP could grow by up to 4 percent. It is common sense, and it is the right thing to do to strengthen our economy and to strengthen our families.

So today, on Equal Pay Day, let's get this done. Let's pass the Paycheck Fairness Act and give America's women the fair shot they deserve to earn their way ahead in today's economy.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I rise to speak about the importance of closing the pay gap for women. I am a cosponsor of the Paycheck Fairness Act—an important bill—and I am so honored to be here with my colleagues and the leader of the women in the Senate, Senator MIKULSKI.

Today is Equal Pay Day, but it also marks the week where things are finally warming up in my State after a long deep-freeze. We look as though we are going to have 70 degrees. The snow will melt, the flowers will bloom, and the message we are all here to bring is it is time to stop freezing the women of America out of this economy. The women of America want to be treated fairly.

Now all the work we are doing—whether it is the minimum wage bill or the unemployment compensation—is stuck somewhere in a deep freezer over in the House of Representatives, somewhere between the frozen peas and the chocolate ice cream, and it is time to thaw out the freezer in Washington, DC, and help the women of America. That is what this bill is about, that is what the minimum wage bill is about. People deserve a fair shot at the American dream.

I thank again Senator MIKULSKI and I thank her for her leadership in the Lilly Ledbetter Fair Pay Act. In 2009 we passed that bill to make sure that workers who face pay discrimination based on gender, race, age, religion, disability, or national origin have access to the courts. In doing so, we restored the original intent of the Civil Rights Act and the Equal Pay Act. Now it is time to prevent that pay discrimination from happening in the first place.

We all know women have made great strides in this economy. We have made great strides in this body. We now have 20 women in the Senate but, of course, we are still only at 20 percent. The Fortune 500 now has 23 women CEOs, but I still think anyone who looks at this knows there are great strides that have been made but great progress ahead.

Despite all this progress, women in this country still only earn close to 80 cents for every $1 made by men. This pay gap has real consequences for American families. Two-thirds of today's families rely on a mother's income either in part or in entirety, and in more than one-third of families the mother is the main breadwinner.

As Senate chair of the Joint Economic Committee, we released a report this week that shows lower wages impact women all through their working lives. I think that is something people don't always think about, the fact that if women consistently make less money, and then you retire, and you are actually going to live longer than men, you have a lot less money to retire with in the first place.

In fact, women who retire have about $11,000 less per year than men. That is very significant when you look at the age range where women will be in retirement.

The other piece we don't always think about—unless you are in their position—is women in the sandwich generation, women who are taking care of aging parents at the same time they are taking care of children. That is happening every single day in this country as women are having to take leave from work or leave their job to take care of an aging parent while they are still struggling to afford to send their kids to college, to send their kids to daycare.

This legislation will build on the promises of the Equal Pay Act and the Lilly Ledbetter Fair Pay Act. It will give women new tools and protections to guard against pay discrimination and will help reaffirm that basic principle that all women deserve equal pay for equal work.

I am hopeful we can get this done for the people of this country. It was the late Senator Paul Wellstone of Minnesota who said: ''We all do better when we all do better.'' I still believe that is true, and so do my colleagues who join me today.

We need to focus on this bill. We need to unfreeze some old beliefs, and we need to bring a little Spring into the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, Senator MIKULSKI and I were just whispering to each other about how far we have come since the day Anita Hill came to the Hill and we couldn't do much to help her, but we organized and recognized that women had to be here in numbers sufficient to make a difference and clearly, today, we are.

My colleague Senator MIKULSKI is our dean of the women. All she is basically saying, with all of us as an echo chamber, is this: Women deserve a fair shot. It is long past time for us to stop shortchanging half of the country and their families.

I want to show us a chart that looks at what happens to a woman in a year when she gives up $11,000 because she is not being paid, for the same job, the same amount a man is. What could that $11,000 do?

She could buy a year of groceries, she could provide a year of rent, a year of daycare, she could buy a used car, and she could afford community college. That is 1 year. Look at what happens over the course of a lifetime when because a woman is not getting her fair share, the equal amount that she deserves, she is only getting 77 cents on the dollar. It is $443,000. What could she do with that? Pay off her entire mortgage, send three kids to the University of California—a great school, I might say—and buy 8,000 tanks of gas.

What is the point of all of this? It is to show that the dollars women are not getting could be going into the community, could be making sure their families are taken care of, and would make all the difference in the world. Now, I was a little startled to see some of my Republican friends on the other side—Republican Members of the House—say this is demeaning to women. That is what I got out of a news report—that women don't need this. Would they have said that about children? Did children need protection against child labor? The answer is yes. Did workers need protection from a 14-hour day when they were being exploited? Yes. Did we need to make sure people in hazardous workplaces, such as chemical companies, have appropriate protective gear? Yes. Did we need to make sure there are fire exits in a crowded factory, after we saw a horrific fire called the Triangle fire? Yes. Now we need to make sure that women get equal pay for equal work.

This is just part of the continuum of bending that arc of history toward justice. That is what is happening here under the leadership of Senator MIKULSKI and all of us who stand on her shoulders. I have to say it is a great day. It is a great day to hear my colleagues come to the floor and speak as one. We are speaking not only for the women of America, who make up more than half, but for their families.

That is the point. Two-thirds of women are either the sole head of household or they share in providing for the economic well-being of their families. This is a matter of justice. It is a matter of fairness. It is a matter of a fair shot. I am proud to stand with my colleagues.

I hope and pray we will get the 60 votes necessary. There is a filibuster going on, as usual. We need a supermajority. But I would say to my colleagues on the other side that too many women have to be super women. So give them a supermajority. They are super women who are holding down

not one job but two jobs. So please help us. Let's celebrate tomorrow with a great vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I want to start by expressing my deep thanks and appreciation to Senator MIKULSKI for her tremendous leadership in the fight for equal pay and for bringing the Paycheck Fairness Act to the forefront of the debate this session.

The role of women in our families and in our economy has really shifted dramatically over the last few decades. Today 60 percent of families rely on earnings from both parents. That is up from 37 percent in 1975—60 percent. Women today make up nearly half the workforce, and more than ever women are likely to be the primary breadwinner in their families. Women are making a difference in our economy, in board rooms, lecture halls and small businesses.

But despite the important progress we have made since the Equal Pay Act passed now 50 years ago, including passing the Lilly Ledbetter Act in 2009—thanks again to Senator MIKULSKI—giving women more tools to fight against pay discrimination, women's wages have not caught up with the times. Across the country today women still earn 77 cents on the dollar, on average, to do the exact same work as men. It would take a typical woman until today to earn what a man would earn doing the same work in 2013.

That difference really adds up. In Seattle, in my home State, last year women earned 73 cents on the dollar—73 cents on the dollar—compared to their male counterparts. That translated to a yearly gap of $16,346. Nationwide, over a typical woman's lifetime, pay discrimination amounts to $464,320 in lost wages. That is not only unfair to women, it is bad for our families, and it is bad for our economy.

At a time when more and more families rely on women's wages to put food on the table or stay in their homes or build a nest egg for retirement or help pay for their children's education, it is absolutely critical we do more to eliminate pay discrimination and unfairness in the workplace. The Paycheck Fairness Act would tackle pay discrimination head on. It would ramp up enforcement of equal pay laws and strengthen assistance to businesses to improve equal pay practices. I hope we can all agree that 21st century workers should be compensated based on how they do their job, not whether they are male or female.

I hope to be able to pass the Paycheck Fairness Act as quickly as possible for working women and their families in this country, but we can't stop there. We need to build then on these critical reforms with other steps toward giving women a better and a fairer shot at getting ahead. One out of four women in the United States today would benefit from raising the minimum wage. That is 15 million American women who are making the equivalent of about 2 gallons of gas per hour. It is clearly time to raise the minimum wage and give working women in the country some much deserved relief.

There are other ways we can, and should be, updating our policies to help working women and their families make ends meet. For example, thanks to our outdated Tax Code, a woman who is thinking about reentering the workforce as the second earner in her family is likely going to face higher tax rates than her husband. That would come in addition to increased costs that she would then have with child care and transportation and the possibility of losing tax credits and other benefits as her household income rises. All of this means struggling families will experience higher tax rates than what many of the wealthiest Americans pay. This can discourage a potential second earner, such as a mom who is talking about reentering the workforce and returning to her professional career.

I recently introduced the 21st Century Worker Tax Cut Act, which would help solve this problem by giving struggling two-earner families with children a tax deduction on the second earner's income. The Joint Committee on Taxation estimates that change alone would cut taxes by an average of $700 for 7.3 million families next year.

The 21st Century Worker Tax Cut Act would also expand the EITC for childless workers and lower the eligibility age so that people without dependents and young workers just starting out can benefit from the credit.

By the way, this has bipartisan support. It builds on work incentives from the EITC and is paid for by getting rid of wasteful corporate tax loopholes that both Ways and Means Chairman CAMP and Democrats agree ought to be closed.

Opinion leaders from across the political spectrum have said this bill would provide much-needed relief to workers and families. One conservative commentator wrote in the National Review that the 21st Century Worker Tax Cut Act is ''a serious proposal that has the potential to better the lives of a large number of workers.'' A New York Times editorial columnist says it would be ''a huge benefit to low-income childless families and two-earner families.''

So I am hopeful that here in Congress we will see similar support on both sides of the aisle for a bill that would help women and working families keep more of what they earn.

We have come a long way in terms of the opportunities women have in our country today, but there is no question we have a lot more work to do. If we take these steps I have talked about, and that others here are talking about, we will do much to break down the very real barriers that still exist today. We will help working women and their families, we will strengthen our economy, and we will expand opportunity for the next generation of women who enter the workforce.

So I am here today to urge my colleagues to support the Paycheck Fairness Act and then build on that step by continuing to help level the playing field for American women and their families.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, this isn't only a women's fight, though we reserved this time. There are many good men in the Senate who will stand shoulder to shoulder with us, and I know the Senator from West Virginia would like to have 2 minutes before he presides. I yield him 2 minutes. Actually, I should yield him 77 percent of what we got, but he is for equal pay and so gets equal time as well.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. That would be 1 minute and 45 seconds, I say to the Chairwoman.

I thank the chairwoman for what she does and how well she has been leading this charge for all of us. As a proud husband of a brilliant and talented woman, my wife Gayle, and as the father of two daughters and the grandfather of six granddaughters, all of whom are gifted and make great contributions to our country, I believe it is past time women earn the same amount as men in the workplace. We need to correct this unfairness to make sure women are paid what they deserve.

As we join together today to celebrate Equal Pay Day in the year 2014, it just defies common sense that working women in West Virginia earn only 70—not 77 but 70—cents to every dollar a man makes. Too many families are working too hard to make ends meet, and especially in families where women are the breadwinners.

In West Virginia there are more than 81,000 family households headed by women. About 36 percent of those families, or nearly 29,200 family households, have incomes that fall below the poverty level. Eliminating the wage gap would provide much needed income to women whose wages put food on the table, pay the bills, and maintain a respectable quality of life for their children and families.

Growing up I was blessed to be raised by two strong, hardworking women—my grandmother, affectionately known as Mama Kay, and my mother. By example, both of these wonderful ladies taught me that women can work just as hard, if not harder, with more responsibilities, and they should get paid the same as a man. As a matter of fact, they probably should get overtime. There is no reason why they shouldn't have received the same pay for the same job as men, and that certainly resonates today.

Since I joined the Senate, I have been proud to have cosponsored the Paycheck Fairness Act. The very first vote

I took in the Senate was for paycheck fairness. Until Congress passes this truly commonsense bill, I will continue to fight for paycheck fairness because the bottom line is people should earn the same pay for the same work, period, no excuses.

As a former governor, most of my decisionmaking was made around good strong women who sat down and gave me the facts and nothing but the facts, and I appreciated that.

It shouldn't matter whether you are a man or a woman. You should be treated fairly no matter what, no matter where you are or what you do.

I thank our chairman, and I yield the floor.

Ms. MIKULSKI. Senator HEITKAMP.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Thank you so much. I want to thank our great friend and great leader from the State of Maryland for continuing her hard work. I wonder if she ever wakes up in the morning and wonders when it is ever going to be done. When are we going to see justice? I am sure she has learned over the years that until you stand up every day and live a life where you are trying to make positive change in America, it doesn't get done. She is somebody who has never given up.

It is interesting that North Dakota, as West Virginia, is one of those States where women earn less than men, and below the national average less than men. When we look at the national average and 77 percent, that is a horrible statistic. But what is really horrible is if you live that statistic.

Not one person in this body lives that statistic. We are all treated equally. It doesn't matter what gender we are. If we are Members of Congress, we are treated equally. Imagine the outpouring of sympathy and support if we got 77 percent of a male's salary. We would think that was atrocious. We would think how could that possibly happen in America. But it happens every day in America.

It happens every day for working women who are supporting their families, women who go to work 40, 50 or 60 hours to support their families and to improve the economies of their State. And they keep spinning their wheels. They keep working at trying to change this and don't seem to get any further ahead. How many of us could take a 25-percent reduction in salary? That is really what we are asking every woman in America to do—not across the board but certainly on average—asking every woman in America to take a 25-percent reduction in her salary. That is not fair, and it should not be the facts of 2014. It should not be the way things are.

There has been a lot of discussion around the opportunities for women, and obviously we have grown. You cannot see 20 women in the Senate and not think that we are making some progress. But we have to think not only about women in professional occupations but women who are school cooks and janitors, such as my mother. The women who are working every day at the diner to put food on their family's table and food on the tables of their patrons.

So when we are talking about this, I must also mention the need for an increase in the minimum wage, which is a topic for further discussion on the floor. I would like to remind my fellow Senators that the current minimum wage, which is overrepresented by women in terms of the number of people earning minimum wage, is less than 9 percent of a congressional salary. We have people in this body who think that the salary they receive is inadequate, but we expect people to work 40 hours a week for the minimum wage. Even if you had two minimum wage jobs—think about it—working 40 hours a week on two of those minimum wage jobs, you still would make less than $32,000 a year working 80 hours a week. That is the story of many women in this country.

When we were growing up and women were in the workforce, it used to be they were working for that extra income. There was this excuse given over and over: She is just supplementing the income, and the man is the breadwinner. She is earning a little extra so she can buy a refrigerator or whatever it is.

That is not the reality of today. The reality of today is that more women are the primary or the sole breadwinners for their family. We have to correct this problem.

I have listened to the debate on the other side saying there are other ideas on how to do this. This won't promote or give a way forward for change. These are the same people who think if you just maintain the status quo, somehow things will magically change in the Senate. After 20 or 30 or 40 years of this struggle, what would suggest to us that we are going to get parity if we don't take some pretty proactive action here in the Senate and in the Congress to say that what a woman does is valuable and it is at least as valuable as what a man does in the exact same job. That is who we are in this country. We are gender neutral, and that is what we are trying to do. We are trying to maintain gender neutrality, maintain a good economy because we know if we put more money into women's family budgets, that money is going to go out and grow our economy even more.

The bottom line is this. Let's have a little sympathy in this body for people who earn less than 20 percent of what a Senator earns. Let's give them a show of support, a thank you from a grateful country for the hard work they put in every day. Let's tell them that the words in the Constitution and the promise of equality are still not realized, but we can work together to make that a reality in their lives.

Thank you. I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I would like to start by thanking Senator MIKULSKI for organizing us today and much more importantly for her leadership over the years on this issue. We are so proud to have her as our dean.

I come to the floor today on Equal Pay Day to stand and speak about an issue that impacts women and families in every State across this country. Today I rise to give voice to the belief that we need to be working together across party aisles to build an America where hard work is rewarded and where there is a fair shot for everyone to realize their pursuits and dreams.

In America today the growing gap between rich and everyone else is at its largest point in 100 years. The absence of upward mobility for hard-working families demands action because if we cannot close this gap we might someday talk about the middle class as something we used to have, not something that each generation can aspire to.

As I have traveled through my home State of Wisconsin, they have told me that the powerful and well connected seem to get to write their own rules while the concerns and struggles of middle-class families often go unnoticed here in Washington. They feel as if our economic system is tilted towards those at the top and that our political system exists to protect unfair advantages, instead of making sure that everybody gets a fair shot.

I rise to give voice to the fact that there is paycheck inequality for hard-working American women across this country and that it is time we do something about it. Working women make up over 50 percent of our workforce, and they are working harder than ever to get ahead. And they deserve to get ahead. Many are working full time, and many are working two jobs to make ends meet. Yet far too many are barely getting by, and far too many women and children are living in poverty. The least we can do is level the playing field and give women a fair shot at getting ahead because they deserve equal pay for equal work. It is simply unfair that women are paid on average 77 cents for every dollar paid to a man. This reality is holding women back, and it is holding our entire economy back.

I am proud to join my colleagues today to deliver a call for action to pass the Paycheck Fairness Act and give women equal pay for equal work. This legislation will help close the paycheck gap for women, it will help create upward mobility for women, and it will help strengthen the economic security of millions of families across our country.

Let me take the time to tell you just one story of one woman. Shannon is a single mother of three from Two Rivers, WI. Shannon is working hard to

support her family, but the pay gap is holding her back. Shannon has continued her education to advance her career as an interpreter in a school, but she faces the grim reality that women teachers are often paid less than their male counterparts.

In fact—and this is so hard to believe—statistics collected by our Department of Labor make it clear that women earn less than men in almost all occupations commonly held by women. Passing the Paycheck Fairness Act will help close the pay gap and provide Shannon and so many others with financial freedom for their families.

It would help Shannon manage issues that working moms face every single day—unexpected car problems, children outgrowing their pants and shoes, the anxiety of not being able to save a little bit from their paycheck to someday send their children to college. To put this in the simplest terms possible, it would give Shannon a fair shot at passing on a stronger future for her children.

Today women working full time in Wisconsin go home with $10,324 less a year than their male counterparts. In Wisconsin, 31 percent of households headed by working women have incomes that fall below the poverty level. This is simply wrong, and it is our job to work together to change that. Millions of American women get up everyday to work hard for that middle-class dream: a good job that pays the bills, health care coverage you can rely on, a home you can call your own, a chance to save for your kids' college education, and a secure retirement. But instead, gender discrimination is holding women and their families back. Eliminating the pay gap will make families more secure.

Nearly 60 percent of women would earn more if women were paid the same as men of the same experience with similar education and hours of work. The poverty rate for women would be cut in half. It is wrong for us to ignore the gap between the economic security that American women work so hard to achieve and the economic uncertainty that they are asked to settle for. With a record number of women in the workforce today, the right thing to do is to pass the Paycheck Fairness Act and empower women with a fair shot at equal pay.

I urge my colleagues to join me in working to pass the Paycheck Fairness Act because it would strengthen families and our economy by providing working women with the tools they need to close the gender pay gap. It will show the American people our commitment to working together to provide a fair shot for everyone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair.

Mr. President, I rise in strong support of the Paycheck Fairness Act. I would like to first commend the senior Senator from Maryland for her fearless and tireless leadership on this issue. She has been a protean force when it comes to this issue and many others. I deeply admire and respect her.

This week I held my annual roundtable with the Women's Fund in Providence. We talked about equal rights, equal pay, and economic opportunity and justice with women who are creating jobs and fighting inequality everyday.

Today, as my colleagues have pointed out, we mark Equal Pay Day. Women would have to work until April 8 of this year just to earn what men did as of December 31 of last year. Passing the Paycheck Fairness Act will move us one step closer to being able to commemorate Equal Pay Day on December 31 each year for both men and women, and that is what we should be striving for.

This year we are marking the 50th anniversary of the Civil Rights Act and the war on poverty. We have come a long way, but our efforts to form a more perfect, more equal union must continue forward. When President Kennedy signed the Equal Pay Act into law in 1963, women were earning an average of 59 cents on the dollar compared to men.

No matter how you slice it, median annual earnings, weekly earnings, by level of education or occupation, there is still a gender gap in pay today.

The Women's Fund of Rhode Island issued a report showing that gender discrimination in pay is even more striking for minority women. In Rhode Island African-American women make 61 cents for every dollar that a white male makes. For Latinas the figure is 51 cents. This gender discrimination pay gap affects women at all educational levels.

According to the Council of Economic Advisers, women are more likely to complete college—that is right. Today women are completing college more than men. In 2012, 25- to 34-year-old women were 21 percent more likely than men to be college graduates, but this is not closing the earnings gap. To all those who say it is all about education, and these people have more education, that is wrong. It is not.

Women who earn advanced degrees start off on a relatively even footing—people with a Master's or a Ph.D. But again, over the course of their careers the wage gap widens in favor of men. The National Partnership for Women and Families reports that women with Master's degrees are paid 70 cents for every dollar paid to men with Master's degrees, and women with Master's degrees earn less than men with Bachelor's degrees.

Equal pay for equal work is not only an issue of equity. It has real economic consequences. Families rely on women's income. Data analyzed by the National Partnership for Women and Families show that women are the primary or sole breadwinners in 40 percent of families. If we eliminate gender discrimination in pay in Rhode Island, a working woman would have enough extra money to buy 74 more weeks of food for her family, to make 6 more months of mortgage and utilities payments, or to pay 11 more months of rent. That just doesn't help the woman; it helps the family.

One of the best tools in fighting poverty is to close the pay gap. The Paycheck Fairness Act will help fulfill the promise of the Equal Pay Act by improving the remedies available to women facing gender discrimination. These are commonsense and fair improvements for our mothers, our daughters, our sisters, our fathers, our sons, and our brothers.

We must pass the Paycheck Fairness Act. We believe everyone deserves a fair shot, and that includes equal pay for equal work. I urge my colleagues to come together to pass the Paycheck Fairness Act, and with that I will yield the floor.

Mrs. FEINSTEIN. Madam President, almost 51 years after the enactment of the Equal Pay Act, women now make up almost half of the workforce; however, gender-based wage discrimination is still pervasive. Statistics show that there is a significant difference in the pay of men and women performing the same or substantially similar jobs, regardless of the education level or type of occupation. Looking at the average pay for women, women get paid about 77 cents for every dollar earned by similar male workers.

The experience of women in the workforce is better in California but not by much. According to the most recent census estimates, in California, the average pay for a woman working full time, year round is $41,956 per year, while the average for a man is $50,139. This means that, on average, women in California are paid less than 84 cents for every dollar paid to men. Put another way, this amounts to a yearly gap of $8,183 between full-time working men and women in the State. Over the course of a career, on average, women stand to lose $434,000 in income and thus enjoy fewer Social Security, pension, and retirement benefits.

Latina women face greater disparities in the workplace as they are paid approximately 54 cents for every dollar paid to men. Women of color fare similarly.

As a group, full-time working women in California alone lose over $37.5 billion each year due to the wage gap.

According to the National Partnership for Women and Families, if the gender-based ''pay gap'' were eliminated, a working woman in California would have enough money for approximately 59 more weeks of food, 4 more months of mortgage and utilities payments, 7 more months of rent, or 2,103 additional gallons of gas.

A Redondo Beach resident wrote to me, ''I know that at my current age, I have been paid hundreds of thousands of dollars less than my colleagues, though I am also paying my rent . . .

supporting my kids, and trying to figure out how I can possibly pay for colleges for them. If I had been earning a fair wage, I could afford college, and healthcare, and would have some retirement savings, all things that I cannot currently do.''

She is absolutely right—it is estimated that it takes a woman 4½ more months of work to earn the same as her male counterpart earns in just 1 year. Yet she still must pay for the same monthly expenses as her male colleagues. In Redondo Beach, her monthly expenses can be crippling.

A single adult with two children living in Redondo Beach spends monthly around $536 in food, $767 in child care, $451 in medical care, $1,420 in housing, and $639 in transportation, not to mention taxes. Considering that over 1.7 million households in California are headed by women, over 500,000 of whom fall below the poverty level as it is, denying California women equal pay for equal work adds to their burden and affects their families.

This is not just a problem for low-income women and families. The pay gap exists across the spectrum of education levels and occupations. According to the 2012 S&P 500 CEO Pay Study, although companies run by female chief executive officers performed better on average than those run by men—looking at the total shareholder return for their companies—those female CEOs were paid an average of about $500,000 less per year than their male CEO counterparts. And the pay gap is wider for women with higher education, making it more difficult for them to pay off their school loans.

Congress tried to address the problem by passing the Equal Pay Act in 1963, which amended the Fair Labor Standards Act, making it illegal for employers to pay unequal wages to men and women who perform substantially the same work. However, as is reflected in wage data statistics and in the stories shared by women across the country, while the Equal Pay Act was a step in the right direction, more needs to be done to clarify the law.

Congress recently had to correct the courts on how to interpret pay discrimination laws in line with their original intent by passing the Lilly Ledbetter Fair Pay Act of 2009. Through Lilly Ledbetter, Congress amended title VII of the Civil Rights Act to clarify the timeframes in which employees could bring a claim against employers who engage in pay discrimination.

But according to recent studies, Congress needs to strengthen the law further in order to effectively close the pay gap between men and women across the spectrum. The disparity in pay between men and women is the same as it was in 2002. If we keep going at this rate, without congressional action, women will not reach pay equity until 2058.

The Paycheck Fairness Act therefore provides Congress with an opportunity to eliminate this unfair pay gap. It will reasonably update the Equal Pay Act by eliminating loopholes used for far too long in courtrooms; strengthening incentives to employers to prevent pay discrimination through remedies available under current law to victims of race-based and national origin discrimination; improving wage data collection so that we can better evaluate the pay gap; and by strengthening education, training, outreach, and enforcement efforts to close the pay gap.

This bill also importantly provides that employers are prohibited from retaliating against employees who share salary information with their coworkers. Nearly half of all workers in the United States are strongly discouraged or even have workplace policies against the sharing of salary information. This secrecy makes it extremely difficult for employees to detect pay discrimination and contributes to the pay gap. For example, Lilly Ledbetter was paid less than her male coworkers for almost 20 years but did not realize it because a company policy prohibited her from discussing her pay with her coworkers. She discovered the pay discrimination only when someone sent her an anonymous note.

Under the Paycheck Fairness Act, employees would therefore generally be protected from retaliation when they discuss or inquire about their wages or the wages of another employee. They would also be protected from retaliation if they make a charge, file a complaint, or participate in a government or employer-initiated investigation. These antiretaliation provisions would generally not protect employees such as payroll or HR personnel who have access to wage information as an essential function of their job. Rather, the antiretaliation provisions would enable employees to learn about their employers' wage practices without being afraid of losing their jobs. With such information, employees will be better suited to close the gender pay gap for themselves and others.

I recognize the concerns of business owners who maintain that amending the Equal Pay Act will open them up to liability and risk harming their business. I have heard concerns that employers fear that this bill will infringe on their private business practices should it become law.

After considering and reconsidering the effects of this legislation with the concerns of business owners in mind and after consulting with experts in employment and labor law, I came to the conclusion that this bill is necessary to level the playing field and does not have to necessarily affect business practices so long as those business practices do not discriminate against women.

As under the current law, employers would not be helpless or defenseless—they can proactively conduct an internal pay-equity analysis to ensure equal pay for equal work before government intervention. In fact, the bill provides for a 6-month waiting period from the time of enactment, and the Department of Labor would assist small businesses with compliance.

Should a claim arise, employers have affirmative defenses that they can raise to justify pay differences, such as if the wages are set based on a seniority system; a merit system; a system that measures earnings by quantity or quality of product; or a bona fide factor other than sex, such as education, training, or experience, which is job-related and serves a legitimate business interest.

I am not in the habit of supporting bills that advance women just because I am a woman. I am supporting this bill because I believe in advancing equal rights and uplifting millions of families who rely on a woman's paycheck in order to eat.

I am not alone in hearing stories about paycheck disparities in California. My colleagues have heard similar stories from women in their States. We also know that women are critical to driving this economy, and by ensuring equal pay for equal work, the entire economy benefits.

With the knowledge of pervasive inequality still today in pay among men and women and considering that the majority of Americans support the government taking steps to enable women to get equal pay for equal work, it is our duty to vote in favor of cloture and for swift passage of the Paycheck Fairness Act.

Ms. MIKULSKI. I thank the Senator for those comments.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 p.m., the Senate proceed to executive session to consider Calendar Nos. 556 and 502; that there be 2 minutes for debate equally divided between the two leaders or their designees prior to each vote; that upon the use or yielding back of time, the Senate proceed to vote, with no intervening action or debate, on the nominations in the order listed; further, that the motions to reconsider be considered made and laid upon the table; 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.

The Republican leader.

Mr. MCCONNELL. Mr. President, for weeks Republicans have been trying to get Democrats to focus on the one issue Americans say they care the most about, and that is jobs and the economy. Everyone agrees we are in the midst of a jobs crisis in our country. Republicans are saying: Here are some concrete things we can actually

do about it. But Democrats have completely shut us out. If government isn't part of the solution or if it doesn't drive a wedge between one group of people and another, they are just not interested.

Here is one idea that I proposed and Democrats have brushed aside: How about helping workers better balance the demands of work and family by allowing them time off as a form of overtime compensation? This is an idea that is tailored to the needs of the modern workforce. It is something a lot of working women say they want, and it is something government employees have already enjoyed for years. What we are saying is to give today's working women in the private sector the same kind of flexibility working women have in the government.

Everybody is familiar with the idea of getting paid time-and-a-half for overtime work. What this bill would do is give people the choice of getting a proportionate bump in time off for overtime work. So if you work an extra hour, you can get an hour-and-a-half off work. This should be a no-brainer. This is a concrete proposal to help men and women adapt to the needs of the modern workplace and for the workplace to adapt to the modern workforce. This is not just a way to help workers, it is a way to especially help working women. Flexibility is a major part of achieving work-life balance, especially for working moms. That is what this amendment is all about.

Therefore, I ask unanimous consent that if cloture is invoked on the motion to proceed to S. 2199, that all postcloture time be yielded back and the Senate proceed to the consideration of the bill and that it be in order for me to offer amendment No. 2962, and then for the majority leader or his designee to offer an amendment, and then it be in order for the leaders or their designees to continue to offer amendments in an alternating fashion.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota.

Mr. THUNE. Mr. President, I have a unanimous consent request I would like to put forward as well. I ask unanimous consent that if cloture is invoked on the motion to proceed to S. 2199, that all postcloture time be yielded back and the Senate proceed to consideration of the bill, and that it be in order for me to offer amendment No. 2964, and then for the majority leader or his designee to offer an amendment, and it be in order for the leaders or their designees to continue to offer amendments in an alternating fashion with the following amendments on the Republican side in order: McConnell amendment No. 2962, Fischer amendment No. 2963, Alexander amendment No. 2965, and Lee amendment No. 2966.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, would my friend give the subject matter of those three amendments?

The PRESIDING OFFICER. Would the Senator from South Dakota state the subject matter of those amendments?

Mr. THUNE. The McConnell amendment has to deal with flexibility in the workplace and comp time, the Fischer amendment has to do with antidiscrimination in the workplace, and I believe the Lee amendment also deals with comp time flexibility in the workplace.

The Senator from Tennessee, Senator ALEXANDER, is here, and I think he can speak to his amendment. Most of them deal with the pending business, S. 2199, which is the Pay Equity Act that the majority leader expects to get a cloture vote on later. We simply ask to have an opportunity to offer amendments that pertain to that bill, on issues we think are important in addressing the issue that is before us.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Reserving the right to object, is the Alexander amendment, which the Senator from South Dakota suggested, the 350-page amendment that was offered last week?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if I may respond to the majority leader, the answer is no. The Alexander amendment, I say to my friend from Nevada, is a pretty simple amendment. It talks about giving working parents more flexibility so they can go to soccer games and piano recitals; in other words, to be better parents.

A few years ago Captain Kangaroo, Robert Keeshan, and I—along with some other people—started a company. After our company merged with another company, it became the largest worksite daycare company in America. What we found out was that the greatest value working parents with young children wanted was flexibility. Our fear is that this proposal, which is called paycheck fairness, would actually limit the flexibility of employers can give to working parents so they can go to their children's activities.

My amendment is a very simple amendment. It is only a paragraph or two, and it simply restates the law and makes it clear that if you run a dry cleaner with three people in it, you don't have to hire a lawyer to define a job for an employee with a child in such a way that that employee can go to the piano recital or soccer game. Instead of being about more litigation, it is about giving more flexibility for working parents.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Before my friend from South Dakota leaves the floor, 2964 is the big one?

Mr. THUNE. That is correct.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Reserving the right to object, I am happy to see a number of Republican colleagues come to the floor. We have been talking about this issue for days now and to discuss, I thought, the subject of equal pay for women. But there has been no talk about equal pay for women. The closest of anything in that regard that has been suggested has been a bill that says if you have to work overtime, then you have a choice of going home or doing the overtime.

The reason we don't have laws like that is because the employer can take advantage of the employee because the employee is at the beck and call of the employer, and I think most labor laws would protect against that now.

I am surprised we have literally heard no one come to the floor except on the one occasion—and I could have missed it—where the Republican Senator made the statement that Senator MIKULSKI's legislation was a trial lawyer's dream. The women who have come to the floor to talk about this—and the men who have come to talk about this today, including the Presiding Officer, and I heard his statement—are simply trying to say we need to be sure this is a fair shot for the middle class, and in this instance it is women. But the Republicans always want to change the subject. Why don't we have a debate on whether women are entitled to have the same pay as men?

The Senate is debating the motion to proceed to the equal pay bill, so the question before the Senate is whether we should even begin debate on this matter. If Senators wish to offer amendments, they would have to begin the debate.

I am always happy to talk about amendments, but the amendment of my friend from South Dakota is nothing that is reasonable. What that amendment does is offer lots of amendments. I think if we look closely at this 350-page amendment, we might even find the kitchen sink in it. It has everything else in it. It is really a perfect example of trying to divert attention from the subject at hand. This is not a serious effort to legislate equal pay for equal work.

My colleague's unanimous consent request would also allow for a potentially unlimited number of amendments. We have been there before, and we know that does not work. Providing an unlimited number of amendments is just another way of saying they want to filibuster the bill, which they have done so artfully over the last 5 years.

My door remains open to further discussions, but I object to the requests that have been made, including the one that I anticipate from my friend from Tennessee.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Is there anything pending? I want to make sure there are no pending requests for unanimous consent.

The PRESIDING OFFICER. No.

The Senator from South Dakota.

Mr. THUNE. Mr. President, I think what we just heard was a number of our Members have amendments they are going to talk about and offer when we get on the bill—and I assume we will at some point—so we can debate and vote on them. We are talking about an issue that is important to people across this country, and we have amendments that we think would improve, strengthen, make better the bill that is going to be on the floor that has been described as the Pay Equity Act by the Democrats.

We actually think there is a better way to do this. We think there is a way that actually would improve the wages, provide better job opportunities, and better opportunities for advancement for women.

This morning the majority leader quoted Ralph Waldo Emerson who said, ''America is another name for opportunity.'' I could not agree more with that statement. The American dream is to work hard and achieve upward mobility. Americans want good jobs, and they want to earn a fair wage. But the current Obama economy is doing everything it can to hurt the American dream.

The economy is stagnant. There are 10 million Americans who are unemployed—nearly 4 million for 6 months or longer. Household income has fallen. Right now there are 3.7 million more women living in poverty than there were when the President took office. I will repeat that. There are 3.7 million more women living in poverty today than there were when the President took office. The median income for women has dropped by $733 since President Obama took office. That is why this body should be focused on enacting policies that lift the government-imposed burdens that impede job opportunities and economic growth.

I have offered an amendment—and I just asked unanimous consent to be able to have it debated and voted on when we get on this bill—that actually is focused on enacting policies that lift the government-imposed burdens that impede job opportunities and economic growth. It is called the Good Jobs, Good Wages, and Good Hours Act. It would help return America to a place where there are good job opportunities.

My amendment would help create good-paying jobs by reining in burdensome regulatory requirements, shielding workers from the damaging effects of ObamaCare, approving the Keystone XL Pipeline, and providing permanent tax relief to employers that are looking to expand and hire.

Republicans could not agree more that women should have equal opportunities and pay in the workplace. Unfortunately, the legislation our friends on the other side are pushing will not accomplish that goal. Their legislation would increase Federal regulations that would cut flexibility in the workplace for working moms and end merit pay that rewards quality work.

The Democrats seem to be trying to change the subject of how their ideas are actually hurting women in the workforce. Of those affected by the Democrats' ObamaCare 30-hour workweek that is reducing wages, 63 percent are women. So that policy of going to a 30-hour workweek that was defined as such in ObamaCare, 63 percent of the impact of that is being felt by women. Of the roughly 500,000 jobs that CBO projects will be lost by the end of 2016 thanks to the Democrats' 40-percent minimum wage hike, 235,000 of those—or 57 percent—would be jobs that are held by women. Disproportionately, these policies are going to hurt women.

The poverty rate for women has increased to 16.3 percent from 14.4 percent as of when the President took office. So the poverty rate is higher. We have women who are living in worse economic conditions than when the President took office. If the Democrats were truly serious about fixing that problem—if they are truly serious about helping women—they would work with us on bills to create jobs and to expand workplace opportunities for women and for men as well. That is exactly what my amendment does. It addresses the problems created by ObamaCare, it includes a provision pushed by Senator COLLINS that would restore the 40-hour workweek I mentioned earlier, and it will finally repeal the job-destroying medical device tax for which Senators TOOMEY, HATCH, and COATS have been tirelessly fighting.

My amendment ensures that veterans and the long-term unemployed are not punished by the costs of the ObamaCare employer mandate in that legislation. Senator BLUNT has raised that issue in the Senate on behalf of veterans, and in the House a similar bill passed by a margin of 406 to 1.

My amendment also provides permanent, targeted tax relief to millions of small businesses. Small businesses create 65 percent of all new jobs. Yet this administration has done little more than punish them with more regulations and higher taxes.

The amendment also halts harmful EPA regulations until the EPA conducts additional analysis of the impact those existing rules would have on jobs.

It is time this body recognizes that the policies the other side is advancing are not achieving the outcomes they claim will occur. We need to renew our commitment to helping all Americans, including women, find job opportunities that allow them to achieve the American dream. We need to return this country to a place where America truly is another name for opportunity.

Earlier today the President and CEO of the Small Business & Entrepreneurship Council, Karen Kerrigan, wrote an article that says this proposal I am speaking about ''offers a set of really good policy proposals to help women entrepreneurs and women in the workforce.''

That is why I sought unanimous consent to have this amendment debated and voted on, along with many of my colleagues, including the Senator from Nebraska Mrs. FISCHER and the Senator from New Hampshire Ms. AYOTTE, who are here to speak about amendments they want to put forward as a part of this debate. I asked unanimous consent earlier for those amendments to be considered as well and once again that has been blocked by the majority leader. That is the wrong way to deal with an issue of this consequence.

If we want to help people—if we want to create jobs and grow the economy, which ultimately helps lift all the boats, improves the standard of living for middle-class families, women and men—the best way to do that is to get a growing, vibrant economy instead of a stagnant economy, which is what we have today, with too many who have been unemployed for a long period of time.

I hope our colleagues on the other side of the aisle will come to the conclusion that if we are going to debate this issue, we need to debate it in a comprehensive way that takes into consideration all of the ideas out there, including those that will be offered by my colleagues this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I strongly affirm the principle of equal pay for equal work. Both the Equal Pay Act and title VII of the Civil Rights Act, which were passed on a bipartisan basis, have helped increase career opportunities for women and ensure they receive equal pay for equal work. That is a principle we strongly support.

Women have made progress. They now hold more than half of all managerial and professional jobs—more than double the number of women in 1980—and women comprise a majority in the five fastest growing job fields. According to the Department of Education, women receive 57 percent of all college degrees, 33 percent more than in 1970.

We believe—the reports prepared for the U.S. Department of Labor recognize—that commonly used wage gap statistics don't tell the full story. Factors including differences in occupation, education, fields of study, type of work, hours worked, and other personal choices shape career paths and they shape earning potential. Moreover, salaries alone don't account for total compensation. Still, some women continue to struggle with gender-based pay discrimination, directly impacting a woman's livelihood, financial future, and her job security. With 60 percent of women working as the primary breadwinners, lost wages detrimentally impact families as well as single women.

We fully agree that gender-based pay discrimination in the modern workplace is unacceptable. We just have different ideas from some of our colleagues about the best way to combat this. Prevailing concern among women with wage discrimination indicates

that there is more work to do. That is why I have worked with Senator COLLINS, Senator AYOTTE, and Senator MURKOWSKI to file an amendment to modernize key portions of that 51-year-old Equal Pay Act.

Our proposal prevents retaliation against employees who inquire about, discuss or disclose their salaries. It reinforces current law which prohibits pay discrimination based on gender, and it requires employers to notify the employees of their rights, but we don't stop there because I believe we need a solution that addresses both discrimination and the opportunity gap or the need to provide both men and women with good-paying jobs.

Our amendment consolidates duplicative job training programs and it provides Federal grants to States for the creation of industry-led partnerships. This program is meant to provide to women and men who are underrepresented in industries that report worker shortages with the skills they need to compete. Such industries include manufacturing, energy, transportation, information technology, and health care. Importantly, no new spending is appropriated.

Unfortunately, my colleagues on the other side of the aisle are blocking consideration of what I believe is this very commonsense amendment and a number of other Republican amendments that would also help with job creation.

This is nothing more than election year politics. I find it very disappointing. As women and as lawmakers, we believe our proposal to directly address discrimination in the workplace is reasonable, it is fact-based, and it is a great approach. More government and more lawyers will not lead to more pay for women.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I wish to praise my colleague from Nebraska for her leadership on the important amendment she has just described, the Workplace Advancement Act, which will address legitimate issues to ensure that laws we have had in place for half a century, including the Equal Pay Act and title VII of the Civil Rights Act, are enforced and that women are informed of their rights in the workplace to ensure what we all believe in, which is that women should be paid the same for the same job. Frankly, as a woman, I would like the opportunity to outperform and to be paid more.

One of the concerns I have is about what I view the majority leader meant when he came to the floor and said that this was an important issue to them. If this is such an important issue, why didn't they have a markup in the HELP Committee where everyone could offer their amendments to deal with this legitimate issue that I believe my male and female colleagues feel is important? Why is it that when we have brought legitimate amendments to the floor, including my colleague's amendment, the Workplace Advancement Act, as well as a provision that would allow greater flexibility for employees with comp time—the same that is enjoyed by those in the public sector—and my colleague from South Dakota who has a strong amendment to help create a better climate for job creation and more opportunity in this country—if this is such a serious issue, which I agree this is an important and serious issue, then why is it these amendments are being blocked? Why is it we are not having a legitimate debate? Unfortunately, what I fear is that an important and legitimate issue is being turned into a political ploy of election-year politics.

I share the sentiments of my colleague from Nebraska. I am very disappointed by this. In fact, one of the concerns I have about the bill pending on the floor—the so-called Paycheck Fairness Act—is that it will actually have the impact of reducing flexibility for working families. It could have the impact of reducing the ability of employers to award merit pay.

I had the privilege of serving as the first woman attorney general in my State. Before I went to the attorney general's office, I worked at a private law firm. I have had the opportunity, in the position in which I serve, to meet incredible women leaders in the health sector and in the business sector. There are many instances, frankly, where women, based on merit, have outperformed their male colleagues. So what we don't want to do is create and pass a law that actually reduces the opportunity for employers in the workplace to reward merit because women want the opportunity to earn more than men when they do a better job, just as my male counterparts want. That is one of my concerns about the so-called Paycheck Fairness Act.

That is why I very much appreciate what I think is a better approach by my colleague, which reinforces the enforcement of laws that have been in place, that rightly prohibits discrimination based on sex in the workplace, including discrimination based on people being paid differently even though they are performing the same job, where there are no merit differences. That is wrong. It is unacceptable. The ideas of my colleague from Nebraska are very good and I would hope the majority leader would allow a vote.

I would also like to discuss the amendment that was offered by Senator MCCONNELL, of which I am a cosponsor, that would provide working families with more flexibility in the workforce. In fact, what it would do is allow the same options currently available to those in the public sector to working families in the private sector. It would allow workers—if they want to; and it is their choice—to receive comp time instead of overtime pay so they can have more time off if they want and they choose. This is all voluntary. So if they want more time off to go to that soccer game, if they want more time off to have time to care for their children or more time to care for an elderly parent, then private sector employers will have the same ability to enter into those agreements voluntarily with their employees, to give their employees more flexibility in the workplace.

What we know is that today nearly 60 percent of working households have two working parents. I happen to live in one of those households, and we struggle in our household to get to all the events we want to get to for our children. I have a 9-year-old and a 6-year-old, and this is a huge challenge that so many parents face.

So the Family Friendly and Workplace Flexibility Act, which is an amendment Senator MCCONNELL offered earlier, that I am a proud cosponsor of, would provide this needed flexibility for employees, workers, and let them decide with their employer whether they would like to receive more comp time. Right now public sector employees have the right to do this. They have this flexibility. It seems we should provide the same legal framework allowing private sector employees this type of flexibility, with more and more families trying to balance both parents working and challenging circumstances in the workplace.

In fact, some companies, such as Dell, Bank of America, and GE already provide flexible workplace arrangements to their salaried employees who are exempt from the Fair Labor Standards Act. What this would do is allow these types of agreements to other employees, to have access to the same kinds of benefits, if they choose. It is their choice. This is giving families more flexibility, more opportunity to deal with the challenges so many of us are dealing with in terms of balancing work and family and wanting to be good parents, wanting to be good at our jobs.

It seems to me this is a commonsense amendment, and I am disappointed the majority leader would also block this amendment, as well as the excellent amendment offered by my colleague from Nebraska, and, obviously, the amendment that was offered—a very good amendment—by my colleague from South Dakota to deal with this underlying issue of creating a better climate of opportunity for women and men throughout this country.

I believe this is a serious issue. But if it is a real serious issue—which I think we all share a feeling of on both sides of the aisle—then why is this being treated more like a political ploy instead of having a legitimate debate on the floor? Why didn't this go through the regular committee process, where people can offer their amendments and have a markup that can improve and make sure we are addressing the underlying issue?

To me, it is disappointing that the Senate continues to operate in this way because this is not the first time I

have come to the floor or my colleagues have come to the floor with a legitimate amendment that is relevant to the bill that is pending on the floor, yet have been blocked by the majority leader on an important issue.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, the Senator from Utah has an amendment he is going to speak to in a moment. I just want to say one thing. I appreciate the observation made by the Senator from New Hampshire Ms. AYOTTE with regard to this going through a regular order process. If this were a serious discussion, there would have been an opportunity to have a debate at the appropriate committee, the HELP Committee.

You just heard great presentations by the Senator from Nebraska and the Senator from New Hampshire on amendments that they would like to have considered and debated and voted on—substantive amendments that address what is at the heart of this issue. I think we all understand what this is about. I mentioned this morning on the floor the New York Times story from a couple weeks ago about what the intention is with regard to these issues. Again, this is from the New York Times story, and I quote: ''to be timed to coincide with campaign-style trips by President Obama.'' ''Democrats concede,'' the Times reports, ''that making new laws is not really the point. Rather, they are trying to force Republicans to vote against them.'' The article goes on to say—and I quote again:

> Privately, White House officials say they have no intention of searching for any grand bargain with Republicans on any of these issues. ''The point isn't to compromise''. . . .

That is reporting from the New York Times, and quoting a White House official with regard to this.

This is clearly designed as a political ploy, as my colleagues from New Hampshire and Nebraska pointed out. If we were serious about this, there would be an open process where we could consider amendments—amendments that improve and strengthen the legislation that is before us—and actually it would be a better approach to addressing the issue that is before us; that is, to try to create better salaries, better wages, better opportunities for women. I say that as somebody who is the father of two adult daughters who are both in the workplace. I want to see them have every opportunity to advance themselves and to maximize the potential they have. But we cannot do that if we have policies coming out of Washington, DC, that make it more difficult, more expensive to create jobs, that throw a big wet blanket on our economy, and stifle the growth we need to create those types of opportunities for all Americans.

The Senator from Utah is here. He is going to speak to his amendment. But I think it is very clear what this is about; that is, simply trying to score a political point rather than have a serious, meaningful, substantive debate about solving an issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I thank my colleague, the Senator from South Dakota, for his leadership in this area. I agree with his comments and support those statements, along with the other actions taken by my colleagues from New Hampshire, Kentucky, and Nebraska, in addition to others.

I too had an amendment I wanted to present in connection with this legislation. I too offered that up and identified reasons why this is both relevant and germane to the legislation at hand. Unfortunately, the majority leader saw fit to block this, to object to it, to refuse altogether to allow the U.S. Senate—which is supposed to be the world's greatest deliberative legislative body—to consider these or any of the other amendments that were presented along with them.

We are not asking for passage by unanimous consent. We recognize some people might not share our views. We recognize there might be a diversity of opinion within the body. We nevertheless believe, as U.S. Senators, we are entitled to have these amendments considered because they are relevant, because they are germane. We also think they should be considered because they would benefit the American people.

This is the sort of thing we are supposed to do. It is what we do. What we are supposed to be doing as Senators is to be offering amendments and voting on amendments to make legislation we consider better. You see, the amendment process can make a bad bill good or at least better, and that is exactly why we have an obligation to consider amendments.

It is important to point out here that one of the reasons why I ran this amendment in the first place has to do with the fact that one of the struggles facing working families today is the constant struggle moms and dads feel as they try to juggle the work-life balance. Parents today need to juggle work, home, kids, community, and other obligations they face.

For many families, especially families with young children, the most precious commodity parents have is time. But today Federal labor laws severely, and I believe unfairly, restrict the way moms and dads and everyone else can use their time. That is because many of those laws were written decades ago—decades ago—before the Internet existed; decades ago, when a number of demographic factors were aligned much differently than they are today, when a number of social trends operated much differently in our economy than they do today. Because of these laws—these same Buddy Holly-era, Elvis-era laws—because of these same antiquated laws that need to be updated, an hourly employee who works overtime is not allowed to take comp time, not allowed to take flextime. Even if she prefers it, her boss cannot even offer it without violating Federal law.

Today, if a working mom or a working dad stays late at the office on Monday or Tuesday, and instead of receiving extra pay wants to get compensated by leaving early on Friday and spend the afternoon with the kids, that kind of arrangement could well be violating Federal law. That sounds unfair, especially to parents, and it is unfair, especially to parents and their children and everyone else.

It also seems like the kind of arrangement that should not be prohibited by Federal law but ought to be perfectly acceptable. But how do we know that for sure? Well, we know that for sure because Congress gave a special exemption from that very law—the law I just described a moment ago—that is available only for government employees. This is unacceptable. The same work-life options that have been made available by Congress itself to government employees should be available to the citizens they serve.

In May of last year, the House of Representatives responded to this deficit in existing Federal law by passing the Working Families Flexibility Act, sponsored by Representative MARTHA ROBY of Alabama, to equalize the comp time rules, existing within a government employment context, for all workers. Last fall, I introduced companion legislation in the Senate proposing to do exactly the same thing.

Now, today, I would like to offer an amendment that is modeled on this same legislation to end this flextime discrimination, this comp time discrimination against private sector workers. You talk to any working mom or any working dad and they will tell you they need more time.

Now, Mr. President, as you well know, we cannot legislate another hour in the day. If we could, I am sure it would have been done by now, and, frankly, I am a little surprised someone has not tried it. But we know mathematically it will not work. It would not do any good. But what we can do is to help working people so they can better balance the demands they face—the demands of family and work and community and every other demand they face. We can ease some of this pressure by removing an unnecessary, outdated, and manifestly unfair Federal restriction on utilizing comp time in the private sector.

There are real problems in this world. There are bad things that can be and must be prohibited by Federal law. But the fact that working parents would prefer, quite understandably, to spend more time with their families is not one of those things that needs to be prohibited, nor is it one of those things that we should allow to continue to be prohibited, especially when it is prohibited in a patently unfair discriminatory fashion—one that inures to the

benefit of government employees, inures unfairly to the detriment of everyone else.

Congress needs to stop punishing America's moms and dads for wanting the same fair treatment that government employees are able to receive through comp time and flextime programs. The United States of America deserves to have amendments like this one, and other amendments, that would make our laws less intrusive, less oppressive, less unfair, that would lead to the development of a more fair, just economy, and a more fair, just system of laws.

We are never going to be able to get there if we are not even allowed to debate and discuss and vote on it, consider, much less pass, amendments. It is time to restore the Senate to what it was always intended to be, which is the world's greatest deliberative legislative body. That cannot happen when amendments like this one are categorically blocked from consideration. We must end this. We must do better. We can and we must and we will.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HIGHWAY TRUST FUND

Mrs. MURRAY. Mr. President, last October families and communities across our country were forced to endure a completely unnecessary government shutdown. Coming after years of budget uncertainty and constant crises, the shutdown hurt our workers and threatened our fragile economic recovery. It shook the confidence of people across the country who expected their elected officials to come together to avoid such a needless and self-inflicted crisis. It was a dark time here in Congress. I think many of my colleagues regret letting the tea party minority push us into that.

When the shutdown finally ended, I sat down with House Budget Committee chairman PAUL RYAN in a budget conference that many of us had been trying to start for months. We worked through the issues. We compromised. We reached a 2-year budget deal that rolled back the devastating cuts from sequestration. We prevented another government shutdown and restored much needed certainty to the budget process.

That budget deal was a strong step in the right direction, but it was not the only step Congress needs to take to create jobs and economic growth. It was not the only step we need to take to ensure that we do not lurch to another avoidable crisis because if Congress does not act, we are headed toward another crisis in just a few months—not a budget crisis this time but a construction shutdown that could ramp up when our highway trust fund reaches critically low levels.

It will get worse and worse if we do not solve the problem. So I have come to the floor today to call on my colleagues, Democrats and Republicans, to work together to avert this looming crisis and to do it in a commonsense way that gives our States the multiyear certainty they need to plan projects, to invest in their communities, and to create jobs.

Since the mid-1950s our Nation has relied on the highway trust fund to support transportation projects that create jobs and keep our economy moving. The fund helps to repave our roads so they are not pockmarked with potholes. It helps congestion on our Nation's highways, and it helps repair bridges that are outdated and unsafe.

But as soon as July—just a few months from now—the Department of Transportation predicts the highway trust fund will reach a critically low level. If this is not resolved, construction projects to improve our roads and our bridges could shut down and leave workers without a paycheck.

We are already seeing some consequences from this crisis. In Arkansas, 10 construction projects, such as building highway connections and replacing bridges, have already been put on hold. The State of Colorado wants to widen a major highway to ease congestion between Denver and Fort Collins, but officials say that with this funding shortage in the highway trust fund, that project could be delayed. These are not isolated cases. States from Vermont to California might have to stop construction in its tracks because of this highway trust fund shortfall.

This crisis will also cut jobs. As we all know, construction is at its peak in the summer months. But without funding States may have no choice but to stop construction and leave workers without a job. That is going to hurt communities with needless delays on the very improvements that would help our businesses and spur economic growth.

This is unacceptable. It is unnecessary. Congress needs to work to avoid this construction shutdown. There is no reason—none—to lurch to another avoidable crisis when workers and families across the country are struggling. We need to ensure that construction can continue this summer. We need to support workers. We need to deliver a multiyear solution for the highway trust fund.

Fortunately, we can solve this in a way that should have bipartisan support. President Obama and House Republican DAVE CAMP, who chairs the House Ways and Means Committee, have proposed using corporate revenue to shore up the highway trust fund. That approach makes a lot of sense. By closing wasteful corporate tax loopholes, we can support improvements to our roads and bridges that benefit everyone—including our big businesses, so they can move their products quickly and efficiently—and make our broken Tax Code a bit fairer in the process. We can start by taking a close look at the tax loopholes House Republicans have proposed closing in Chairman CAMP's recent plan.

Replenishing the highway trust fund with revenue by closing wasteful corporate loopholes will provide multiyear funding so we can provide our States with the certainty they need to plan. That kind of certainty has been absent for a long time. It has forced States to hold off on bigger projects that will help create jobs and long-term economic growth.

I am very hopeful that Democrats and Republicans can work together to restore some certainty to States around our country. I know bipartisan support is possible, especially on an issue as important as this one. Since the highway trust fund's inception under Dwight D. Eisenhower, Republicans and Democrats have come together to invest in this national priority. Under Democratic and Republican Presidencies—from President Clinton to President Reagan to President Clinton—we updated and supported the highway trust fund. Even 2 years ago in a hyperpartisan election year, Congress reached a bipartisan agreement so that we could continue to build the roads and bridges and transit systems our communities need. In the past Republicans and Democrats have stepped up to support our workers and make sure we can invest in our transportation systems that put workers on the job and help businesses move their goods and help our economy grow.

There is no reason to wait until the last minute to get this done. The threat is growing on our construction sites and for jobs across the country. We have to give our States and our communities the confidence that Congress will not push them into another crisis.

Six months ago our communities and families endured a needless government shutdown. Americans are sick and tired of the dysfunction of Washington, DC, and constant crises. There is no reason for Congress to put them through anything even remotely similar, especially over transportation projects that will benefit our families, our communities, and our economy.

We must act to prevent a construction shutdown this summer. Let's build on the common ground that Democrats and Republicans share on this issue. Let's work together to show the American people that Congress can act to support our workers, families, and communities. Let's prevent a construction shutdown and give the highway trust fund some certainty. We need to make sure our States can keep investing in jobs and economic growth at this critical time.

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.

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

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

Mrs. MURRAY. I ask that all time be yielded back.

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

EXECUTIVE SESSION

NOMINATION OF NEIL GREGORY KORNZE TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT

NOMINATION OF FRANK G. KLOTZ TO BE UNDER SECRETARY FOR NUCLEAR SECURITY

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 Neil Gregory Kornze, of Nevada, to be Director of the Bureau of Land Management, and Frank G. Klotz, of Virginia, to be Under Secretary for Nuclear Security.

The PRESIDING OFFICER. Without objection, all time has been yielded back.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Neil Gregory Kornze, of Nevada, to be Director of the Bureau of Land Management?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 71, nays 28, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—71

Alexander	Crapo	Klobuchar
Ayotte	Donnelly	Landrieu
Baldwin	Durbin	Leahy
Begich	Feinstein	Levin
Bennet	Flake	Manchin
Blumenthal	Franken	Markey
Blunt	Gillibrand	McCaskill
Booker	Hagan	Menendez
Boxer	Harkin	Merkley
Brown	Hatch	Mikulski
Cantwell	Heinrich	Murkowski
Cardin	Heitkamp	Murphy
Carper	Heller	Murray
Casey	Hirono	Nelson
Chambliss	Hoeven	Portman
Coats	Isakson	Pryor
Collins	Johnson (SD)	Reed
Coons	Kaine	Reid
Corker	King	Risch
Rockefeller	Stabenow	Warner
Sanders	Tester	Warren
Schatz	Udall (CO)	Whitehouse
Schumer	Udall (NM)	Wyden
Shaheen	Walsh	

NAYS—28

Barrasso	Inhofe	Rubio
Boozman	Johanns	Scott
Burr	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Cornyn	Lee	Thune
Cruz	McCain	Toomey
Enzi	McConnell	Vitter
Fischer	Moran	Wicker
Graham	Paul	
Grassley	Roberts	

NOT VOTING—1

Coburn

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

VOTE ON KLOTZ NOMINATION

Mr. REID. Madam President, what is the pending business?

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Klotz nomination.

Mr. REID. Madam President, I yield back the time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Frank G. Klotz, of Virginia, to be Under Secretary for Nuclear Security?

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

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I believe we are done with the voting at this point.

The PRESIDING OFFICER. We are in legislative session.

Ms. STABENOW. Madam President, I would like to talk for a moment about the critical importance to women and families across Michigan and the country of ending pay discrimination against women so women will finally get equal pay for equal work.

I was so proud to see so many colleagues on the floor earlier today, including the distinguished Presiding Officer, speaking about the importance of women being able to earn a full dollar instead of 77 cents on every dollar.

Part of giving everyone in this country a fair shot to get ahead is not only making sure they are getting paid a fair wage, which we are fighting to make sure happens, but also to make sure they are not getting paid less simply because of their gender. If somebody is working 40 hours a week, they ought to be paid the same for 40 hours a week if it is the same job. That is what the Paycheck Fairness Act is really all about. It gives everyone, regardless of their gender, the tools they need to help end gender discrimination in pay and hold those engaged in discriminatory behavior accountable. That is really what it is all about, and we will have a chance very soon to vote.

I hope we would all agree that discrimination because of gender or for any reason has no place in our society. Yet too many Americans rightly feel they are trapped in a rigged game where heads, the privileged and powerful win, and tails, everybody else loses.

When it comes to pay, we know the system is rigged against women. Today, in 2014, women still only make 77 cents for every dollar compared to a man doing exactly the same work. That is the national average. It is even worse in many places around the country. Frankly, it is even worse for women of color, with African-American women getting paid even less and Latinas doing worse still.

My colleagues and I have been speaking on the floor today not just because we are voting on the Paycheck Fairness Act tomorrow but also because today is what we are calling Equal Pay Day. April 8 is the day women finally catch up. When you look at all the work that was done during the whole calendar year of 2013, and then add January, February, and March through April 8, that is how long it has taken women to make the same income as a man in the same job who worked last year. A woman has to work 1 year, 3 months, and 8 days in order to earn the same amount as a man who has worked 1 year. That is just not right, and that is what this debate is all about.

Some people say we are just talking about pennies on the dollar and dismiss the issue as nonsense or worse. Those pennies add up—hour after hour, day after day, week after week, year after year.

In my home State of Michigan, pay discrimination robs the average working woman and her family of more than $13,000 in wages every single year—$13,000 out of their pocket just because they are a woman rather than a man in the same job. While these women are working for discounted wages, they certainly don't get a 23-percent discount on their gas. They don't pay 23 cents less on every dollar at the grocery store or when the rent or the mortgage comes due.

In fact, I have a chart to show what the average working woman and her family in Michigan could buy with the $13,000 a year she has worked hard every day to earn but never sees in her paycheck. She could buy just over 2 year's worth of food for her family. She could pay for almost a year on her mortgage and utility. Can you imagine that? Mortgage and utility payments go right out the window because she is not getting equal pay for equal work. She could buy almost 3,500 gallons of gasoline for her car. That is enough gas for me to drive back and forth from Detroit to Los Angeles more than 16

times. That is how much a woman loses in her pay every year because of discrimination and lack of equal pay for equal work. But gender discrimination is not just about numbers on a page. In fact, it is not about numbers on a page. It is about real women who are working hard, who have suffered and continue to suffer, because we have not given women and their families the tools they need to make sure they can get equal pay for equal work. That is what this is about: knowing what your coworkers in the workplace are making so you can find out whether you are being paid fairly—the information, the tools women need.

Let's be clear. Women aren't the only ones paying the price for wages lost and benefits denied. Gender discrimination in pay costs everybody in the family. The cost of gas is for everybody in the family. The cost of food is for everybody in the family. The inability to buy some extra sports equipment or clothing or pay for the cost of college affects everybody in the family. I hear far too many stories about this problem from my constituents in Michigan.

Linda from South Lyon wrote to tell me her story. Not only does she make less than her male counterparts, but a senior executive even bragged to her that he hires women because he can pay them less. This is 2014, and we have an executive who thinks it is OK to even say that.

Last week I met Kerri Sleeman, an engineer from Hancock, MI, who came to the Senate to testify about her story. I have to say, in Hancock, MI, we still have 20 feet of snow. This is the Upper Peninsula of Michigan. One has to be tough to live in beautiful Hancock, MI, and have a lot of great winter clothing. But it is an absolutely gorgeous place.

Kerri was working for an auto parts supplier that was forced into bankruptcy in 2003. As with the company's other employees, she had to be involved in the bankruptcy process to get her last paycheck and the other wages she was owed. One day she received an update from the bankruptcy court about the claims against her former company and she made a shocking discovery: All of the men she had been supervising had been paid more than her—all of them. All of them. An engineer in Hancock, MI.

Kerri said: It was heartbreaking. It was embarrassing. It was infuriating. And it will affect me for the rest of my life.

Can my colleagues imagine it? First, she is out of a job. She has to go to court just to get her paycheck, and then, adding insult to injury, she finds out she has been discriminated against for years without even knowing it. Kerri lost out on thousands of dollars in pay and benefits simply because she is a woman. As is the case for most people, she could have used that money. She said she would have used it to help pay the copay for her husband's heart surgery, which instead she had to put on her credit card. Her story underscores why we need to pass this vital legislation before the Senate.

Kerri not only lost out on her pay at her job week after week, month after month, she will lose out on Social Security benefits for the rest of her life as well. This is not fair. It is not how things should work. Kerri deserves a fair shot, and she has not been given it.

We have heard other stories such as Kerri's before, and one of those was that of Lilly Ledbetter, who worked hard at a Goodyear tire plant and was discriminated against for nearly 20 years. She did not realize, again, that she was being paid less. Just as with Kerri, she will never get the Social Security benefits she would have earned if she hadn't been paid less for just being a woman. The law that bears her name—the Lilly Ledbetter Fair Pay Act—was a huge step in the right direction. But today more than 50 years after we passed the Equal Pay Act—imagine, 50 years ago we thought we dealt with this; 50 years ago, the Equal Pay Act—and 5 years after we passed the Lilly Ledbetter Fair Pay Act, we still have so much work to do to make sure women are actually receiving equal pay for equal work.

It was a great day when the Lilly Ledbetter Fair Pay Act became the very first bill President Barack Obama signed into law after he took office. I wish to thank the President for today signing two Executive orders that will help protect the employees of Federal contractors from pay discrimination. As the President has said, he doesn't want his daughters or anyone's daughters to be paid less just because they are women. I agree. I know the Presiding Officer does as well.

Now we must do our part here in the Senate to make sure all Americans have the tools they need to protect themselves from this form of discrimination and hold those responsible accountable.

This is not about special protections. In fact, I find any language—any discussion of ''special protections''—so offensive, as I know women in Michigan and across the country do: somehow protections because we want to go to work and know we are being paid the same as the person next to us, who just happens to be a man, and we are women. This is simply about treating all Americans fairly. That is exactly what Democrats are committed to. We want to make sure everybody has a fair shot to get ahead. It has to start with equal pay for equal work. That means paying a fair wage, paying men and women what they earn, and it means if a woman works 40 hours a week, she should get paid for 40 hours a week, not for 30 hours or 31 hours.

The difference in pay simply because of gender discrimination really is the difference. That $13,000 I talked about earlier is the difference between whether a woman is able to fully benefit from her work and have what she needs to put food on the table and gas in the car and tuition for her son or daughter to be able to go to college, and all of the other things we want for our families.

What this chart shows just isn't good enough. We want the full dollar, because 77 cents on every dollar is not enough. If we truly reward work, it shouldn't matter if a person is a man or a woman. A person's work should be equally rewarded for the same jobs. It is time the Senate come together—and we are going to have a chance to do that—to pass the Paycheck Fairness Act. It is right for women and their families. It is right for our economy. It is simply the right thing to do.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Iowa.

FAIR SENTENCING ACT

Mr. GRASSLEY. Madam President, there are reports that after we return from either this break or the next, the Senate may take up the so-called Fair Sentencing Act, so I rise today to start discussing this bill with my colleagues, particularly those who do not serve with me on the Judiciary Committee.

Over the past 30 years, this Nation has achieved tremendous success in cutting crime. There are fewer victims who suffer fewer physical and financial injuries. Neighborhood safety has improved, reducing fear and helping economic growth. These gains have been hard won. Congress played a major role, enacting mandatory sentencing guidelines, mandatory minimum sentences, providing assistance to law enforcement, and building more prisons. The mandatory guidelines, combined with abolishing parole, led to lengthier sentences, and what is fair about it all is that we have fewer disparities in sentencing. No longer would the sentence depend on whether the criminal faced a tough or a lenient judge, and factors such as the defendant's race and income could not be taken into account.

Unfortunately, the Supreme Court, applying novel readings of the Constitution, struck down mandatory sentencing guidelines. As a result, Federal judges are departing downward from the guidelines, issuing shorter sentences and injecting more disparity into the system. States are reducing their incarceration rates. While there are probably multiple contributing factors, crime rates recently have been rising. The only means left for Congress to ensure that criminals are sentenced to appropriate sentences then is mandatory minimums, now that the Supreme Court has judged sentencing guidelines as being unconstitutional.

Those convicted of the manufacture, sale, or possession with intent to distribute, and importation of a wide range of drugs, including heroin, cocaine, PCP, LSD, ecstasy, and methamphetamine may have their sentences cut in half or even more from the current mandatory minimums.

Supporters of the bill say it allows for shorter sentencing only for ''nonviolent offenders.'' I am going to prove the bill does more than that. The term

''nonviolent offenders'' is highly misleading. First, that phrase conjures up people in jail for simple possession, and this bill does not apply to simple possession at all, for any drug.

Second, the types of offenses the bill applies to are violent. Importing cocaine is violent. The whole operation turns on violence. Dealing heroin also involves violence or the threat of violence.

Third, the crime for which the defendant is being sentenced might have been violent. The mandatory minimum sentence would be cut even if the criminal's codefendant used a gun.

Fourth, the criminal himself could have a violent history. Although the bill does not apply to a drug crime for which the defendant used violence, it does apply to criminals with a history of violence. That is, the bill would permit a shorter mandatory minimum where the defendant was not violent on this occasion, but was in the past. Supporters of the bill never acknowledge that it would apply to drug dealers with a history of violent crime.

Other provisions of the bill expand the safety valve that allows judges to impose mandatory minimum sentences on offenders with minimal criminal history. The bill's proponents never identify which violent offenders who fail to qualify for even the bill's expanded safety valve should be able to receive the bill's shorter mandatory minimum sentences.

And don't pay attention to the smoke screen that the bill leaves the maximum sentence alone. Judges are not sentencing anywhere near the maximum today. The whole point of the bill is to allow judges to ignore current mandatory minimums for serious offenses such as heroin importation and cocaine dealing, and sentence defendants to half the minimum they are now receiving.

We know from the experience of the States that when mandatory minimum sentences are reduced, judges use their greater discretion only to sentence the same or more leniently, even when the drug offender has a history of violence. For instance, the State of New York changed its drug sentencing laws to give judges more discretion. Judges began in the overwhelming majority of the cases to sentence offenders to the now lower minimum sentences. New York judges have sentenced drug offenders—even offenders with prior felony convictions—to the lower minimums. Do we really want offenders such as these out on the streets earlier than is the case now, and while out there on the street to prey on our citizens? That is what they will do.

Although supporters of the bill claim it will reduce costs, what it will really do is shift costs from prison budgets to crime victims.

As Professor Matt DeLisi of Iowa State University testified before our Judiciary Committee, juvenile drug use is the best predictor of chronic offending and that, in his words, ''drug users offend at levels 3–4 times greater than persons not convicted of drug crimes.'' He stated that criminal justice research shows that ''releasing 1% of the current Bureau of Prison population would result in approximately 32,850 additional murders, rapes, robberies, aggravated assaults, burglaries, auto thefts, and incidents of arson.''

So the empirical data are clear. Lower mandatory minimum sentences mean increased crime and an increased number of victims. Why would we, then, vote to increase crime and create more crime victims?

Various police organizations answer that question by coming out against this bill.

The National Narcotic Officers' Association has written—and I will give you a fairly long quote:

> As the men and women in law enforcement who confront considerable risk daily to stand between poison sellers and their victims, we cannot find a single good reason to weaken federal consequences for the worst offenders who are directly responsible for an egregious amount of personal despair, community decay, family destruction, and the expenditure of vast amounts of taxpayer dollars to clean up the messes they create.

End of quote from the National Narcotic Officers' Association.

The Federal Law Enforcement Officers Association has also come out against the bill. They stated:

> It is with great concern that the Federal Law Enforcement Officers Association views any action or attempt . . . that would alter or eliminate the current federal sentencing policy regarding mandatory minimum sentencing.
>
> The mandatory minimum sentencing standard currently in place is essential to public safety and that of our membership.

End of quote from the Federal Law Enforcement Officers Association.

Law enforcement is telling us that this bill would be bad policy and create more crime victims, but it is also saying that were this ill-considered legislation to pass, the safety of police officers, who safeguard us, would be jeopardized. How can we possibly do that to those who bravely protect us—our law enforcement people?

The bill is particularly misguided in light of current conditions concerning drug use. We are in the midst of a heroin epidemic right now. Deaths from heroin overdoses in Pennsylvania are way up. In the State of Vermont, the Governor devoted this year's entire state of the State message to the heroin problem. Cutting sentences for all heroin importation and dealing makes no sense at all considering the concerns of these Governors and other State leaders and law enforcement people.

Now let's turn to what the Obama administration thinks. Typical of its pattern of disregarding the law across a large range of areas, this administration refuses to charge some defendants for crimes they duly committed if doing so would subject them to mandatory minimum sentences. Typical with this administration's pattern of disregarding the law, it is not taking action in most situations where States have enacted laws decriminalizing marijuana, even though that is contrary to Federal law. Do you think the Obama administration would stand silently by if a State enacted laws that allowed guns, rather than drugs, to be sold inconsistently with Federal law? Well, of course not.

According to a story this week in the Washington Post, one of the reasons for the heroin epidemic is that marijuana decriminalization is leading growers to produce more heroin for importation into this country. That is because the availability of marijuana is rising and consequently the price is falling. So there is money available to be spent elsewhere. So many who used to grow marijuana now can make much more money cultivating opium poppies for heroin export to this country. But the administration supports this bill, which allows judges to lower mandatory minimum sentences for heroin importation. Doesn't that boggle the mind?

My conservative colleagues who rightly oppose the administration's lawlessness in so many areas should think twice before supporting the administration here. They should oppose a bill that gives judges additional authority only for lowering sentences for dealing, manufacturing, and importing LSD, heroin, cocaine, ecstasy, and methamphetamine.

The National Association of Assistant United States Attorneys has courageously disagreed with the public opinion of their employer, the Department of Justice and Attorney General Holder. The National Association of Assistant United States Attorneys—and, remember, these people are on the Federal payroll enforcing and prosecuting under Federal law—this organization has written in opposition to the bill:

> Mandatory minimums deter crime and help gain the cooperation of defendants in lower-level roles in criminal organizations to pursue higher-level targets.
>
> They have been demonstrably helpful in reducing crime.

End of quote from the National Association of Assistant United States Attorneys.

So why on Earth, then, would we cut sentences for sellers and importers of the worst drugs now plaguing our cities, our suburbs, and even rural areas?

Not every mandatory minimum sentence may be set at the perfect level. We should and can have a discussion concerning lowering some sentences and maybe even raising others—others that probably should be raised, such as for child pornography, terrorism, sexual assault, domestic violence, and various fraud offenses.

We can reduce jail time but not sentences. Many States have done this for inmates whose risk assessments and behavior in jail, including successful completion of programs proven to reduce recidivism, earn our confidence that these people, out of prison, are

less likely to reoffend. But we should not cut sentences up front for serious offenders such as heroin dealers. We should not do so where these offenders have a history of violence. We should not drastically cut the only tool we have to reduce sentencing disparities among judges.

The mislabeled Fair Sentencing Act is the wrong answer to the problems we face. I hope the Senate will not take up this bill, but if it does, my colleagues should take a clear-eyed look at this very dangerous bill and oppose it, as I will.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. SHAHEEN. More than 50 years ago, President Kennedy signed the Equal Pay Act, making equal pay for equal work the law of the land. Yet wage discrimination still persists. Today women continue to be paid just over three-quarters of what their male counterparts receive for performing the same work. More women than ever before are graduating from college, but over the course of their careers they will each make an average of $1.2 million less than a man with the same level of education.

Unfortunately, that is not unique. Across a wide array of industries and with all different occupations, well-qualified women continue to earn an average of 77 cents for each dollar that our male counterparts earn, regardless of performance or educational background. Pay discrimination hurts women, it hurts families, and it hurts our economy.

Back in the early eighties, I served on New Hampshire's Commission on the Status of Women. During that period I chaired a task force on women's employment in New Hampshire, and we wrote a report about what we found. Sadly, we found a lot of discrimination against women in employment. At that time women were only making 59 cents for every $1 a man earned, but the conclusion of our report was this was not only an issue for the women, it was an issue for their spouses, for their families, and for the economy of New Hampshire. The same is true today.

In 2011, women were the sole or primary breadwinner in more than 40 percent of households with children. Equal pay for these women is not solely about a fair paycheck. It is also about paying for a visit to the pediatrician, it is about being able to afford the prescription their children need, it is also about paying the heating bills during a long winter or providing Internet access so their kids can do their homework. There is a lot the average woman could do with the extra $10,000 she would earn each year if it were not for pay discrimination.

As Governor, I signed a law to prohibit gender-based pay discrimination in New Hampshire and to require equal pay for equal work. In the year before that law was signed, women in New Hampshire made 69 percent of their male colleagues' wages. Today, in New Hampshire, they make 78 percent, so we make about 1 penny more in New Hampshire than national average. But at this rate, my granddaughters—some of whom are still in grade school—will enter and leave the workforce before we achieve equal pay for equal work. The estimate is that if we continue at this rate, it will be 2056 before we achieve equal pay for equal work.

Today on Equal Pay Day, I call on Congress to pass the Paycheck Fairness Act so that all of our daughters, granddaughters, their husbands, families, and their children can get a fair paycheck. This commonsense legislation would update the Equal Pay Act to require that pay differences be based on legitimate business reasons, and it would protect women so they can't be penalized by their employers for discussing their salaries. Pay discrimination is not fair, it is not right, and it needs to end.

I urge all of our colleagues to support the Paycheck Fairness Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I thank Senator SHAHEEN for her leadership on these issues and so many other issues in the Senate. I listened to the Senator's comments and I fully concur in the information the Senator has brought forward, that paycheck fairness is not just a matter of fairness for women, it is a matter of fairness for our country. Not only will women benefit, our economy will benefit and our country will benefit by making sure that equal pay for equal work is what happens in our country.

I thank the Senator, and I yield.

Mrs. SHAHEEN. I thank Senator CARDIN of Maryland and point out that I know this is an area where he also has worked very hard over many years. It is the kind of issue that men and women should be able to agree on. This is something that is not fair for women, but it is also not fair for their husbands and their sons. I know the Senator feels that way. Because when your wife isn't getting what she deserves, then you and your family are also hurt as a result.

Mr. CARDIN. It is not just my wife, I also have two beautiful grandchildren, granddaughters, and they are going to do just fine, but I want to make sure they are treated fairly in the workplace—and I want all people treated fairly in the workplace.

I thank Senator SHAHEEN. As I said, equal pay for equal work. Paycheck fairness is truly an American value. I thank all our leaders here. I particularly want to acknowledge Senator MIKULSKI, my colleague from Maryland, for her extraordinary leadership on pay equity issues, on this particular issue of paycheck fairness, and for the work she has done throughout her whole career as a real leader on gender issues.

As Senator SHAHEEN pointed out, today is Equal Pay Day, and the reason for that is women, on average, earn about 77 percent of what a man earns for doing the same work. We are not talking about different work, but we are talking about doing the exact same work that women are discriminated against in the amount of compensation they receive. So on average women have to work 3 additional months every year to earn the same amount of money a man earns for doing the same work. That is not right and it needs to change.

Today I was at the White House with the President and some of our colleagues. Lilly Ledbetter was there. I know the Presiding Officer recalls that Lilly Ledbetter has been one of the real leaders on pay equity. She worked at Goodyear for over 20 years, and after being there for two decades she found out from one of her coworkers—who anonymously passed along information to her about what people were making—that for 20 years she was receiving less compensation for doing the exact same work her male counterparts were doing. She had no idea about this. There was no justification for the difference. So she decided she would do something about it, not just for herself but for those who are in the workplace and should be treated fairly.

So she filed an action and she took this case all the way to the Supreme Court of the United States, but guess what the Supreme Court did. They said: Lilly Ledbetter, you are right. You were discriminated against. You were paid less because of your gender, but guess what. Because it has been going on for so long, you don't have any remedy. Now that is absolutely ridiculous, that 5-to-4 decision of the Supreme Court.

That cost Lilly Ledbetter hundreds of thousands of dollars in lost compensation as a result of that discriminatory action. So Congress took action and changed that, and I was proud to be part of the Congress that cast that vote. It was the first bill signed by President Obama shortly after he took office, and I remember the pride we all had that we were able to take a major step forward on behalf of an enforceable right for women to be paid equal pay for equal work.

But the job wasn't done. Tomorrow we can take another giant step forward by advancing, and I hope enacting, the Paycheck Fairness Act. I hope colleagues on both sides of the aisle will support this legislation so we can continue to make progress down this road of equal pay for equal work.

In the White House today President Obama took action on his own. As he has said he would, he used his Executive power to do what he can to advance the cause of equality in this

country. So he signed two Executive orders. The first is what we call the sunshine executive order that will require Federal contractors to allow their employees to share information about their salaries. They can no longer take retaliatory action because coworkers share their salary information. The second Executive order will require contractors to provide information to the Department of Labor as to what their salary and compensation amounts are based on gender so there can be a record to make sure employers that are doing work for the Federal Government and that are benefiting from the U.S. taxpayers are doing the right thing as far as equal pay for equal work.

These are two very important changes the President has instituted through the use of the power of the White House. We can do something permanent about it by the passage of the Paycheck Fairness Act. That is our responsibility, and I hope we will get that done. It will make a better America. As we pointed out, yes, it is about women being treated fairly in the workplace, it is about my two granddaughters being treated fairly in the workplace, but it is also about our economy and it is about our values. It is all of the above.

I might also mention that it affects retirement security. Because women aren't paid as much, they do not have as much money when they retire. They are more strapped when it comes to how they spend their money. They have less money available for their retirement security. Women over the age of 50 receive only about 56 percent of what men of similar age receive in pension benefits because they haven't earned as much. A good part of that is because they are not being paid fairly in the workplace. Paycheck fairness will certainly help.

We want to give a fair shot to every woman in this country. Many are the sole support for their families. Eliminating the wage gap will provide $450 billion of additional income into our economy. You know what that goes for. It goes to buy a new car or help pay for their children's education. It provides the wherewithal so women can go out and pay their rent, their mortgage payments, the wherewithal to take care of their families. They can even put money away for retirement so they have the security they need after they retire. It helps to grow a middle class in this country, and that is what we all should be about.

So paycheck fairness helps give women a fair shot of equal pay for equal work. It requires employers to demonstrate that wage disparities between men and women holding the same position and doing the same work are not related to their gender. That seems simple enough. Doing different work, obviously the pay is different. Same work, why is there a difference?

The bill ensures the remedies available to victims of gender discrimination are similar to the remedies available to those who are discriminated against based upon their race or national origin. We have in place a way we can correct this. We know how to use those tools. Let us also use them for those who have been discriminated against in their pay because of their gender.

The legislation updates the Equal Pay Act to make it more in line with class action procedures available under title VII of the Civil Rights Act of 1964. This gives us an effective remedy to take care of a class of workers who have been discriminated against in the workplace, and it also prohibits employers—this is very important—from punishing or retaliating against workers who share salary information.

That is what the President did today with the stroke of his pen for those companies that do business with the Federal Government. We can make it universal in the workplace. We can shine a light on what is happening. As former Supreme Court Justice Louis Brandeis observed: ''Sunlight is said to be the best disinfectant.'' We strive for greater transparency in our government because we know that will help provide a better government. So we allow our workers to share information without fear that they will be discriminated against or that actions will be taken against them by their employer.

Our mission as Senators is clearly written in the first few words contained in the preamble of the Constitution. Our mission is to ''form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.''

Paycheck fairness is essential for our carrying out that mission. I urge my colleagues to support this very important legislation.

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

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

TRIBUTE TO GOVERNOR MICHAEL O. LEAVITT

Mr. LEE. Madam President, this week the Salt Lake Chamber of Commerce will honor my friend, the former Governor of Utah, Michael Leavitt, with our Giant In Our City Award. I would like to take this opportunity to honor my fellow Utahn, whose example as a public servant is instructive for all those who wish to make a difference.

Mike Leavitt, who is a native of Cedar City, was the 14th Governor of the great State of Utah. He was handily elected to three terms as Governor, a feat that only one other Utahn has ever accomplished. In 2003, during his third term, he was nominated by President George W. Bush and confirmed by the Senate as Administrator of the Environmental Protection Agency. After just over 1 year at the EPA, Governor Leavitt was nominated and confirmed as the Secretary of Health and Human Services, where he served through the end of the Bush administration. He is the coauthor and author of several books, and he has most recently served on Mitt Romney's campaign as the head of Governor Romney's transition team.

These accomplishments alone are enough to warrant praise and admiration for Governor Leavitt, but I would like to underscore the way in which he served in these positions to explain the virtues of leadership and service. It has been said those who lead best lead by example, and Mike Leavitt is one of those best leaders. He has continuously focused on efficiency, relationships, professionalism, and improvement. These qualities are not only cultivated in Mike Leavitt personally, but they are also fostered in all those with whom he works.

Governor Leavitt's efforts to make government work for the people—as government always should work—stands as one of his greatest accomplishments. Such accomplishments often require innovation and entrepreneurship, which Mike Leavitt learned prior to his governorship as the president and CEO of the Leavitt Group. An example of this innovation is the emergence of a new kind of education in the mid-1990s. When many in the education sector were skeptical of the possibility of online learning, Governor Leavitt proposed a new idea for a competency-based online university. He worked to gain the support of other Governors, and after many months of preparation, Western Governors University was established. This institution was part of Governor Leavitt's mission to expand access to and reduce the cost of higher education. Today WGU is recognized as one of the most innovative and affordable universities in the country.

Governor Leavitt encouraged his fellow Utahns to avoid focusing on what is wrong with America, a lesson we as Senators would do well to follow. He reminded Utahns to focus on what is right with America, as he believes wholeheartedly in the greatness of our Nation. He once said: ''In the history of mankind, there has never been a nation as admired, as willing and as capable of inspiring and fulfilling hope.'' The dignified competence of that statement is needed in these Halls and needed around the world today.

Utah was an example of such dignified confidence in 2002 when the State hosted the Winter Olympics. Governor Leavitt's precision in preparing the State for the games produced a tremendous success not only for Utah but also for our country. Working on the issues that are constitutionally reserved to the States and to the people, Governor Leavitt oversaw the expansion of Utah's transportation network and managed facilities and lands with great care. He

sought out skilled leaders to help in this grand effort, and thousands upon thousands of Utahns volunteered countless hours to make the 2002 Olympics one of the most successful Olympic Games in history.

Multiple volumes of the CONGRESSIONAL RECORD could be filled with examples of service and leadership exemplified by this great Utahn, especially from his years leading the EPA and HHS. However, in the interest of brevity, I will simply say that this country needs more citizens like Mike Leavitt. We need men and women who are able to focus on the details and simultaneously think on a macro scale. We need leaders who believe in our founding principles and who make important decisions with those very same principles in mind. We need leaders who will make government more efficient, more responsive, more deliberate, and more meaningful. Such meaningfulness may often require less from the Federal Government. When action is required from us in this body, let prudence, love for country, love for our fellow beings and dedication to principles, displayed so admirably by Governor Mike Leavitt, be our guide.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

FORT HOOD

Mr. DURBIN. Madam President, it is with a heavy heart that I rise today to speak about the tragic shooting last week at Fort Hood. The shooting claimed the lives of three innocent people. One was a son of Illinois, and 16 others were wounded.

As chairman of the Defense Appropriations Subcommittee, I often begin subcommittee hearings by quoting the Chairman of the Joint Chiefs of Staff, General Martin Dempsey. At his speech at the National Press Club 2 years ago, General Dempsey spoke about the number of challenges facing the military, from Afghanistan to sequestration, and the need to take care of our troops when they transition to civilian status. General Dempsey said: ''No matter how well we address the other challenges''—and I quote him—''if we don't get the people right, the rest of it doesn't matter.''

His words reflect a basic truth. More than weapons systems or stockpiles of ammunition, the strength of our military and the security of America depend on the men and women who volunteer to risk their lives for us.

Investigators are still trying to understand what happened as an Army specialist went on a shooting rampage at Fort Hood. Press reports speculated on a host of possible motives, from mental health difficulties following a recent deployment, grief over the death of his mother, and even financial pressure. As we wait for the answers to this tragedy, we are grateful for the discipline and bravery of the military policewoman who confronted the shooter and cut short what could have been an even worse tragedy. We are grateful for the military chaplain who shielded bystanders and helped them reach safety.

In my State of Illinois, we are mourning Army SGT Timothy Owens. He is from downstate, my neck of the woods, born in Effingham, IL, and dreamed of being a soldier since he was a little boy. He used to wear camouflage and bomber jackets with sunglasses to look like a soldier, in hopes that someday that would come true.

He went to high school in Rolla, MO, where he met Billy, the young woman who would later become his wife. They were married just last August.

After high school Tim and his family moved back to Effingham where Tim worked and taught tae kwon do in the local gym. In 2003 Tim Owens decided to pursue his life long dream. He enlisted in the U.S. Army. Sergeant Owens served proudly in Iraq and Afghanistan, and he recently signed up for 6 more years. His tours in Iraq and Afghanistan gave him special understanding and empathy for other soldiers who faced difficulties when they returned home. He used his skill and compassion in his work as a counselor at Fort Hood helping veterans deal with post traumatic stress disorder and other mental health challenges. It was a heartbreaking irony that Sergeant Owens was killed when he tried to persuade the shooter at Fort Hood to lay down his weapon. Sergeant Owens was 37 years old.

I offer my deepest condolences to Sergeant Owens' friends and family, especially his wife and his parents. Tim Owens served America honorably, and I know they are proud of him.

We also pray for the families of the other soldiers who lost their lives last week at Fort Hood and all those who were injured. Losing soldiers on friendly soil seems almost incomprehensible. Yet this is not the first time we have seen this sort of senseless death at a U.S. military facility. It is not even the first time we have seen it at Fort Hood.

Tomorrow at Fort Hood President Obama will lead a memorial service to honor those who died last week. As we remember the soldiers who were lost and pray for those who were wounded, we also need to ask ourselves if there is more that we can do to protect the members of our military and their families.

In the speech 2 years ago, General Dempsey said the vast majority of servicemembers end up stronger from the experience that they served. He said: ''They are disciplined, they are courageous . . . they have a sense of purpose.'' They are men and women we should be very proud of, and we are.

There are also a few who for some reason or another need help. Some may bear invisible wounds from war. As we wind down our involvement in Afghanistan, our task as a Nation is to get all of the people right, as General Dempsey reminded us. Servicemembers and veterans who are struggling with health issues, including mental health issues, need to get the care that is necessary to bring them back to a full participation in life.

Military families shouldn't have to struggle to put food on their table or a roof over their heads. A grateful Nation can do a lot better than that. No member of the military who risked his or her life overseas should have to worry about losing his or her life on a military base in America. In the midst of the tragedy last week many people at Fort Hood acted nobly and courageously, but something went terribly wrong.

We owe it to our servicemembers and their families to understand how this terrible loss happened so we can work to make sure it does not happen again.

Madam 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.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. 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. WHITEHOUSE. Thank you very much.

CLIMATE CHANGE

Madam President, I am now here for the 64th time to ask my colleagues to wake up to the threat of climate change. It was almost exactly 2 years ago in April 2012 that I began speaking on the floor every week that the Senate is in session.

I have tried to make a compelling case for my colleagues. First and foremost I have relied on the overwhelming scientific evidence and the near unanimity of the scientific community.

Ninety-seven percent of climate scientists agree that the increase of carbon dioxide in our atmosphere due to human activities is driving unprecedented changes, and, of course, they are changes that Americans see all about them in their lives now. If 97 doctors told you that you needed surgery, who among us in our right mind would heed the advice of the three doctors who said they were unsure and we should delay the treatment?

I have talked about global warming. I have talked about the weirding of the weather—heat waves, extreme downpours, drought, shifting seasons. I have talked at length about the devastating toll on our oceans, which hold such peril in my home State, Rhode Island, the Ocean State. Our oceans are warming, rising, and becoming more acidic, and all of that is undeniable. It is measurable. It threatens our coastal communities and marine species alike.

I have described the potential for deep economic disruption in industries such as fishing and farming or inundation or wildfire. I have looked at the threat to human health. I have conveyed the deep concerns of corporate

leaders who understand that climate change is bad for business and of faith leaders who appeal to our moral duty to conserve God's creation and to spare those who are most vulnerable to catastrophe. I have answered the claims of those in this Chamber who deny the reality of climate change and the need for action, and I have called out the network of fossil fuel propaganda that seeks to mire this Congress in phony manufactured doubt.

I have been joined by colleagues who share my commitment to rouse this Congress from its oil- and coal-induced slumber, including the historic all-night stand on the floor that reached hundreds of thousands of Americans. But unfortunately, it seems we still have some ways to go. I could stand here until I am blue in the face supplying the Chamber with reasoned arguments and scientific facts on climate change, and some here in Congress would ignore it because they reject information from scientists and they ignore empirical evidence.

So maybe it is time to bring in some muscle—the American military. Climate change threatens our strategic interests, our military readiness, and our domestic security in many ways. It is a serious national security issue. Don't take my word for it. Our top military commanders and strategic planners at the Department of Defense say so.

Four years ago the Department of Defense released the Quadrennial Defense Review, clearly linking for the first time climate change and national security. The 2010 review concluded that the effects of climate change can contribute to increases in regional instability driven by demand for food, water, and natural resources, and to extreme weather events which will increase the need for humanitarian aid and disaster relief, both within the U.S. and abroad.

Then-Chairman of the Joint Chiefs of Staff Admiral Michael Mullen put it this way. I will quote him:

> The scarcity of and potential competition for resources like water, food, and space, compounded by the influx of refugees if coastal lands are lost does not only create a humanitarian crisis, but it creates conditions of hopelessness that could lead to failed states and make populations vulnerable to radicalization.

That is the U.S. Chairman of the Joint Chiefs of Staff.

Last year 9 retired generals and admirals joined 17 former members of the House and Senate and several former cabinet level officials and issued this warning. They said:

> The potential consequences to climate change are undeniable, and the cost of inaction, paid for in lives and valuable U.S. resources will be staggering.

The 2014 Quadrennial Defense Review was released last month in tandem with the Department of Defense budget request, and it is just as straightforward in its warnings on climate change.

I will quote:

> Climate change poses another significant challenge for the United States and the world at large. . . . Climate change may exacerbate water scarcity and lead to sharp increases in food costs. The pressures caused by climate change will influence resource competition while placing additional burdens on economies, societies, and governance institutions around the world.

The second installment of the current Intergovernmental Panel on Climate Change assessment report, released just last week, echoes what our own military leaders are already telling us. According to the report, ''Climate change can directly increase risks of violent conflicts in the form of civil war and inter-group violence by amplifying well-documented drivers of these conflicts such as poverty and economic shocks.''

In response to our changing climate, the Department of Defense is conducting a comprehensive assessment of the risks to U.S. military installations. This is not a trivial effort and it is not being undertaken without cause.

The Pentagon is also working with other nations to strengthen the network of humanitarian assistance for disaster response. The reach of our military stretches to every corner of the globe and so do the effects of climate change. Our commanders recognize the need to adapt in every theater.

Much has been made of the U.S. military and diplomatic pivot to the Pacific region. While ADM Samuel J. Locklear, commander, U.S. Pacific Command, has called climate change the biggest long-term security threat in the Pacific because it ''is probably the most likely thing that is going to happen . . . that will cripple the security environment, probably more likely than the other scenarios we all often talk about.'' The head of our Pacific command is describing this as the most likely thing to happen to cripple the security environment.

The threat extends from pole to pole. Former Supreme Allied Commander and Commander of U.S. Forces in Europe James Stavridis is wary of the ongoing reduction in Arctic sea ice. He states, ''This will present potential problems, from oil spills, dangers to wildlife, search and rescue for commercial shipping and tourist boats, and open zones of maneuver for the navies of the Arctic nations to interact.''

Our American military leaders are clear in sounding this alarm. In Congress some of us are taking these warnings seriously. The Bicameral Task Force on Climate Change, which I lead with Congressman WAXMAN, invited national security experts to share their perspective on climate change. Retired Marine Corps Brig. Gen. Stephen Cheney is CEO of the American Security Project, founded in 2005 by former Senators John Kerry, Chuck Hagel, Gary Hart, and Warren Rudman. He stressed that climate change is not a new issue within national security issues and that the United States must engage the world on this issue, which of course we cannot do while we are paralyzed by false denial.

Retired Army BG Gerald Galloway spoke of the risk extreme weather events pose to military installations. He said:

> When communities and installations are unaware of their vulnerability to these events, the results can be disastrous. A failure to be prepared shifts the military's focus from maintaining a constant level of readiness to dealing with each of these climate change impacts as they occur. Both floods and increased temperatures can bring training to a halt or restrict critical movements.

This message was echoed by retired Army CPT Jon Gensler, who described the difficulty of maintaining our readiness, particularly in responding to ever-increasing requests for disaster-related humanitarian assistance.

The consensus is clear from the people to whom we have entrusted our national security: Climate change is a serious threat to national security and to global security for which we need to plan and prepare. That is the message Secretary of State John Kerry brought to an audience in Jakarta, Indonesia, earlier this year. He said:

> In a sense, climate change can now be considered another weapon of mass destruction, perhaps the world's most fearsome weapon of mass destruction. . . . The fact is that climate change, if left unchecked, will wipe out many more communities from the face of the earth. And that is unacceptable under any circumstances—but it is even more unacceptable because we know what we can do and need to do in order to deal with this challenge.

Yet Congress sleepwalks, refusing to listen, refusing to speak of it, refusing to act when duty calls us to act, when history calls us to act, and when decency calls us to act.

I have a book in my office written by Geoffrey Regan. It is entitled ''Great Naval Blunders: History's Worst Sea Battle Decisions from Ancient Times to the Present Day.'' It is an interesting book to read. It is a long history of episodes of folly and error that have ended in disaster. It contains the account of a fleet of British naval ships docked at harbor as a great typhoon bore down on them. The ships' captains knew the typhoon was so strong that it would tear the ships loose from their anchors and wreck them. They knew their only safe strategy was to up anchor, head out of the harbor, and try to weather the storm at sea, but none of the captains wanted to be the first ship to leave the port so they all stayed and the typhoon swept down and they were destroyed.

Regan calls this ''an error of judgment that will forever remain a paradox in human psychology.'' We can make those kinds of errors of judgment, and for those captains and crews, the error was fatal. Facing certain destruction, those sea captains refused to take the action that they knew was necessary to save their ships, to save themselves, and to save their crews.

I think of that story as we stand in the Senate unable to respond to what

is looming down on us from climate change. The science could not be clearer. It is grownup time around here, and we need to take it seriously. The fact that one side of the aisle can't even use the word ''climate change'' is a terrible sign.

John Wayne, a great American actor whom we all know, had a number of wonderful roles in his life. One of John Wayne's roles was to play Sergeant Stryker in the movie ''Sands of Iwo Jima.'' In that movie, Sergeant Stryker had a memorable phrase: ''Life is tough, but it's tougher if you're stupid.'' We have all the information in front of us that we need to avoid being stupid. Collectively, that is what we are being. Similar to those captains, knowing what is bearing down on us, we are somehow unable to take the action that will protect us, our country, and will protect our children and future generations. There is no better way to describe it than through the words of Sergeant Stryker: ''Life is tough, but it's tougher if you're stupid.''

It is time to wake up.

I yield the floor.

Mr. BENNET. I suggest 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. The majority leader.

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.

EXECUTIVE SESSION

NOMINATION OF MICHELLE T. FRIEDLAND TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 574.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Michelle T. Friedland, of California, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Michelle T. Friedland, of California, to be United States Circuit Judge for the Ninth Circuit.

Harry Reid, Patrick J. Leahy, Debbie Stabenow, Jack Reed, Christopher A. Coons, Patty Murray, Elizabeth Warren, Richard J. Durbin, Mazie K. Hirono, Sheldon Whitehouse, Richard Blumenthal, Barbara Boxer, Kirsten E. Gillibrand, Charles E. Schumer, John D. Rockefeller IV, Bernard Sanders, Cory A. Booker.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF DAVID WEIL TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

Mr. REID. I now move to proceed to executive session to consider Calendar No. 613.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of David Weil, of Massachusetts, to be Administrator of the Wage and Hour Division, Department of Labor.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David Weil, of Massachusetts, to be Administrator of the Wage and Hour Division, Department of Labor.

Harry Reid, Tom Harkin, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Patrick J. Leahy, Richard J. Durbin, Robert P. Casey, Jr., Christopher A. Coons, John D. Rockefeller IV, Carl Levin, Bill Nelson, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, in consultation with Senator MCCONNELL, this week, the Senate proceed to executive session to consider Calendar No. 649; that there be 1 hour for debate, with 15 minutes under the control of the Democratic leader or his designee and 45 minutes under the control of the Republican leader or his designee; that upon the use or yielding back of time the Senate proceed to vote on the nomination; the motion 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; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. I ask unanimous consent that at a time to be determined by me, in consultation with Senator MCCONNELL, on Wednesday, April 9, the Senate proceed to executive session to consider Calendar No. 507; that there be 2 minutes for debate equally divided in the usual form; that upon the use or yielding back of time the Senate proceed to vote on the nomination; the motion 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 then resume legislative session.

The PRESIDING OFFICER. 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 permitted to speak for up to 10 minutes each.

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

REMEMBERING CORPORAL WILLIAM F. DAY

Mr. MCCONNELL. Mr. President, I rise today to honor a fallen soldier from my home State, the Commonwealth of Kentucky. Nearly 64 years after being killed in the Korean war, Army CPL William F. Day's remains were finally returned home last week.

Corporal Day was 25 years old when he was deployed to the Chosin Reservoir in North Korea. On November 29, 1950, his company was overwhelmed by enemy forces and began a fighting withdrawal from their position. Three days later, Corporal Day was reported missing in action.

Gloria Shonrock, Day's daughter, was only 4 at the time and has lived her life not knowing the location of her father's final resting place. Unbeknownst to her at the time, Day's remains were contained in one of 208 boxes given to the United States by North Korea between 1991 and 1994. Two years ago, Shonrock provided her DNA to the Department of Defense POW/Missing Personnel Office, which they were able to use to identify her father's remains.

Now, over 60 years after being reported missing in action, Corporal Day is back in his old Kentucky home. Day was laid to rest yesterday in La Center, KY, next to his mother, Mattie Day, in a funeral with full military honors.

Corporal Day made the ultimate sacrifice in giving his life for our country. That his remains were returned home after so many years is a remarkable testament to our Nation's commitment to leaving no man behind. I ask that my Senate colleagues join me in honoring this fallen hero.

The Paducah Sun recently published an article chronicling the incredible story of the discovery and return of Corporal Day's remains. I ask unanimous consent that the full article be printed in the RECORD.

[From The Paducah Sun, Apr. 3, 2014]

LA CENTER KOREAN WAR VETERAN COMES HOME

(By Leanne Fuller)

Army Corporal William F. Day, of La Center, was reported missing in North Korea on Dec. 2, 1950. After a long and winding search of nearly 64 years, his remains were brought home Wednesday.

Day's daughter, Gloria Shonrock—along with her husband, Ernie Shonrock; other relatives, and two military liaisons—brought the veteran's remains from Nashville, Tenn., to Morrow Funeral Chapel in La Center Wednesday. They were escorted from Nashville by Patriot Guard Riders, Shonrock said, and welcomed into Ballard County with an escort of firetrucks, ambulances and police vehicles.

Shonrock was four when her father was reported missing. While Shonrock's mother didn't talk about Day often while she was growing up, the absence was still felt.

''I'd sit at the recess and cry because I wanted my daddy and—you know—you grow out of that, but you still want your dad,'' she said.

Shonrock said she has been searching for information about her father since 1992, a search that took her from her home in Erie, Colo., to Washington, D.C., and La Center.

Day's remains were found among 208 boxes of remains North Korea gave the United States between 1991 and 1994. In a recent announcement of the identification of Day's remains, the Department of Defense POW/Missing Personnel Office (DPMO) said the boxes were believed to contain remains of 350 to 400 U.S. servicemen.

However, the remains were heavily commingled, which made identification difficult. Two years ago, Shonrock provided DNA to help identify her father's remains. Five years ago, she said, her uncle, Herman Day, and her father's niece, Mattie Terrell, also provided DNA.

In the search for her father, Shonrock attended yearly DPMO conferences in Washington and various cities across the country. At last year's conference, she said, X-ray records had been found that could possibly be used to identify the remains.

''And between the DNA and those X-rays, they found my dad,'' Shonrock said.

Scientists from the Joint POW/MIS Accounting Command and the Armed Forces DNA Identification Laboratory used the DNA and X-rays to identify Day's remains, which were located in Hawaii before they were flown to Nashville. Shonrock said Day was the 100th person identified from the remains contained in the 208 boxes.

''It's been hell sometimes, and good other times,'' Shonrock said of the long process. ''And then it's been hell again because you have to deal with the government, and you sit there and hurry up and wait.''

Among the good that came out of her search is that a military office in Colorado helped connect Shonrock with relatives on her dad's side of the family.

''I had an aunt in Washington, and I had this aunt and uncle here in Kentucky,'' Shonrock said. ''And I've been here many times to see them.''

On Monday, Day will be buried in La Center—with full military honors—next to his mother, Mattie Day. Day's name is among those listed on the veterans monument at Ballard Memorial High School, and before the funeral a memorial service will be held in his honor at the school.

According to the DPMO, Day was assigned to Company C, 32nd Infantry Regiment, 31st Regimental Combat Team in November 1950, deployed east of North Korea's Chosin Reservoir. The 31st RCT, known as Task Force Faith, was engaged by ''overwhelming numbers of Chinese forces.'' On Nov. 29, 1950, what was left of the task force began fighting a withdrawal to positions near Hagaru-ri, south of the reservoir.

''Personally it's a closure that I don't have to worry about where he's at anymore,'' Shonrock said, ''or whether he's in a ditch in Korea in the frozen area where he passed away, or . . . where he's at: because he's been in Hawaii since 1992–94.''

VOTE EXPLANATION

Ms. LANDRIEU. Mr. President, I regret having missed the April 7, 2014 vote on passage of H.R. 3979, as amended, the Emergency Unemployment Compensation Extension Act of 2014.

Had I been present, I would have voted for the passage of the Emergency Unemployment Compensation Extension Act of 2014 to support the 16,000 Louisianians awaiting the extension provided by this legislation.

TAYLOR CONFIRMATION

Mrs. FEINSTEIN. Mr. President, I support the confirmation of Gen. Frank Taylor to be the Under Secretary for Intelligence and Analysis at the Department of Homeland Security, DHS.

General Taylor has a long and distinguished career in national security, starting with his 31 years in the U.S. Air Force, most of which was spent in counterintelligence. In his final assignment for the Air Force, General Taylor led the Air Force Office of Special Investigations where his office provided independent investigations of fraud, counterintelligence, and major criminal matters.

In 2001, he was named Coordinator for Counterterrorism, the top counterterrorism position in the State Department, where he was a key advisor to Secretary of State Colin Powell. After that position, General Taylor served as the Assistant Secretary of State in charge of diplomatic security where he was in charge of security for over 250 U.S. embassies and consulates worldwide.

General Taylor has spent the past 9 years in the private sector, most as the chief security officer for General Electric where he was responsible for GE's global security operations and crisis management. In that position, he has seen the government's homeland security functions from the outside, giving him an important perspective on the Department of Homeland Security's support to the private sector.

General Taylor will have to put his extensive experience and leadership skills to good use as Under Secretary of DHS for Intelligence and Analysis. The Office of Intelligence and Analysis has been without a leader confirmed by the Senate for over a year now, and it has a large number of missions, like DHS as a whole.

I hope and expect that General Taylor will provide strong leadership to the Office of Intelligence and Analysis at DHS and I look forward to working with him.

General Taylor was approved by the Intelligence Committee on March 4, 2014, and the committee received several letters supporting him, including from the International Association of Chiefs of Police and the Major Cities Chiefs Association which represents the law enforcement agencies in largest cities in the U.S.

I fully support General Taylor's confirmation.

CARLIN CONFIRMATION

Mrs. FEINSTEIN. Mr. President, I supported the confirmation of Mr. John Carlin to be Assistant Attorney General for National Security in the Department of Justice, DOJ.

Mr. Carlin was serving as the Acting Assistant Attorney General for National Security, the top position in the National Security Division at the Department of Justice, which brings together the counterterrorism, intelligence, and counterintelligence efforts within DOJ.

The National Security Division is also important because it reviews and approves requests to the FISA Court for surveillance authorities.

Mr. Carlin has superb experience for the position to which he has been confirmed, having served as the Acting Assistant Attorney General since his

predecessor, Lisa Monaco, went to the White House last year to be President Obama's top advisor for counterterrorism and homeland security.

Before his position as Acting Assistant Attorney General, Mr. Carlin was the Principal Deputy Assistant Attorney General and chief of staff for the National Security Division. From 2007 to 2011, he served in leadership roles at the FBI, including as chief of staff to FBI Director Robert Mueller.

Mr. Carlin also served in a variety of positions in the Department between 1999 and 2007, including as a career Federal prosecutor, where Mr. Carlin served as National Coordinator of DOJ's Computer Hacking and Intellectual Property, CHIP, program. Before that, he was an assistant U.S. attorney for the District of Columbia, where he prosecuted cases ranging from homicide and sex crimes to cyber, fraud, and public corruption matters.

In one noteworthy case, he obtained a guilty verdict against Modou Camara on charges of conspiracy, fraud, and money laundering, in connection with real estate transactions in which Camara persuaded unqualified buyers to submit fraudulent loan applications through a first-time homebuyer program run by the Department of Housing and Urban Development's, HUD, Federal Housing Administration, FHA. Through this scheme, Camara bought properties at low prices and sold them—usually on the same day that he purchased them—at an artificially inflated price for a large profit. When Camara's recruited purchasers failed to repay their loans, HUD was forced to reimburse the lender. HUD lost over $1 million due to Camara's scheme.

As a prosecutor, he also obtained convictions in cases against a defendant who tortured and murdered a baby girl, a defendant who bribed former Congressman ''Duke'' Cunningham, and a defendant who was charged with first-degree murder.

Mr. Carlin was approved by the Intelligence Committee on March 4, 2014, and by the Judiciary Committee on February 6, 2014. Both committees received several letters in support of Mr. Carlin from senior officials and colleagues from both sides of the aisle.

I fully support Mr. Carlin's confirmation.

ADDITIONAL STATEMENTS

WEEK OF THE YOUNG CHILD

● Mr. BEGICH. Mr. President, this is a special week. The Week of the Young Child, launched by the National Association for the Education of Young Children in 1971 and carried out in communities across the country, is a time to raise public awareness about the importance of high-quality early childhood education and to recognize the millions of people who care for and teach young children every day.

The theme of this year's Week of the Young Child is ''early years are learning years.'' Research is compelling that children are ready to learn from birth—what they need are the positive conditions and opportunities to learn and thrive not only to be prepared for school but to prepare to be productive adults.

Early childhood education is about development and learning, but it is also an economic driver. Nobel laureate James Heckman and others note that when we invest in high-quality early childhood education, starting with infants, the taxpayer benefits from lower expenditures for special and remedial education, reduced juvenile crime rates, and higher graduation rates.

Even though we know about the importance of early childhood education, for many families the costs are too much for the family budget, especially high-quality programs. The child care and development block grant, helping families afford childcare and helping states raise the quality of care, serves only one in six eligible children. In fact, roughly 260,000 fewer children received assistance in 2012 than in 2006. I am glad we ended the cuts to Head Start in fiscal year 2014, but even so, we help less than half of the eligible preschoolers and only 4 percent of eligible Early Head Start infants and toddlers. State pre-K is growing, but it is uneven quality among our States and doesn't reach all the eligible children whose families would want to enroll them. Early intervention services—a significant intervention for children's early school readiness—is woefully underfunded as well.

The educators who work with these young children in childcare, Head Start and other program settings are very underpaid. A childcare provider makes about $20,000 a year. The turnover rate is high. When teachers get a degree, they can move to better jobs to support their own families, but it means inconsistency of relationships for children and difficulty sustaining quality for providers. We must do more to ensure early childhood educators get the specialized degrees and credentials they need and then compensate them on par with their school-based colleagues.

In my State of Alaska, one snowy night over a year ago in Anchorage, I met with about 50 strongly committed Alaska educators to talk about how to improve our schools and prepare our students for the competitive 21st-century economy.

From that conversation, the idea for three bills evolved. I then introduced a package of legislation, the Keep Investing in Developmental Success, KIDS, Act. These three early childhood bills will address access, quality, and affordability in early education programs.

First, we will amend the Tax Code to provide a tax credit for early childhood educators. The Tax Relief for Early Educators Act will expand the deductions for certain expenses for early childhood education and increase the childcare tax credit so more parents can afford to put their children in quality early child development programs.

Second, we will create a new student loan forgiveness program for graduates of associate's or bachelor's programs in early education. The Preparing and Reinvesting in Early Education Act—or PRE ED—will provide needed relief for early educators and encourage more to work with kids through age 5. Well-trained educators providing quality early education makes all the difference in a child's success.

Third, we need to reward companies offering onsite or near-site childcare with a company cost-share. We know it works for the company and for the employee—just look around our State. In Alaska BP, Credit Union One and Fairbanks Memorial Hospital are great examples. They all offer quality onsite centers. They know it makes more productive employees.

The Child Care Public-Private Partnership Act will establish a program to provide childcare through partnerships. Through new grant incentives for small and medium companies, we can help more Alaska companies do the same.

These bills recognize the importance of childcare in the lives of working families. They will make it easier for early childhood educators to provide stimulating and effective instruction in safe environments

As we recognize and celebrate this week of the young child, we need to be perfectly clear in our commitment to continue to support and expand the education of children. I believe all of my colleagues in the Senate should join together to make this a priority because, as this year's theme says so well, the early years are indeed the learning years.●

REMEMBERING ALLEN MAXWELL

● Mr. BOOZMAN. Mr. President, recently, we tragically lost Monticello, AR Mayor Allen Maxwell very suddenly and unexpectedly. He did a tremendous job as mayor. No one valued his family and community more than Mayor Maxwell.

After a successful career in the private sector, Allen embarked on a second career in public service that included a stint as U.S. Representative Jay Dickey's chief of staff in the 1990's. Six years later, he was motivated to run for an elected office of his own. It was an excellent decision that ended with a successful election to the Arkansas House of Representatives where he represented district 10 for 3 terms and focused on creating jobs in Arkansas's manufacturing sector before being term-limited out.

Committed to making Arkansas a better place to live and do business, Allen knew he could still contribute and decided to run for mayor of Monticello. He won with 70 percent of the vote, focused his energies on infrastructure and capital improvements, and left his mark on Monticello before his sudden and untimely passing.

Mayor Maxwell was a great example for us all. A humble public servant who entered this field for the right reasons—he truly wanted to help Arkansans and make the State that he loved better. My staff and I greatly missed his presence at the annual meeting with legislators in Washington. We continue to pray that his family and friends are comforted by the fact that major efforts for his community and region and concern for his fellow man will continue to live on.●

TRIBUTE TO JAMES FRANKEL

● Mrs. BOXER. Mr. President, I am pleased and honored to salute James B. Frankel, a respected lawyer, environmental activist, and a pillar of the San Francisco community who recently celebrated his 90th birthday.

James Frankel was born on February 25, 1924, in Chicago to Louis and Thelma Frankel. After graduating from the U.S. Naval Academy in 1945, Jim went on to earn a law degree from Yale University, where he met his future wife Louise. Shortly thereafter the couple moved to San Francisco, where they raised their family.

In San Francisco, Jim maintained an active law practice until his retirement in 2000. He also contributed to the training and education of future lawyers, serving as an adjunct professor of law at Yale, UC Berkeley, Stanford, and UC Hastings.

Those of us who know Jim know that he is an inspiring and vibrant man who has always been generous with both his time and his energy on behalf of so many worthy causes. As an avid nature lover and outdoorsman passionate about backpacking, skiing, and the annual bicycle trips across Europe that he continued to take well into his eighties, Jim was an early supporter of the Natural Resources Defense Council, for which he served as a trustee for nearly 20 years.

My family is lucky to have known Jim for many years, and I have always admired his boundless passion and tireless zest for living life to its fullest. As Jim celebrates his 90th birthday, I am honored to join Louise, their children and five grandchildren, and Jim's many friends and admirers in offering my very best wishes on this wonderful milestone and many more years of continued happiness.●

TRIBUTE TO ANN YOUNG

● Mr. LEVIN. Mr. President, public service is a noble calling. The work done by dedicated and hardworking government employees benefits countless Americans from coast to coast and many across my home State of Michigan. Indeed, there are many people who work tirelessly day after day to make sure the services we all rely on are there when we need them most. That is why it is no exaggeration to say that diligent and long-serving workers like Ann Young form the backbone of our great Nation. And, I am delighted to honor Ann, who recently retired after more than 40 years of Federal service.

Ann Young began her career in the Federal Government in 1973 with the Animal and Plant Inspection Service within the Department of Agriculture and ended up staying in Federal health service for more than four decades. Thousands of hardworking Michigan farmers rely on the expertise and services provided by the Department of Agriculture, many of those families reside in the Upper Peninsula of Michigan. Throughout her career, Ann and her colleagues have been there for these families, always ready to lend a hand and do what is needed. Her work with the U.S. Forest Service and in the area of rural development has truly made a difference.

Ann has dedicated her professional life to helping others. She follows in a long and unbroken line of workers who have done the same. She will be missed by those in the Upper Peninsula who have relied on her work for so many years. And, she will be missed by her colleagues who have benefitted from her wisdom and insight. She can now take a well-deserved break, enjoy life and spend more time with the people she holds dear. She is certainly in the perfect place to do it—The Upper Peninsula of Michigan, home to extraordinary natural beauty.

I am delighted to recognize the work of Ann Young and wish her the best as she begins the next chapter of her life. She has certainly earned it.●

MESSAGES FROM THE HOUSE

At 11:43 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 404. An act to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker–Snoqualmie National Forest.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1872. An act to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes.

H.R. 3470. An act to affirm the importance of the Taiwan Relations Act, to provide for the transfer of naval vessels to certain foreign countries, and for other purposes.

H.R. 4323. An act to reauthorize programs authorized under the Debbie Smith Act of 2004, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 90. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony as part of the commemoration for the days of remembrance of victims of the Holocaust.

ENROLLED BILL SIGNED

At 5:48 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

S. 404. An act to preserve the Green Mountain Lookout in the Glacier Peak Wilderness of the Mount Baker-Snoqualmie National Forest.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1872. An act to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes; to the Committee on the Budget.

H.R. 3470. An act to affirm the importance of the Taiwan Relations Act, to provide for the transfer of naval vessels to certain foreign countries, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2575. An act to amend the Internal Revenue Code of 1986 to repeal the 30-hour threshold for classification as a full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act and replace it with 40 hours.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2223. 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.

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–5242. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership'' (Docket No. AMS–FV–13–0042) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5243. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Organization; Disclosure to Shareholders; Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System; Advisory Note'' (RIN3052–AD00) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5244. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiram; Time-Limited Pesticide Tolerances'' (FRL No. 9909–02) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5245. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imazapic; Pesticide Tolerances'' (FRL No. 9400–3) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5246. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imazapyr; Pesticide Tolerances'' (FRL No. 9907–82) received in the Office of

the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5247. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Rule Regarding Applicability of the Exemption from Permitting under Section 404(f)(1)(A) of the Clean Water Act to Certain Agricultural Conservation Practices'' (FRL No. 9908–97–OW) received in the Office of the President of the Senate on April 3, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5248. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluoxastrobin; Pesticide Tolerances'' (FRL No. 9907–46) received in the Office of the President of the Senate on April 3, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5249. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Proquinazid; Pesticide Tolerances'' (FRL No. 9903–11) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5250. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metaflumizone; Pesticide Tolerances'' (FRL No. 9907–67) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5251. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled, ''Report to Congress on Fiscal Year 2015 Staff Years of Technical Effort and Estimated Funding for Department of Defense Federally Funded Research and Development Centers''; to the Committee on Armed Services.

EC–5252. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Foreign Language Skill Proficiency Bonus program; to the Committee on Armed Services.

EC–5253. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Stanley T. Kresge, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5254. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5255. A communication from the Director of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Enforcement Guidance Memorandum 2014–001: Interim Guidance for Dispositioning 10 CFR Part 37 Violations with Respect to Large Components or Robust Structures Containing Category 1 or Category 2 Quantities of Material at Power Reactor Facilities Licensed under 10 CFR Parts 50 and 52'' (RIN3150–AI12) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5256. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; Indiana; Ohio; 'Infrastructure' SIP State Board Requirements for the 2006 24-Hour PM2.5 NAAQS'' (FRL No. 9908–70–Region 5) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5257. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Hawaii; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standard'' (FRL No. 9908–07–Region 9) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5258. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; 10-Year FESOP Amendments'' (FRL No. 9907–50–Region 5) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5259. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standards'' (FRL No. 9909–09–Region 3) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5260. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards'' (FRL No. 9909–10–Region 3) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5261. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Enforceable Consent Agreement and Testing Consent Order for Octamethylcyclotetrasiloxane (D4); Export Notification'' (FRL No. 9907–36) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5262. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standards'' (FRL No. 9909–11–Region 3) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5263. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Test Methods and Testing Regulations; Technical Amendment'' ((RIN2060–AQ01) (FRL No. 9908–99–OAR)) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5264. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polychlorinated Biphenyls (PCBs): Manufacturing (Import) Exemption for the Defense Logistics Agency (DLA)'' (FRL No. 9908–98–OSWER) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Environment and Public Works.

EC–5265. A joint communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Buy American Act Report for fiscal year 2013; to the Committee on Homeland Security and Governmental Affairs.

EC–5266. A communication from the Equal Employment Opportunity Director, Office of Special Counsel, transmitting, pursuant to law, the Office's fiscal year 2013 report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5267. A communication from the Secretary to the Board, Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5268. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5269. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report of the Commission's Strategic Plan for 2014–2018; to the Committee on Homeland Security and Governmental Affairs.

EC–5270. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5271. A communication from the Director, Office of Economic Impact and Diversity, Department of Energy, transmitting, pursuant to law, the Department's fiscal year 2013 report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5272. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5273. A communication from the Chair of the Recovery Accountability and Transparency Board, transmitting, pursuant to law, the Board's fiscal year 2013 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–5274. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Electronic Submission of Forms, the Finished Products Records for Distilled Spirits Plants, and Closures on Certain Distilled Spirits and Products'' (RIN1513–AB97) received in the Office

of the President of the Senate on April 7, 2014; to the Committee on the Judiciary.

EC–5275. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Annual Report of the Reserve Forces Policy Board for 2013; to the Committee on Armed Services.

EC–5276. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, a report of proposed legislation entitled ''National Defense Authorization Act for Fiscal Year 2015''; to the Committee on Armed Services.

EC–5277. A communication from the Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages'' (RIN0584–AD77) received in the Office of the President of the Senate on April 2, 2014; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5278. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Child Care and Development Fund Report to Congress for Fiscal Years 2008 through 2011''; to the Committee on Finance.

EC–5279. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 67th World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC–5280. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2014–0020—2014–0033); to the Committee on Foreign Relations.

EC–5281. A communication from the Secretary of Transportation, transmitting, a report of proposed legislation entitled ''Federal Aviation Insurance Reauthorization Act of 2014''; to the Committee on Commerce, Science, and Transportation.

EC–5282. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; South Bend, Indiana'' (MB Docket No. 14–1, DA 14–363) received in the Office of the President of the Senate on April 7, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5283. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2014 Annual Catch Limits'' (RIN0648–BD70) received in the Office of the President of the Senate on April 3, 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–210. A concurrent resolution adopted by the Legislature of the State of Michigan urging the Congress of the United States to repeal section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 19

Whereas, In response to the 2008 economic recession, the Dodd-Frank Wall Street Reform and Consumer Protection Act was enacted in July 2010 to increase accountability and improve transparency in the nation's financial system. Among its provisions, section 1502 of the act creates new reporting requirements for publically traded companies that produce products containing gold, tin, tantalum, or tungsten, known as ''conflict minerals.'' These reporting requirements and their public disclosure are meant to deter the purchase of conflict minerals from the Democratic Republic of the Congo (DRC) and the surrounding nations of Central Africa Republic, South Sudan, Zambia, Angola, the Republic of the Congo, Tanzania, Burundi, Rwanda, and Uganda; and

Whereas, The final rules on section 1502, issued by the United States Securities and Exchange Commission (SEC), taking effect May 31, 2014, is exceedingly complex and detrimental to American manufacturers, creating new, overly taxing compliance costs, especially for American small businesses, as well as unrealistic and burdensome reporting requirements. The new rules require publically traded manufacturers to trace conflict minerals through their entire supply chain, all the way back to the smelter. The SEC estimates the initial cost of compliance to be between $3 billion and $4 billion, with annual costs thereafter between $207 million and $609 million. However, the National Association of Manufacturers estimates total costs to be $16 billion; and

Whereas, The SEC rule on conflict minerals jeopardizes Michigan's unparalleled efforts to restructure, create an improved business environment, and recover jobs lost during the recent recession. According to the Bureau of Labor and Statistics, as of October of this year, our unemployment rate of 9 percent ranked 48th among the states, 1.7 percent higher than the nation's average. Moreover, the stalwart of the Michigan economy—manufacturing—is still recovering. The state of Michigan condemns the human rights violations occurring in the DRC and surrounding nations. However, absorbing the exorbitant costs of complying with section 1502 will undermine our footing in the ongoing battle to grow manufacturing jobs; now, therefore, be it

Resolved by the House of Representatives (The Senate Concurring), That we urge the Congress of the United States to repeal section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of the United States Securities and Exchange Commission, and the members of the Michigan congressional delegation.

POM–211. A joint memorial adopted by the Legislature of the State of Washington urging Congress to update and amend the Communications Decency Act; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT MEMORIAL 8003

Whereas, The Communications Decency Act was enacted in 1996, nearly seventeen years ago when the internet was still in a fledgling state and accessible only to about twenty million Americans; and

Whereas, The internet of 1996 would be largely unrecognizable in 2013, lacking nearly all of the popular sites of today, such as YouTube, Google, Twitter, Facebook, Wikipedia, Craig's List, and Backpage.com; and

Whereas, Today, the internet makes it possible for companies such as Backpage.com to earn millions of dollars annually from the sale of location-specific internet advertisements, some of which directly facilitate the sex trafficking of minors and other victims; and

Whereas, Section 230 of the Communications Decency Act assures internet service providers like Backpage.com nearly complete immunity from liability for the significant and known role they play in promoting today's sex trafficking industry through the sale and distribution of adult escort advertisements on the internet; and

Whereas, When the Communications Decency Act was written in 1996, section 230 was intended to encourage internet service providers to promote the growth of the internet without incurring liability for third-party communications during a time when the average American with internet access spent thirty minutes each month on the web, compared with today's average of twenty-seven hours per month; and

Whereas, The internet has evolved in ways few expected, making section 230 of the Communications Decency Act now outdated within the context, scope, and capability of today's internet to instantly disseminate information and facilitate rapid communication; and

Whereas, Without a change to section 230 of the Communications Decency Act, states remain powerless to enact meaningful reforms to hold accountable those internet service providers who profit from the sale of adult escort advertisements while turning a blind eye to their role in facilitating crimes against children and refusing to implement any bona fide measures to verify the age of persons featured in those advertisements;

Now, therefore, Your Memorialists respectfully pray that Congress update and amend the Communications Decency Act to reflect the current scope and power of the internet, to acknowledge the publisher-like role of companies like Backpage.com who profit from the sale and distribution of advertisements on the internet, and to authorize states to enact and enforce laws holding internet service providers responsible when they knowingly facilitate child sex trafficking through the sale of adult escort advertisements. Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–212. A joint resolution adopted by the Legislature of the State of Wyoming urging Congress to require the federal Environmental Protection Agency to respect the primacy of Wyoming in developing guidelines for regulating carbon dioxide emissions; to the Committee on Environment and

Public Works.

SENATE JOINT RESOLUTION NO. 0001

Whereas, a reliable and affordable energy supply is vital to Wyoming's economic growth, jobs, and the overall interests of its citizens; and

Whereas, Wyoming supports an all-the-above energy strategy because it is in the best interests of the state of Wyoming and the nation; and

Whereas, the United States has abundant supplies of coal and natural gas that provide economic and energy security benefits; and

Whereas, carbon regulations for existing power plants could threaten the affordability and reliability of Wyoming's electricity supplies and therefore threaten the wellbeing of its citizens; and

Whereas, the U.S. Energy Information Administration projects that U.S. electric sector carbon dioxide emissions will be fourteen percent (14%) below 2005 levels in 2020; and

Whereas, on June 25, 2013, the President directed the Administrator of the U.S. Environmental Protection Agency (EPA) to issue standards, regulations or guidelines to address carbon dioxide emissions from new, existing, modified and reconstructed fossil-fueled power plants; and

Whereas, the President expressly recognized that states ''will play a central role in establishing and implementing carbon standards for existing power plants;'' and

Whereas, the Clean Air Act requires EPA to establish a ''procedure'' under which each state shall develop a plan for establishing and implementing standards of performance for existing sources within the state; and

Whereas, the Clean Air Act expressly allows states in developing and applying such standards of performance ''to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies;'' and

Whereas, EPA's existing regulations provide that states may adopt ''less stringent emissions standards or longer compliance schedules'' than EPA's guidelines based on factors such as ''unreasonable cost of control,'' ''physical impossibility of installing necessary control equipment,'' or other factors that make less stringent standards or longer compliance times ''significantly more reasonable;'' and

Whereas, it is in the best interest of electricity consumers in Wyoming to continue to benefit from reliable, affordable electricity provided by coal and natural gas-based electricity generating plants: Now, therefore be it:

Resolved by the members of the legislature of the State of Wyoming:

Section 1. That Wyoming urges EPA, in developing, guidelines for regulating carbon dioxide emissions from existing power plants, to respect the primacy of Wyoming and to take into account the unique policies, energy needs, resource mix and economic priorities of Wyoming and other states.

Section 2. That EPA should issue guidelines and approve state-established performance standards that are based on reductions of carbon dioxide emissions that are practical and achievable by measures undertaken at fossil-fueled power plants.

Section 3. That Wyoming and other states should be given maximum flexibility by EPA to implement carbon dioxide performance standards for fossil-fueled power plants within their jurisdiction.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–213. A joint memorial adopted by the Legislature of the State of Washington urging the President of the United States and Congress to pass and sign into law legislation reforming the harbor maintenance tax; to the Committee on Environment and Public Works.

SUBSTITUTE SENATE JOINT MEMORIAL 8007

Whereas, The federal harbor maintenance tax is not collected on trans-pacific cargo shipped to the United States via rail or roads; and

Whereas, This noncollection of the harbor maintenance tax is an incentive to divert cargo away from United States ports; and

Whereas, The federal maritime commission inquiry into the harbor maintenance tax found that up to half of United States bound containers coming into Canada's west coast ports could revert to using United States west coast ports if United States importers were relieved from paying the tax; and

Whereas, Current United States law does not require the revenues raised through the harbor maintenance tax to be fully spent on harbor maintenance related investments; and

Whereas, The geography of harbor maintenance tax expenditures does not correlate with the states where harbor maintenance revenues are generated; and

Whereas, The balance of the harbor maintenance trust fund has grown to over seven billion dollars;

Now, Therefore, Your Memorialists respectfully pray that:

(1) Congress pass and the president sign legislation reforming the harbor maintenance tax; and

(2) Such legislation provide for full use of all harbor maintenance tax revenues, ensure United States tax policy does not disadvantage United States ports and maritime cargo, and provide greater equity for harbor maintenance tax donor ports through limited expanded use of the harbor maintenance revenues. Be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–214. A joint resolution adopted by the Legislature of the State of Wyoming requesting Congress to support Taiwan's participation in appropriate international organizations and to resume free trade talks with Taiwan; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 0001

Whereas, Taiwan, the United States, and in particular the State of Wyoming share a historical and close relationship marked by strong bilateral trade educational and cultural exchange, and tourism; and

Whereas, Taiwan shares with the United States and the State of Wyoming the common values of freedom, democracy, human rights, and rule of law; and

Whereas, the United States ranks as Taiwan's third largest trading partner, Taiwan is the tenth largest trading partner of the United States and bilateral trade reached $67.2 billion in 2011; and

Whereas, Taiwan and the State of Wyoming have enjoyed a long and mutually beneficial relationship with the prospect further growth; and

Whereas, the United States on November 1, 2012, officially included Taiwan in its Visa Waiver Program, allowing Taiwan's citizens to travel to the United States for tourism or business for stays of ninety (90) days or less without being required to obtain a visa, and the program will increase tourism and business between Taiwan and the United States, particularly Wyoming, with the prospect of thirty percent (30%) to forty percent (40%) growth of Taiwanese travelers to the United States in 2013, rising from four hundred thousand (400,000) Taiwanese travelers in 2011; and

Whereas, the issue of U.S. beef exports to Taiwan has been settled, and the resumption of trade talks on the Trade and Investment Framework Agreement and the signing of the Free Trade Agreement between Taiwan and the United States will not only help to forge a closer relationship but will also create greater benefits and well-being for the State of Wyoming and boost Taiwan's chances to enter the Trans-Pacific Partnership; and

Whereas, President Ma Ying-jeou has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of Taiwan's twenty-three million citizens, promote Taiwan's international standing as a responsible member of the international community, increase participation in international organizations, dispatch humanitarian missions abroad and further improve relations between the United States and Taiwan; and

Whereas, Taiwan, as a willing and contributing member of the world community, has made countless contributions of technical and financial assistance in the wake of Hurricane Sandy and other natural disasters worldwide. Now therefore, be it

Resolved by the members of the Legislature of the State of Wyoming:

Section 1. That Wyoming reaffirms its commitment to the strong and deepening relationship between Taiwan and the State of Wyoming.

Section 2. That Wyoming supports Taiwan's appropriate participation in international organizations that impact the health, safety, and well-being of Taiwan.

Section 3. That Wyoming welcomes the resumption of trade talks on the Trade and Investment framework Agreement, welcomes the signing of the Free Trade Agreement between Taiwan and the United States in the process of closer economic integration, and supports Taiwan's participation in the Trans-Pacific Partnership.

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–215. A resolution adopted by the Legislature of Guam requesting the President of the United States, the House of Representatives, the Senate, and the Secretary of Health and Human Services further consider and amend the provisions of the Patient Protection and Affordable Care Act to facilitate its equitable implementation in the territories; to the Committee on Finance.

RESOLUTION NO. 316–32 (COR)

Whereas, the Patient Protection and Affordable Care Act (PPACA) is intended to promote healthcare for millions of Americans in the fifty (50) states and the District of Columbia, by providing access to affordable healthcare, ensuring quality through market reforms, and advancing prevention and public health; and

Whereas, existing health insurance providers in the U.S. offshore territories shall have to meet higher standards of minimum coverage pursuant to the market reforms, which include: essential health benefits, guaranteed issue, guaranteed renewability, prohibitions on excluding preexisting conditions, adjusted community rating, and other consumer protections; and

Whereas, the PPACA also seeks to set up a healthcare exchange system nation-wide, through which Americans could buy or purchase not only affordable coverage, but coverage with better essential health benefits; and

Whereas, to help accomplish this in the fifty (50) states and Washington, D.C., the PPACA additionally provides the means to partially offset the states' costs of operating the exchanges, or the optional implementation of an equivalent qualifying program, through what are known as the individual and business mandates, as provided pursuant to specific applicable excise tax provisions of the Internal Revenue Code; and

Whereas, the Public Health Services Act (PHSA), that includes benefits for the territories, provides that, ''The term ''State''

means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands'' (PHSA 2791(d)(14)); and

Whereas, in Title I of the PPACA, it amends the PHSA, and provides that, ''In this Title, the term ''State'' means each of the 50 States and the District of Columbia'' (ACA 1304(d)); and

Whereas, the U.S. Department of Health and Human Services has determined that PPACA's Public Health Service Act provisions, to include market reforms (e.g., guaranteed issue, guaranteed renewability, prohibitions on preexisting condition exclusions, essential health benefits, adjusted community rating, and other consumer protections), will apply to health insurance coverage sold in the territories; and

Whereas, the U.S. Department of Health and Human Services has determined that PPACA's individual and business mandates are not applicable to Guam; and

Whereas, the individual and business mandates are necessary to help offset the costs of anticipated increases in health insurance premiums, the implementation of which is directly impeded by the exclusion, and is further exacerbated; and

Whereas, the selective inclusion or denial of applicability to Guam places Guam in an untenable position, insofar that the market reforms are applicable, but the means to partially fund it through the individual and business mandates are specifically excluded; and

Whereas, the PPACA's inequitable and unequal applicability to America's off-shore territories will likely have the unintended opposite impact of driving up the cost of healthcare coverage if certain provisions are not amended so as to properly include or exempt the territories to the extent necessary and realistically practicable; and

Whereas, the Attorney General of Guam has raised in his response to a Legislative inquiry (LEG 12–0708), that the government could find itself liable, and stated, in part, ''If we establish an Exchange, Guam will have to pay the Advance Premium Tax Credit under U.S.C.A. §36B. This is an unfunded mandate that Guam has to pay and it has been estimated that this will cost Guam 74 Million Dollars per year. If Guam does not establish an Exchange, there is the possibility that a class action lawsuit could be brought for payment of this credit much like the Earned Income Tax Credit lawsuit in the past''; and

Whereas, Guam's Insurance Commissioner has estimated that it would cost the government of Guam a minimum of 74 Million Dollars annually to cover the eligible members in an exchange, yet Guam's share of the startup appropriation under the PPACA is only 24 Million Dollars, which is a one-time subsidy and is not an annually recurring appropriation, a situation that, ''if a territory elects to implement health insurance exchanges, they will receive a limited allotment of subsidy funding that only covers a fraction of needed funds'' (see NAIC—October 16, 2013, letter to Secretary); and

Whereas, the individual and business mandates are tied into specific excise tax provisions of the Internal Revenue Code, which are not applicable to Guam, and it must be duly noted that Section 31 of the Organic Act (48 U.S.C.) was enacted by the Congress primarily to relieve the U.S. Treasury of making direct appropriations to the government of Guam. Although Congress delegated collection and enforcement function of the income tax to the government of Guam, the government of Guam is powerless to vary the terms of the Internal Revenue Code as applied to Guam, except as permitted by Congress. [Bank of America v. Chaco, C.A. Guam 1976, 539 F 2d 1226]; and

Whereas, pursuant to the taxation limitations established in the Organic Act of Guam, as previously provided by the U.S. Congress in 1950, Guam is now prevented from unilaterally implementing under local law the individual and business mandates, by way of Guam's implementation of the mirrored excise tax provisions taken from the Internal Revenue Code and established under local law; and

Whereas, Guam's four domestic health insurance carriers have stated, in a January 23, 2014 briefing before the Guam Legislature, that the resulting impact of the PPACA market reforms will cause carriers to raise premium rates to offset the costs of implementing the applicable market reforms; and

Whereas, although the PPACA is intended to increase access to affordable healthcare for millions of Americans in the fifty (50) states and the District of Columbia, it will have the unintended opposite impact for Americans in the off-shore U.S. territory of Guam; and

Whereas, the National Association of Insurance Commissioners (NAIC) has duly considered the impact to the U.S. territories, and has stated, in a letter to the U.S. Secretary of Health and Human Services, dated October 16, 2013, ''We urge you . . . to provide the Territories with the flexibility that they need to determine whether and how the market reforms should be applied''; and

Whereas, the NAIC paper further states, ''Though the statute itself is unclear, (HHS) has determined that the ACA's market reforms will apply to health insurance coverage sold in the territories, while the individual and employer mandates will not. If a territory elects to implement health insurance exchanges, they will receive a limited allotment of subsidy funding that only covers a fraction of needed funds. As a result, the threat of adverse selection driving up premiums is much higher than it is in the states''; and

Whereas, the Guam Legislature takes due note of the NAIC paper which highlights ''the often-stated position taken by the ACA's congressional sponsors and the administration that these reforms are not possible without the individual mandate and the subsidies''; and

Whereas, the Guam Legislature supports the veracity of the information provided, and endorses the statement, findings and arguments put forward by the NAIC to the Secretary; and

Whereas, Guam's inability to participate is not from an unwillingness on our part, but, rather, from a failure to duly consider the situation of Guam, the size of our population and insurance risk pool, our economy, and the conflicting statutes and unfunded mandates the Congress has unilaterally established; and

Whereas, the American citizens of the offshore U.S. territory of Guam must not be excluded from the opportunity to be legitimately included in the PPACA; and

Whereas, it would only prove just and proper for the Secretary of the U.S. Department of Health and Human Services, and the honorable Members of the U.S. House of Representatives and the U.S. Senate, to duly consider the issues and matters raised in this Resolution; and

Whereas, at the urging and request of Americans in the respective fifty (50) states and District of Columbia, numerous extensions and accommodations have been granted by the administration and the Secretary of the U.S. Department of Health and Human Services, yet no extensions or accommodations have been provided to the Americans in the off-shore U.S. territories; now therefore, be it

Resolved, that I Mina'Trentai Dos Na Liheslaturan Guåhan (the 32nd Guam Legislature) does hereby, on behalf of the people of Guam, request that the President of the United States, the U.S. House of Representatives, the U.S. Senate, and the Secretary of the U.S. Department of Health and Human Services further consider and amend, as necessary, the provisions of the PPACA so as to facilitate its equitable implementation in the territories, which must be inclusive of a determination to:

1. Include Guam in the mandates and provide for the phased-in applicability of the provisions of the PPACA, and fully provide the correlated premium subsidies and additional Medicaid subsidies; and

2. Finally address the October 16, 2013 letter the National Association of Insurance Commissioners (NAIC) sent to Secretary Kathleen Sebelius, U.S. Department of Health and Human Services, regarding the inequities and challenges that Guam and other U.S. territories are facing with the implementation of PPACA; and be it further

Resolved, that the Speaker certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of the same be thereafter transmitted to the Honorable Barack Obama, President, United States of America; to the Speaker of the U.S. House of Representatives; to the President of the U.S. Senate; to the Secretary of the U.S. Department of Health and Human Services; to the Secretary of the U.S. Department of the Interior; to the Assistant Secretary of the Interior for Insular Affairs; to the Honorable Jack Kingston, Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, 113th Congress, U.S. House of Representatives; to the Honorable Tom Harkin, Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate; to the Honorable Madeleine Z. Bordallo, Guam's Congressional Delegate, 113th Congress, U.S. House of Representatives; and to the Honorable Edward J.B. Calvo, I Maga'lahen Guåhan.

POM–216. A resolution adopted by the House of Representatives of the State of Michigan memorializing the President and Congress of the United States to support Michigan's application for a state-sponsored EB–5 regional center; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 315

Whereas, Attracting job-producing investments is critical to the continued economic recovery of the state of Michigan and the United States as a whole. Michigan—a longstanding leader of our nation's industrial economy—sustained significant damage in the aftermath of the 2002 and 2008 economic downturns. In recent years, however, Michigan's economic engine has begun turning again, marked by increasing property values and per capita incomes as well as an unemployment rate that continues to decline. With strides still to go, capital investments, including foreign direct investments, can infuse new growth in Michigan's economy and is an important element for Michigan's continued recovery; and

Whereas, The EB–5 investor-immigrant program is a constructive tool for attracting foreign investments to Michigan. In this program, immigrants willing to invest at least $1,000,000 in capital to create a new business or take over an existing, troubled business can obtain an employment-based visa. For targeted unemployment areas—areas like Detroit that are experiencing an unemployment rate at least 150 times the national average—or rural areas, an employment-based visa can be issued with a minimum investment of $500,000. This capital investment

goes toward creating American jobs, rebuilding and revitalizing our neighborhoods, and bringing new money to our local economies. EB–5 participants, as required by the federal statute, must directly create or retain at least ten domestic jobs within two years, jobs that otherwise may have never come to the United States; and

Whereas, EB–5 regional centers serve as a mechanism for coordinating and attracting potential investor-immigrants as well as offering investor-immigrants enhanced services. Public regional centers can serve as international marketers for the area in which they represent. Public regional centers also serve as concentrators of economic development, compounding investment after investment into their local economies. Investor-immigrants using regional centers also benefit from a broader interpretation of the EB–5 job creation requirement. While the minimum investment requirements remain the same, immigrant-investors going through an EB–5 regional center may count indirect job creation as well; and

Whereas, The establishment of a state of Michigan EB–5 regional center would be a crucial component in the ongoing effort to rebuild our economy. State-sponsored regional centers provide an unparalleled ability to attract and retain potential investors. States like Michigan can bring investor-immigrants to the table in ways private regional centers cannot and develop solid, lasting relationships. Statewide regional centers can also develop and deploy an estimable portfolio of statewide resources like industrial site searches, facilitate connections with local suppliers, laborers, and other businesses, and provide a general orientation of the government and economic environment to business owners; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and Congress of the United States to support Michigan's application for a state-sponsored EB–5 regional center; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, President of the United States Senate, the Speaker of the United States House of Representatives, Chairman and Ranking Member of the United States Senate Committee on the Judiciary, Chairman and Ranking Member of the United States House Committee on the Judiciary, Director of the United States Citizenship and Immigration Services, and the members of the Michigan congressional delegation.

POM–217. A resolution adopted by the House of Representatives of the State of Michigan memorializing the President and Congress of the United States to support Michigan's request for 50,000 EB–5 visas to assist in the economic recovery of the city of Detroit; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 316

Whereas, Professionals with advanced skills in science, technology, engineering, or mathematics (STEM) are crucial to the continued development of our economy. However, Michigan continues to suffer from a shortage of workers with advanced training in STEM-related skills, and this shortage is expected to worsen over the coming years with STEM-related occupations growing 1.7 times the rate of non-STEM-related occupations. By 2018, Michigan is estimated to have 274,000 more STEM-related positions available than professionals to fill them. While we are committed to increasing STEM proficiency in our own students, Michigan must also seek out and retain professionals with advanced degrees to help build our economy now; and

Whereas, The city of Detroit has a special need for skilled professionals to help rebuild, revitalize, and reinvigorate the city. In recent years, Detroit, an iconic American city, has seen an unprecedented decline in population, and the loss of local revenue has made it difficult for the city to meet its financial obligations. Recruiting skilled professionals is one step toward achieving economic recovery and relieving the city's acute unemployment. In addition to adding a valuable new dynamic to the local economy, with their employment comes new consumers, increasing demand, and job growth in other sectors; and

Whereas, Allowing immigrants to fill vacant STEM positions would provide an economic boost to the state of Michigan and the city of Detroit. Through the recruitment and retention of foreign-born professionals, targeted immigration can help quench the unmet demands of Michigan's labor market—avoiding the suppression of economic production and growth that results—and help fortify the long-term health of its economy. Immigrants working in the United States also leverage their skills to contribute to the American economy rather than increasing the productivity and value of another nation's economy; and

Whereas, Federal employment-based visa programs, particularly the EB–2 program, grant foreign-born professionals legal working status in the United States. Designed for individuals with advanced degrees or its equivalent, the EB–2 program permits foreign-born professionals with STEM-related or business skills to be employed with domestic businesses, businesses otherwise unable to fill these jobs with the existing labor market. This program also encourages immigrants with exceptional abilities—abilities in science, art, or business that are significantly above those of ordinary workers in the field—to obtain an EB–2 visa; and

Whereas, The state of Michigan has requested a pilot program be instituted to reallocate 50,000 EB–2 visas over the next five years for use in the city of Detroit. As proposed, 5,000 visas would be made available to foreign-born professionals the first year, 10,000 visas for the next three years, and 15,000 visas would be available in the fifth year. Rather than taking from the national pool of annually-available EB–2 visas, the administration would reallocate any unused EB–1, EB–2, EB–3, and family-based preference visas into the EB–2 pilot program, making them available for employment opportunities in the city of Detroit; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and Congress of the United States to support Michigan's request for 50,000 EB–2 visas to assist in the economic recovery of the city of Detroit; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, President of the United States Senate, the Speaker of the United States House of Representatives, Chairman and Ranking Member of the United States Senate Committee on the Judiciary, Chairman and Ranking Member of the United States House Committee on the Judiciary, Director of the United States Citizenship and Immigration Services, and the members of the Michigan congressional delegation.

POM–218. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia rescinding and withdrawing all past resolutions by the General Assembly applying to the Congress of the United States to call a convention for the purpose of amending the Constitution of the United States; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 194

Whereas, there has been no convention convened to amend the Constitution of the United States, and all amendments adopted to date have been initiated by two-thirds of the members of both houses of Congress and ratified by three-fourths of the states; and

Whereas, the operations of a convention are unknown and the apportionment and selection of delegates, method of voting in convention, and other essential procedural details are not specified in Article V of the Constitution of the United States; and

Whereas, the General Assembly of Virginia has not called for a convention to amend the Constitution of the United States in the recent past, but in the more distant past has called for a convention (i) by House Joint Resolution No. 168 in 1977 concerning a presidential item veto, (ii) by the second resolved clause of Senate joint Resolution No. 36 in 1976 concerning a balanced budget, and (iii) by other resolutions applying to the Congress to call a convention; and

Whereas, the status of these past resolutions is unclear and the prudent course requires the General Assembly to rescind and withdraw all past applications for a convention to amend the Constitution of the United States lest a convention be convened without current and careful consideration; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia rescinds and withdraws all past resolutions by the General Assembly applying to the Congress of the United States to call a convention for the purpose of amending the Constitution of the United States including HJR No. 168 (1977), SJR No. 36 (1976), and all other resolutions calling for a convention; and, be it

Resolved Further, That the Clerk of the House of Delegates transmit certified copies of this joint resolution to the Archivist of the United States at the National Archives and Records Administration of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia delegation to the United States Senate and House of Representatives.

POM–219. A resolution adopted by the Delaware County Board of Supervisors of the State of New York entitled ''In Support of Home Rule 1494 'Blue Water Navy Accountability Act' ''; to the Committee on Armed Services.

POM–220. A resolution adopted by the Legislature of Ulster County of the State of New York urging the Federal Energy Regulatory Commission (FERC) to postpone indefinitely its order issued August 13, 2013 and halt the creation of the New Capacity Zone; to the Committee on Energy and Natural Resources.

POM–221. A petition from citizens of the State of New York relative to the repeal of the New York Secure Ammunition and Firearms Enforcement Act of 2013; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1237. A bill to improve the administration of programs in the insular areas, and for other purposes (Rept. No. 113–146).

By Ms. LANDRIEU, from the Committee on Energy and Natural Resources, without amendment:

H.R. 697. A bill to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids

Mine Project Site, and for other purposes (Rept. No. 113–147).

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1294. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. STABENOW for the Committee on Agriculture, Nutrition, and Forestry.

*Timothy G. Massad, of Connecticut, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2017.

Timothy G. Massad, of Connecticut, to be Chairman of the Commodity Futures Trading Commission.

*J. Christopher Giancarlo, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2014.

*Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2018.

By Mr. LEVIN for the Committee on Armed Services.

*Brian P. McKeon, of New York, to be a Principal Deputy Under Secretary of Defense.

Air Force nominations beginning with Colonel David P. Baczewski and ending with Colonel Ricky G. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2014. (minus 4 nominees: Colonel Mark W. Anderson; Colonel Michael E. Guillory; Colonel Thomas J. Owens II; Colonel Frank H. Stokes)

Air Force nomination of Lt. Gen. John E. Hyten, to be General.

Air Force nomination of Maj. Gen. Wendy M. Masiello, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Margaret G. Kibben, to be Rear Admiral.

Navy nomination of Capt. Brent W. Scott, to be Rear Admiral (lower half).

Navy nomination of Vice Adm. Sean A. Pybus, to be Vice Admiral.

Marine Corps nomination of Col. John R. Ewers, Jr., to be Major General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Marine Corps nominations beginning with Bamidele J. Abogunrin and ending with Phillip M. Zeman, which nominations were received by the Senate and appeared in the Congressional Record on January 7, 2014.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORT OF COMMITTEE—TREATIES

The following executive report of committee was submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations:

[Treaty Doc. 111–7 Tax Convention with Hungary (without printed report)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of the Republic of Hungary for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Budapest February 4, 2010, with a related agreement effected by exchange of notes February 4, 2010 (the ''Convention'') (Treaty Doc. 111–7), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Convention is self-executing.

[Treaty Doc. 111–8 Protocol Amending Tax Convention with Luxembourg]

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Luxembourg on May 20, 2009, with a related agreement effected by exchange of notes May 20, 2009 (the ''Protocol'') (Treaty Doc. 111–8), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Protocol is self-executing.

[Treaty Doc. 112–5 Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters]

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol Amending the Convention on Mutual Administrative Assistance in Tax Matters, done at Paris May 27, 2010 (the ''Protocol'') (Treaty Doc. 112–5), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Convention is self-executing.

[Treaty Doc. 112–8 Tax Convention with Chile]

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Luxembourg May 20, 2009, with a related agreement effected by exchange of notes May 20, 2009 (the ''Protocol'') (Treaty Doc. 111–8), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Convention is self-executing.

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 Ms. HIRONO (for herself, Mr. LEE, Mr. KIRK, and Ms. KLOBUCHAR):

S. 2218. A bill to amend the Immigration and Nationality Act to provide for the eligibility of certain territories and regions for designation for participation in the visa waiver program and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY:

S. 2219. A bill to require the National Telecommunications and Information Administration to update a report on the role of telecommunications, including the Internet, in the commission of hate crimes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself and Ms. KLOBUCHAR):

S. 2220. A bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 2221. A bill to extend the authorization for the Automobile National Heritage Area in Michigan; to the Committee on Energy and Natural Resources.

By Mr. WALSH:

S. 2222. A bill to require a Comptroller General of the United States report on the sexual assault prevention activities of the Department of Defense and the Armed Forces; to the Committee on Armed Services.

By Mr. HARKIN (for himself, Mr. MERKLEY, and Mr. REID):

S. 2223. 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; 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 Mr. UDALL of Colorado (for himself, Mr. ALEXANDER, Mr. BROWN, Mr. HEINRICH, Mr. UDALL of New Mexico, Mr. CORKER, Mr. GRAHAM, Mr. MCCONNELL, Mr. PORTMAN, and Ms. MURKOWSKI):

S. Res. 417. A resolution designating October 30, 2014, as a national day of remembrance for nuclear weapons program workers; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. ENZI):

S. Res. 418. A resolution to honor Gallaudet University, a premier institution of higher education for deaf and hard of hearing people in the United States, on the occasion of its 150th anniversary and to recognize the impact of the University on higher education; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 419. A resolution recognizing the celebration of National Student Employment Week 2014 at the University of Minnesota Duluth; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 315

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 315, a bill to reauthorize and extend the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008.

S. 398

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 398, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 484

At the request of Mr. INHOFE, the name of the Senator from South Dakota (Mr. THUNE) 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. 526

At the request of Mr. WALSH, his name was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 715

At the request of Mr. WALSH, his name was added as a cosponsor of S. 715, a bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

S. 890

At the request of Mr. PAUL, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 890, a bill to clarify the definition of navigable waters, and for other purposes.

S. 1135

At the request of Mr. CASEY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 1135, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1277

At the request of Mrs. BOXER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1277, a bill to establish a commission for the purpose of coordinating efforts to reduce prescription drug abuse, and for other purposes.

S. 1410

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1410, a bill to focus limited Federal resources on the most serious offenders.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1611

At the request of Mr. BENNET, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1611, a bill to require certain agencies to conduct assessments of data centers and develop data center consolidation and optimization plans.

S. 1659

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1659, a bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers.

S. 1728

At the request of Mr. CORNYN, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1728, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes.

S. 1738

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1738, a bill to provide justice for the victims of trafficking.

S. 1862

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 1873

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1873, a bill to provide for institutional risk-sharing in the Federal student loan programs.

S. 1925

At the request of Mr. HOEVEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1925, a bill to limit the retrieval of data from vehicle event data recorders.

S. 2013

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2023

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2023, a bill to reform the financing of Senate elections, and for other purposes.

S. 2091

At the request of Mr. HELLER, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 2091, a bill to amend title 38, United States Code, to improve the processing by the Department of Veterans Affairs of claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2103

At the request of Mr. BOOZMAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor 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. 2106

At the request of Mrs. FISCHER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2106, a bill to amend the Internal Revenue Code of 1986 to provide that the individual health insurance mandate not apply until the employer health insurance mandate is enforced without exceptions.

S. 2141

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2162

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2162, a bill to amend the Internal Revenue Code of 1986 to establish a deduction for married couples who are both employed and have young children and to increase the earned income tax credit for childless workers, and to provide for budget offsets.

S. 2170

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2170, a bill to free the private sector to harness domestic energy resources to create jobs and generate economic growth by removing statutory and administrative barriers.

S. 2188

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2188, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 2195

At the request of Mr. CRUZ, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2195, a bill to deny admission to the United States to any representative to the United Nations who has been found to have been engaged in espionage activities or a terrorist activity against the United States and poses a threat to United States national security interests.

S. 2199

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. BOXER), the Senator from Indiana (Mr. DONNELLY), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Mr. HARKIN), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Hawaii (Mr. SCHATZ), the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WARNER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of 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.

S. 2205

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2205, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the employer health insurance mandate and to modify the definition of full-time employee for purposes of such mandate.

S. RES. 364

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. Res. 364, a resolution expressing support for the internal rebuilding, resettlement, and reconciliation within Sri Lanka that are necessary to ensure a lasting peace.

S. RES. 410

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Res. 410, a resolution expressing the sense of the Senate regarding the anniversary of the Armenian Genocide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 2221. A bill to extend the authorization for the Automobile National Heritage Area in Michigan; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, the automobile is central to who we are as Michiganians. The automotive industry helped create the middle class, shape the labor movement, establish America's dominance in manufacturing, and spur new innovation across a range of other economic sectors.

For these reasons, Congressman DINGELL in the House of Representatives and I in the Senate introduced legislation in 1998 to establish the Motor Cities National Heritage Area. That legislation specified the heritage area would serve not only to preserve and interpret the history of our Nation's automotive heritage, but that it would also promote current and future economic opportunities.

The MotorCities National Heritage Area has provided over one million dollars to support tourism projects that have boosted economic activity and jobs. These grants attract additional investment because funding is typically matched by more than $6 for each $1 in grant funding. MotorCities also connects a broad range of auto-related organizations and attractions, and has connected more than 100 organizations, which has bolstered their visibility and impact.

Michigan is a magnet for car enthusiasts and history buffs around the globe and MotorCities helps them learn about our history and celebrate it with us. When visitors come to Detroit to see where Henry Ford built the Model T or to Lansing to learn about the rise of Oldsmobile, the existence of the Motor Cities National Heritage Area enhances their visit.

These activities will not be supported by the National Park Service after September 30, 2014 due to a sunset clause in the original enabling legislation. For this reason I am introducing today legislation to extend the date for which federal assistance may still be provided. Congressman DINGELL is introducing similar legislation in the House. We have extended the period during which the Park Service can support the Heritage Area to September 30, 2030.

Michigan's automotive heritage is worthy of celebration, remembrance and appreciation. I hope my colleagues will support the legislation I am introducing today.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 417—DESIGNATING OCTOBER 30, 2014, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. UDALL of Colorado (for himself, Mr. ALEXANDER, Mr. BROWN, Mr. HEINRICH, Mr. UDALL of New Mexico, Mr. CORKER, Mr. GRAHAM, Mr. MCCONNELL, Mr. PORTMAN, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 417

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas those dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009, Senate Resolution 653, 111th Congress, agreed to September 28, 2010, Senate Resolution 275, 112th Congress, agreed to September 26, 2011, Senate Resolution 519, 112th Congress, agreed to August 1, 2012, and Senate Resolution 164, 113th Congress, agreed to September 18, 2013;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2014, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2014, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

SENATE RESOLUTION 418—TO HONOR GALLAUDET UNIVERSITY, A PREMIER INSTITUTION OF HIGHER EDUCATION FOR DEAF AND HARD OF HEARING PEOPLE IN THE UNITED STATES, ON THE OCCASION OF ITS 150TH ANNIVERSARY AND TO RECOGNIZE THE IMPACT OF THE UNIVERSITY ON HIGHER EDUCATION

Mr. BROWN (for himself and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 418

Whereas in 1856, philanthropist and former postmaster general Amos Kendall donated land on his estate in northeast Washington, D.C. for a place to educate the city's deaf youth, and, 8 years later, President Abraham Lincoln signed a bill authorizing the institution to grant college degrees;

Whereas theology graduate Thomas Hopkins Gallaudet was inspired to dedicate his life to educating deaf people after tutoring Alice Cogswell, a 9-year-old deaf neighbor,

and traveled to France, where he learned a manual communication method of instruction developed by renowned French educators Abbe Sicard, Laurent Clerc, and Jean Massieu;

Whereas upon returning to the United States, Gallaudet established the American School for the Deaf, the first permanent school for deaf children in the United States, in Hartford, Connecticut;

Whereas in 1857, Thomas Gallaudet's youngest son, Edward Miner Gallaudet, took up his father's cause when he and his deaf mother, Sophia Fowler Gallaudet, were invited by Kendall to run the newly-established Columbia Institution for the Instruction of the Deaf and Dumb and the Blind in Washington, D.C.;

Whereas with Kendall's resources and Edward Gallaudet's leadership and vision, the fledgling school grew and flourished, expanding to provide instruction for aspiring teachers of the deaf and becoming the world's first, and currently only, institution of higher education devoted to deaf and hard of hearing students and to hearing students who with to pursue careers as professionals serving the deaf community;

Whereas following the 1969 signing of the Model Secondary School for the Deaf Act (MSSD) by President Lyndon Johnson, Secretary of the United States Department of Health, Education, and Welfare Wilbur Cohen and Gallaudet President Leonard Elstad signed an agreement authorizing the establishment and operation of the MSSD on the Gallaudet campus;

Whereas in 1970, President Richard Nixon signed a bill to authorize the establishment of Kendall Demonstration Elementary School (along with MSSD, a component of Gallaudet's Laurent Clerc National Deaf Education Center), devoted to the creation and dissemination of educational opportunities for deaf students nationwide;

Whereas by an Act of Congress, Gallaudet was granted university status in October 1986, and in March 1988, the Deaf President Now (DPN) movement led to the appointment of the University's first deaf president, Dr. I. King Jordan, and the first deaf chair of the Board of Trustees, Philip Bravin;

Whereas the DPN movement has become synonymous with self-determination and empowerment for deaf and hard of hearing people everywhere;

Whereas the new millennium at Gallaudet has brought events such as the Deaf Way II festival, the opening of the technology-rich I. King Jordan Student Academic Center, and the dedication of the James Lee Sorenson Language and Communication Center, a unique facility that provides an inclusive learning environment compatible with the visu-centric ''deaf way of being'';

Whereas Gallaudet's undergraduate students can choose from more than 40 majors leading to bachelor of arts or bachelor of science degrees, and students can enroll in graduate and certificate programs, leading to master of arts, master of science, doctoral, and specialist degrees in a variety of fields involving professional service to deaf and hard of hearing people;

Whereas through the Gallaudet University career center, students receive internships that provide a wealth of experiential learning opportunities, including placements in local and Federal government offices;

Whereas today Gallaudet is viewed by deaf and hearing people alike as a primary resource for all things related to deaf and hard of hearing people, including educational and career opportunities, open communication and visual learning, deaf history and culture, American Sign Language, and technology that impacts the deaf community;

Whereas Gallaudet student-athletes have consistently gained national and international recognition over the years for their accomplishments in a variety of sports, while also being recognized for their success in the classroom by being named All-Academic honorees within their collegiate conferences by posting cumulative grade point averages of 3.20 or higher during the year;

Whereas Gallaudet's anniversary goals are to—

(1) honor its years of academic excellence;

(2) use this milestone to launch new initiatives, discussions, and partnerships that will lead the University forward;

(3) emphasize that Gallaudet is first and foremost a university in which academic discourse plays a central role;

(4) recognize the University's unique place in deaf history;

(5) acknowledge and celebrate both the continuity and the change the campus has seen, including Gallaudet University's progression towards a greater diversity of people and ideas;

(6) demonstrate Gallaudet's impact on the world and underscore the University's leadership role on the local, national, and international level; and

(7) highlight the continuous support of Gallaudet's alumni and collaborations with the Gallaudet University Alumni Association; and

Whereas Gallaudet's 150th year theme is ''Gallaudet University: Celebrating 150 Years of Visionary Leadership'', and this theme will guide decisions on all activities planned in recognition of Gallaudet University's sesquicentennial: Now, therefore, be it

Resolved, That the Senate honors Gallaudet University on the occasion of its 150th anniversary and recognizes its contributions to higher education in the United States and around the world.

SENATE RESOLUTION 419—RECOGNIZING THE CELEBRATION OF NATIONAL STUDENT EMPLOYMENT WEEK 2014 AT THE UNIVERSITY OF MINNESOTA DULUTH

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 419

Whereas National Student Employment Week offers the University of Minnesota Duluth the opportunity to recognize students who work while attending college;

Whereas the University of Minnesota Duluth is committed to increasing awareness of student employment as an educational experience for students and as an alternative to financial aid;

Whereas there are nearly 1,500 student employees at the University of Minnesota Duluth;

Whereas the University of Minnesota Duluth recognizes the importance of student employees to their employers; and

Whereas National Student Employment Week is celebrated the week of April 14 through 18, 2014: Now, therefore, be it

Resolved, That the Senate recognizes the celebration of National Student Employment Week at the University of Minnesota Duluth.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2962. Mr. MCCONNELL (for himself, Ms. AYOTTE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table.

SA 2963. Mrs. FISCHER (for herself, Ms. COLLINS, Ms. AYOTTE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 2199, supra; which was ordered to lie on the table.

SA 2964. Mr. THUNE (for himself, Mr. INHOFE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2199, supra; which was ordered to lie on the table.

SA 2965. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 2199, supra; which was ordered to lie on the table.

SA 2966. Mr. LEE (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2199, supra; which was ordered to lie on the table.

SA 2967. Mr. HELLER (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2199, supra; which was ordered to lie on the table.

SA 2968. Mr. RUBIO (for himself, Mr. MCCONNELL, Mr. GRAHAM, Mr. ENZI, Mr. BLUNT, Mr. FLAKE, Mr. JOHNSON of Wisconsin, Mr. ROBERTS, Mr. HATCH, Mr. THUNE, Mr. COBURN, Mr. RISCH, Mr. CORNYN, Mr. WICKER, Mr. ALEXANDER, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2199, supra; which was ordered to lie on the table.

SA 2969. Mr. REID (for Mr. CARDIN) proposed an amendment to the resolution S. Res. 361, recognizing the threats to freedom of the press and expression in the People's Republic of China and urging the Government of the People's Republic of China to take meaningful steps to improve freedom of expression as fitting of a responsible international stakeholder.

TEXT OF AMENDMENTS

SA 2962. Mr. MCCONNELL (for himself, Ms. AYOTTE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

After section 9, insert the following:

SEC. 9A. PRIVATE SECTOR WORKPLACE FLEXIBILITY.

(a) COMPENSATORY TIME; FLEXIBLE CREDIT HOUR PROGRAM.—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 FOR PRIVATE EMPLOYEES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'employee' does not include an employee of a public agency; and

''(B) the terms 'overtime compensation', 'compensatory time', and 'compensatory time off' have the meanings given the terms in subsection (o)(7).

''(2) 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.

''(3) AGREEMENT REQUIRED.—An employer may provide compensatory time to an employee under paragraph (2) only in accordance with—

''(A) applicable provisions of a collective bargaining agreement between an employer and a labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law; or

''(B) in the case of an employee who is not represented by a labor organization described in subparagraph (A), an agreement between the employer and employee arrived at before the performance of the work—

''(i) in which the employer has offered and the employee has chosen to receive compensatory time off under this subsection in lieu of monetary overtime compensation;

''(ii) that the employee enters into knowingly, voluntarily, and not as a condition of employment; and

''(iii) that is affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c).

''(4) HOUR LIMIT.—An employee may accrue not more than 160 hours of compensatory time under this subsection and shall receive overtime compensation for any such compensatory time in excess of 160 hours.

''(5) UNUSED COMPENSATORY TIME.—

''(A) COMPENSATION PERIOD.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time under this subsection accrued during the preceding calendar year that the employee did not use prior to December 31 of the preceding year at the rate prescribed by paragraph (7)(A).

''(ii) ALTERNATIVE COMPENSATION PERIOD.—An employer may designate and communicate to an employee a 12-month period other than the calendar year for determining unused compensatory time under this subsection, and the employer shall provide monetary compensation not later than 31 days after the end of such 12-month period at the rate prescribed by paragraph (7)(A).

''(B) EXCESS OF 80 HOURS.—An employer may provide monetary compensation, at the rate prescribed by paragraph (7)(A), for any unused compensatory time under this subsection of an employee in excess of 80 hours at any time after giving the employee not less than 30 days notice.

''(C) TERMINATION OF EMPLOYMENT.—Upon the voluntary or involuntary termination of an employee, the employer of such employee shall provide monetary compensation at the rate prescribed by paragraph (7)(A) for any unused compensatory time under this subsection.

''(6) WITHDRAWAL OF COMPENSATORY TIME AGREEMENT.—

''(A) EMPLOYER.—Except where a collective bargaining agreement provides otherwise, an employer that has adopted a policy of offering compensatory time to employees under this subsection may discontinue such policy after providing employees notice not less than 30 days prior to discontinuing the policy.

''(B) EMPLOYEE.—

''(i) IN GENERAL.—An employee may withdraw an agreement described in paragraph (3)(B) after providing notice to the employer of the employee not less than 30 days prior to the withdrawal.

''(ii) REQUEST FOR MONETARY COMPENSATION.—At any time, an employee may request in writing monetary compensation for any accrued and unused compensatory time under this subsection. The employer of such employee shall provide monetary compensation at the rate prescribed by paragraph (7)(A) within 30 days of receiving the written request.

''(7) MONETARY COMPENSATION.—

''(A) RATE OF COMPENSATION.—An employer providing monetary compensation to an employee for accrued compensatory time under this subsection shall compensate the employee at a rate not less than the greater of—

''(i) the regular rate, as defined in subsection (e), of the employee on the date the employee earned such compensatory time; or

''(ii) the final regular rate, as defined in subsection (e), received by such employee.

''(B) TREATMENT AS UNPAID OVERTIME.—Any monetary payment owed to an employee for unused compensatory time under this subsection, as calculated in accordance with subparagraph (A), shall be considered unpaid overtime compensation for the purposes of this Act.

''(8) USING COMPENSATORY TIME.—An employer shall permit an employee to take time off work for compensatory time accrued under paragraph (2) within a reasonable time after the employee makes a request for using such compensatory time if the use does not unduly disrupt the operations of the employer.

''(9) PROHIBITION OF COERCION.—

''(A) IN GENERAL.—An employer that provides compensatory time under paragraph (2) shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any employee for the purpose of interfering with the rights of an employee under this subsection—

''(i) to use accrued compensatory time in accordance with paragraph (8) in lieu of receiving monetary compensation;

''(ii) to refrain from using accrued compensatory time in accordance with paragraph (8) and receive monetary compensation; or

''(iii) to refrain from entering into an agreement to accrue compensatory time under this subsection.

''(B) DEFINITION.—In subparagraph (A), the term 'intimidate, threaten, or coerce' includes—

''(i) promising to confer or conferring any benefit, such as appointment, promotion, or compensation; or

''(ii) effecting or threatening to effect any reprisal, such as deprivation of appointment, promotion, or compensation.

''(t) FLEXIBLE CREDIT HOUR PROGRAM FOR PRIVATE EMPLOYEES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee;

''(B) the term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise within a specified period of time;

''(C) the term 'employee' does not include an employee of a public agency;

''(D) the term 'flexible credit hour' means any hour that an employee, who is participating in a flexible credit hour program, works in excess of the basic work requirement; and

''(E) the term 'overtime compensation' has the meaning given the term in subsection (o)(7).

''(2) PROGRAM ESTABLISHMENT.—An employer may establish a flexible credit hour program for an employee to accrue flexible credit hours in accordance with this subsection and, in lieu of monetary compensation, reduce the number of hours the employee works in a subsequent day or week at a rate of one hour for each hour of employment for which overtime compensation is required by this section.

''(3) AGREEMENT REQUIRED.—

''(A) IN GENERAL.—An employer may carry out a flexible credit hour program under paragraph (2) only in accordance with—

''(i) applicable provisions of a collective bargaining agreement between an employer and a labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law; or

''(ii) in the case of an employee who is not represented by a labor organization described in clause (i), an agreement between the employer and the employee arrived at before the performance of the work that—

''(I) the employee enters into knowingly, voluntarily, and not as a condition of employment; and

''(II) is affirmed by a written statement maintained in accordance with section 11(c).

''(B) HOURS DESIGNATED.—An agreement that is entered into under subparagraph (A) shall provide that, at the election of the employee, the employer and the employee will jointly designate flexible credit hours for the employee to work within an applicable period of time.

''(4) HOUR LIMIT.—An employee participating in a flexible credit hour program may not accrue more than 50 flexible credit hours and shall receive overtime compensation for flexible credit hours in excess of 50 hours.

''(5) UNUSED FLEXIBLE CREDIT HOURS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than January 31 of each calendar year, the employer of an employee who is participating in a flexible credit hour program shall provide monetary compensation for any flexible credit hour accrued during the preceding calendar year that the employee did not use prior to December 31 of the preceding calendar year at a rate prescribed by paragraph (7)(A)(i).

''(B) ALTERNATIVE COMPENSATION PERIOD.—An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year for determining unused flexible credit hours, and the employer shall provide monetary compensation, at a rate prescribed by paragraph (7)(A)(i), not later than 31 days after the end of the 12-month period.

''(6) PROGRAM DISCONTINUANCE AND WITHDRAWAL.—

''(A) EMPLOYER.—An employer that has established a flexible credit hour program under paragraph (2) may discontinue a flexible credit hour program for employees described in paragraph (3)(A)(ii) after providing notice to such employees not less than 30 days before discontinuing such program.

''(B) EMPLOYEE.—

''(i) IN GENERAL.—An employee may withdraw an agreement described in paragraph (3)(A)(ii) at any time by submitting written notice of withdrawal to the employer of the employee not less than 30 days before the withdrawal.

''(ii) REQUEST FOR MONETARY COMPENSATION.—An employee may request in writing, at any time, that the employer of such employee provide monetary compensation for all accrued and unused flexible credit hours. Within 30 days after receiving such written request, the employer shall provide the employee monetary compensation for such unused flexible credit hours at a rate prescribed by paragraph (7)(A)(i).

''(7) MONETARY COMPENSATION.—

''(A) FLEXIBLE CREDIT HOURS.—

''(i) RATE OF COMPENSATION.—An employer providing monetary compensation to an employee for accrued flexible credit hours shall compensate such employee at a rate not less than the regular rate, as defined in subsection (e), of the employee on the date the employee receives the monetary compensation.

''(ii) TREATMENT AS UNPAID OVERTIME.—Any monetary payment owed to an employee for unused flexible credit hours under this subsection, as calculated in accordance with

clause (i), shall be considered unpaid overtime compensation for the purposes of this Act.

''(B) OVERTIME HOURS.—

''(i) IN GENERAL.—Any hour that an employee works in excess of 40 hours in a workweek that is requested in advance by the employer, other than a flexible credit hour, shall be an 'overtime hour'.

''(ii) RATE OF COMPENSATION.—The employee shall be compensated for each overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with subsection (a)(1), or receive compensatory time off in accordance with subsection (s), for each such overtime hour.

''(8) USE OF FLEXIBLE CREDIT HOURS.—An employer shall permit an employee to use accrued flexible credit hours to take time off work, in accordance with the rate prescribed by paragraph (2), within a reasonable time after the employee makes a request for such use if the use does not unduly disrupt the operations of the employer.

''(9) PROHIBITION OF COERCION.—

''(A) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this subsection—

''(i) to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours; or

''(ii) to use or refrain from using accrued flexible credit hours in accordance with paragraph (8).

''(B) DEFINITION.—In subparagraph (A), the term 'intimidate, threaten, or coerce' has the meaning given the term in subsection (s)(9).''.

(b) REMEDIES.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), as amended by section 3(c), 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 subsection (s)(9) or (t)(9) of section 7 shall be liable to the affected employee in the amount of—

''(1) the rate of compensation, determined in accordance with subsection (s)(7)(A) or (t)(7)(A)(i) of section 7, for each hour of unused compensatory time or for each unused flexible credit hour accrued by the employee; and

''(2) liquidated damages equal to the amount determined in paragraph (1).''.

(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 contained 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 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to such Act by this section.

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDING.—Section 507(a)(4)(A) of title 11, United States Code, is amended—

(1) by striking ''and''; and

(2) by inserting '', the value of unused, accrued compensatory time off under section 7(s) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(s)), all of which shall be deemed to have been earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, at a rate of compensation not less than the final regular rate received by such individual, and the value of unused, accrued flexible credit hours under section 7(t) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(t)), all of which shall be deemed to have been earned within 180 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, at a rate of compensation described in paragraph (7)(A)(i) of such section 7(t)'' after ''sick leave pay''.

(e) GAO REPORT.—Beginning 2 years after the date of enactment of this Act and each of the 3 years thereafter, the Comptroller General of the United States 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 and flexible credit hours under subsections (s) and (t) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), as added by this section, and the extent to which employees opt to receive compensatory time under such subsection (s) and flexible credit hours under such subsection (t);

(2) the number of complaints alleging a violation of subsection (s)(9) or (t)(9) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) filed by any employee with the Secretary of Labor, and the disposition or status of such complaints;

(3) the number of enforcement actions commenced by such Secretary, or commenced by such Secretary on behalf of any employee, for alleged violations of subsection (s)(9) or (t)(9) of such section, and the disposition or status of such actions; and

(4) an account of any unpaid wages, damages, penalties, injunctive relief, or other remedies obtained or sought by such Secretary in connection with such actions described in paragraph (3).

(f) RULE OF CONSTRUCTION.—Section 11(c) shall not be construed to prevent small businesses, as described in such section, from participating in compensatory time under section 7(s) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) and the flexible credit hour program under section 7(t) of such Act, as amended by this section.

(g) SUNSET.—This section and the amendments made by this section shall expire on the date that is 5 years after the date of enactment of this Act.

SA 2963. Mrs. FISCHER (for herself, Ms. COLLINS, Ms. AYOTTE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the 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; 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 ''Workplace Advancement Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In 1963, Congress passed on a bipartisan basis the Equal Pay Act of 1963 to prohibit discrimination on account of sex in the payment of wages for equal work performed by employees for employers engaged in commerce or in the production of goods for commerce.

(2) Following the passage of such Act, in 1964, Congress passed on a bipartisan basis the Civil Rights Act of 1964.

(3) Since the passage of both the Equal Pay Act of 1963 and the Civil Rights Act of 1964, women have made significant strides, both in the workforce and in their educational pursuits.

(4) Currently, according to a Prudential Research Study, 60 percent of women are the primary earners in their households and the Bureau of Labor Statistics has found that 47 percent of women are members of the workforce.

(5) According to the Department of Education, women receive 57 percent of all college degrees, a 33 percent increase from 1970.

(6) Women hold the majority of positions in the 5 fastest growing fields, and women are more likely than men to work in professional and related occupations.

(7) Despite this significant progress, surveys suggest there is a concern among American women that gender-based pay discrimination still exists.

(8) Over the last 15 years, the Equal Employment Opportunity Commission has received on average 2,400 complaints annually alleging gender-based pay discrimination. This represents two to three percent of charges filed with the Commission during the same time period. Even though the Commission determines that no discrimination occurred in a majority of these complaints, the extent to which these allegations continue underscores there is still progress to be made.

(9) A number of factors contribute to differences in total compensation, including variations in occupation, education, hours worked, institutional knowledge, and other business reasons and personal choices that shape career paths and earning potential.

SEC. 3. PROHIBITION ON WAGE DISCRIMINATION.

Pursuant to Federal law in effect on the date of enactment of this Act:

(1) IN GENERAL.—No employer shall discriminate, within any establishment in which employees are employed by the employer, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to—

(A) a seniority system;

(B) a merit system;

(C) a system which measures earnings by quantity or quality of production; or

(D) a differential based on any other factor other than sex.

(2) LIMITATION.—An employer who is paying a wage rate differential in violation of this section shall not, in order to comply to comply with the provisions of this section, reduce the wage rate of any employee.

(3) NOTICE.—Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted, a notice to be prepared or approved by the Equal Employment Opportunity Commission that sets forth excerpts, from or, summaries of, the pertinent provisions of title Act and of title VII of the Civil Rights Act of 1964, and information pertinent to the filing of a complaint.

SEC. 4. INDUSTRY OR SECTOR PARTNERSHIP GRANT.

(a) AMENDMENT.—Subtitle D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2911 et seq.) is amended by inserting after section 171 the following:

"SEC. 171A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to promote industry or sector partnerships that lead collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed by a targeted industry cluster, in order to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in targeted industry clusters, including by developing—

''(1) immediate strategies for regions and communities to fulfill pressing skilled workforce needs;

''(2) long-term plans to grow targeted industry clusters with better training and a more productive workforce;

''(3) core competencies and competitive advantages for regions and communities undergoing structural economic redevelopment; and

''(4) skill standards, career ladders, job redefinitions, employer practices, and shared training and support capacities that facilitate the advancement of workers at all skill levels.

''(b) DEFINITIONS.—In this section:

''(1) CAREER LADDER.—The term 'career ladder' means an identified series of positions, work experiences, and educational benchmarks or credentials that offer occupational and financial advancement within a specified career field or related fields over time.

''(2) ECONOMIC SELF-SUFFICIENCY.—The term 'economic self-sufficiency' means, with respect to a worker, earning a wage sufficient to support a family adequately over time, based on factors such as—

''(A) family size;

''(B) the number and ages of children in the family;

''(C) the cost of living in the worker's community; and

''(D) other factors that may vary by region.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an industry or sector partnership; or

''(B) an eligible State agency.

''(4) ELIGIBLE STATE AGENCY.—The term 'eligible State agency' means a State agency designated by the Governor of the State in which the State agency is located for the purposes of the grant program under this section.

''(5) HIGH-PRIORITY OCCUPATION.—The term 'high-priority occupation' means an occupation that—

''(A) has a significant presence in an industry cluster;

''(B) is in demand by employers;

''(C) pays family-sustaining wages that enable workers to achieve economic self-sufficiency, or can reasonably be expected to lead to such wages;

''(D) has or is in the process of developing a documented career ladder; and

''(E) has a significant impact on a region's economic development strategy.

''(6) INDUSTRY CLUSTER.—The term 'industry cluster' means a concentration of interconnected businesses, suppliers, research and development entities, service providers, and associated institutions in a particular field that are linked by common workforce needs.

''(7) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a workforce collaborative that is described as follows:

''(A) REQUIRED MEMBERS.—

''(i) IN GENERAL.—An industry or sector partnership is a workforce collaborative that organizes key stakeholders in a targeted industry cluster into a working group that focuses on the workforce needs of the targeted industry cluster and includes, at the appropriate stage of development of the partnership—

''(I) representatives of multiple firms or employers in the targeted industry cluster, including small- and medium-sized employers when practicable;

''(II) 1 or more representatives of local boards;

''(III) 1 or more representatives of postsecondary educational institutions or other training providers; and

''(IV) 1 or more representatives of State workforce agencies or other entities providing employment services.

''(ii) DIVERSE AND DISTINCT REPRESENTATION.—No individual may serve as a member in an industry or sector partnership, as defined in this paragraph, for more than 1 of the required categories described in subclauses (I) through (IV) of clause (i).

''(B) AUTHORIZED MEMBERS.—An industry or sector partnership may include representatives of—

''(i) State or local government;

''(ii) State or local economic development agencies;

''(iii) other State or local agencies;

''(iv) chambers of commerce;

''(v) nonprofit organizations;

''(vi) philanthropic organizations;

''(vii) economic development organizations;

''(viii) industry associations; and

''(ix) other organizations, as determined necessary by the members comprising the industry or sector partnership.

''(8) INDUSTRY-RECOGNIZED.—The term 'industry-recognized', used with respect to a credential, means a credential that—

''(A) is sought or accepted by businesses within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, or hiring purposes; and

''(B) is endorsed by a nationally recognized trade association or organization representing a significant part of the industry or sector, where appropriate.

''(9) NATIONALLY PORTABLE.—The term 'nationally portable', used with respect to a credential, means a credential that is sought or accepted by businesses within the industry sector involved, across multiple States, as a recognized, preferred, or required credential for recruitment, screening, or hiring purposes.

''(10) TARGETED INDUSTRY CLUSTER.—The term 'targeted industry cluster' means an industry cluster that has—

''(A) economic impact in a local or regional area, such as advanced manufacturing, clean energy technology, and health care;

''(B) immediate workforce development needs, such as advanced manufacturing, clean energy, technology, and health care;

''(C) documented career opportunities; and

''(D) a demonstrated workforce in which women and minorities have been underrepresented.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Secretary shall award, on a competitive basis, grants described in paragraph (3) to eligible entities to enable the eligible entities to plan and implement, respectively, the eligible entities' strategic objectives in accordance with subsection (d)(2)(D).

''(2) MAXIMUM AMOUNT.—

''(A) IMPLEMENTATION GRANTS.—An implementation grant awarded under paragraph (3)(A) may not exceed a total of $2,500,000 for a 3-year period.

''(B) RENEWAL GRANTS.—A renewal grant awarded under paragraph (3)(C) may not exceed a total of $1,500,000 for a 3-year period.

''(3) IMPLEMENTATION AND RENEWAL GRANTS.—

''(A) IN GENERAL.—The Secretary may award an implementation grant under this section to an eligible entity that has established, or is in the process of establishing, an industry or sector partnership.

''(B) DURATION.—An implementation grant shall be for a duration of not more than 3 years, and may be renewed in accordance with subparagraph (C).

''(C) RENEWAL.—The Secretary may renew an implementation grant for not more than 3 years. A renewal of such grant shall be subject to the requirements of this section, except that the Secretary shall—

''(i) prioritize renewals to eligible entities that can demonstrate the long-term sustainability of an industry or sector partnership funded under this section; and

''(ii) require assurances that the eligible entity will leverage, in accordance with subparagraph (D)(ii), each year of the grant period, additional funding sources for the non-Federal share of the grant which shall—

''(I) be in an amount greater than—

''(aa) the non-Federal share requirement described in subparagraph (D)(i)(III); and

''(bb) for the second and third year of the grant period, the non-Federal share amount the eligible entity provided for the preceding year of the grant; and

''(II) include at least a 50 percent cash match from the State or the industry cluster, or some combination thereof, of the eligible entity.

''(D) FEDERAL AND NON-FEDERAL SHARE.—

''(i) FEDERAL SHARE.—Except as provided in subparagraph (C)(ii) and clause (iii), the Federal share of a grant under this section shall be—

''(I) 90 percent of the costs of the activities described in subsection (f), in the first year of the grant;

''(II) 80 percent of such costs in the second year of the grant; and

''(III) 70 percent of such costs in the third year of the grant.

''(ii) NON-FEDERAL.—The non-Federal share of a grant under this section may be in cash or in-kind, and may come from State, local, philanthropic, private, or other sources.

''(iii) EXCEPTION.—The Secretary may require the Federal share of a grant under this section to be 100 percent if an eligible entity receiving such grant is located in a State or local area that is receiving a national emergency grant under section 173.

''(4) FISCAL AGENT.—Each eligible entity receiving a grant under this section that is an industry or sector partnership shall designate an entity in the partnership as the fiscal agent for purposes of this grant.

''(5) USE OF GRANT FUNDS DURING GRANT PERIODS.—An eligible entity receiving grant funds under a grant under this section shall expend grant funds or obligate grant funds to be expended by the last day of the grant period.

''(d) APPLICATION PROCESS.—

''(1) IDENTIFICATION OF A TARGETED INDUSTRY CLUSTER.—In order to qualify for a grant under this section, an eligible entity shall identify a targeted industry cluster that could benefit from such grant by—

''(A) working with businesses, industry associations and organizations, labor organizations, State boards, local boards, economic development agencies, and other organizations that the eligible entity determines necessary, to identify an appropriate targeted industry cluster based on criteria that include, at a minimum—

''(i) data showing the competitiveness of the industry cluster;

''(ii) the importance of the industry cluster to the economic development of the area

served by the eligible entity, including estimation of jobs created or preserved;

''(iii) the identification of supply and distribution chains within the industry cluster;

''(iv) research studies on industry clusters; and

''(v) data showing that the industry cluster has a workforce in which women and minorities have been underrepresented; and

''(B) working with appropriate employment agencies, workforce investment boards, economic development agencies, community organizations, and other organizations that the eligible entity determines necessary to ensure that the targeted industry cluster identified under subparagraph (A) should be targeted for investment, based primarily on the following criteria:

''(i) Demonstrated demand for job growth potential.

''(ii) Employment base.

''(iii) Wages and benefits.

''(iv) Demonstrated importance of the targeted industry cluster to the area's economy.

''(v) Workforce development needs.

''(2) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An application submitted under this paragraph shall contain, at a minimum, the following:

''(A) A description of the eligible entity, evidence of the eligible entity's capacity to carry out activities in support of the strategic objectives identified in the application under subparagraph (D), and a description of the expected participation and responsibilities of each of the mandatory partners described in subsection (b)(8)(A).

''(B) A description of the targeted industry cluster for which the eligible entity intends to carry out activities through a grant under this section, and a description of how such targeted industry cluster was identified in accordance with paragraph (1).

''(C) A description of the workers that will be targeted or recruited by the partnership, including an analysis of the existing labor market, a description of potential barriers to employment for targeted workers, and a description of strategies that will be employed to help workers overcome such barriers.

''(D) A description of the strategic objectives that the eligible entity intends to carry out for the targeted industry cluster, which objectives shall include—

''(i) recruiting key stakeholders in the targeted industry cluster, such as multiple businesses and employers, labor organizations, local boards, and education and training providers, and regularly convening the stakeholders in a collaborative structure that supports the sharing of information, ideas, and challenges common to the targeted industry cluster;

''(ii) identifying the training needs of multiple businesses, especially skill gaps critical to competitiveness and innovation to the targeted industry cluster;

''(iii) facilitating economies of scale by aggregating training and education needs of multiple employers;

''(iv) helping postsecondary educational institutions, training institutions, apprenticeship programs, and all other training programs authorized under this Act, align curricula, entrance requirements, and programs to industry demand and nationally portable, industry-recognized credentials (or, if not available for the targeted industry, other credentials, as determined appropriate by the Secretary), particularly for higher skill, high-priority occupations validated by the industry;

''(v) ensuring that the State agency carrying out the State program under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), including staff of the agency that provide services under such Act, shall inform recipients of unemployment insurance of the job and training opportunities that may result from the implementation of this grant;

''(vi) informing and collaborating with organizations such as youth councils, business-education partnerships, apprenticeship programs, secondary schools, and postsecondary educational institutions, and with parents and career counselors, for the purpose of addressing the challenges of connecting disadvantaged adults as defined in section 132(b)(1)(B)(v) and disadvantaged youth as defined in section 127(b) to careers;

''(vii) helping companies identify, and work together to address, common organizational and human resource challenges, such as—

''(I) recruiting new workers;

''(II) implementing effective workplace practices;

''(III) retraining dislocated and incumbent workers;

''(IV) implementing a high-performance work organization;

''(V) recruiting and retaining women in nontraditional occupations;

''(VI) adopting new technologies; and

''(VII) fostering experiential and contextualized on-the-job learning;

''(viii) developing and strengthening career ladders within and across companies, in order to enable dislocated, incumbent and entry-level workers to improve skills and advance to higher-wage jobs;

''(ix) improving job quality through improving wages, benefits, and working conditions;

''(x) helping partner companies in industry or sector partnerships to attract potential employees from a diverse job seeker base, including individuals with barriers to employment (such as job seekers who are low income, youth, older workers, and individuals who have completed a term of imprisonment), by identifying such barriers through analysis of the existing labor market and implementing strategies to help such workers overcome such barriers; and

''(xi) strengthening connections among businesses in the targeted industry cluster, leading to cooperation beyond workforce issues that will improve competitiveness and job quality, such as joint purchasing, market research, or centers for technology and innovation.

''(E) A description of the nationally portable, industry-recognized credentials or, if not available, other credentials, related to the targeted industry cluster that the eligible entity proposes to support, develop, or use as a performance measure, in order to carry out the strategic objectives described in subparagraph (D).

''(F) A description of the manner in which the eligible entity intends to make sustainable progress toward the strategic objectives.

''(G) Performance measures for measuring progress toward the strategic objectives. Such performance measures—

''(i) may consider the benefits provided by the grant activities funded under this section for workers employed in the targeted industry cluster, disaggregated by gender and race, such as—

''(I) the number of workers receiving nationally portable, industry-recognized credentials (or, if not available for the targeted industry, other credentials) described in the application under subparagraph (E);

''(II) the number of workers with increased wages, the percentage of workers with increased wages, and the average wage increase; and

''(III) for dislocated or nonincumbent workers, the number of workers placed in sector-related jobs; and

''(ii) may consider the benefits provided by the grant activities funded under this section for firms and industries in the targeted industry cluster, such as—

''(I) the creation or updating of an industry plan to meet current and future workforce demand;

''(II) the creation or updating of published industry-wide skill standards or career pathways;

''(III) the creation or updating of nationally portable, industry-recognized credentials, or where there is not such a credential, the creation or updating of a training curriculum that can lead to the development of such a credential;

''(IV) the number of firms, and the percentage of the local industry, participating in the industry or sector partnership; and

''(V) the number of firms, and the percentage of the local industry, receiving workers or services through the grant funded under this section.

''(H) A timeline for achieving progress toward the strategic objectives.

''(I) In the case of an eligible entity desiring an implementation grant under this section, an assurance that the eligible entity will leverage other funding sources, in addition to the amount required for the non-Federal share under subsection (c)(3)(D), to provide training or supportive services to workers under the grant program. Such additional funding sources may include—

''(i) funding under this title used for such training and supportive services;

''(ii) funding under title II;

''(iii) economic development funding;

''(iv) employer contributions to training initiatives; or

''(v) providing employees with employee release time for such training or supportive services.

''(e) AWARD BASIS.—

''(1) GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this section in a manner to ensure geographic diversity.

''(2) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(A) work with employers within a targeted industry cluster to retain and expand employment in high wage, high growth areas;

''(B) focus on helping workers move toward economic self-sufficiency and ensuring the workers have access to adequate supportive services;

''(C) address the needs of firms with limited human resources or in-house training capacity, including small- and medium-sized firms;

''(D) coordinate with entities carrying out State and local workforce investment, economic development, and education activities; and

''(E) work with employers within a targeted industry cluster that has a workforce in which women and minorities have been underrepresented.

''(f) ACTIVITIES.—

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall carry out the activities necessary to meet the strategic objectives, including planning activities if applicable, described in the entity's application in a manner that—

''(A) integrates services and funding sources in a way that enhances the effectiveness of the activities; and

''(B) uses grant funds awarded under this section efficiently.

''(2) PLANNING ACTIVITIES.—Planning activities may only be carried out by an eligible entity receiving an implementation grant under this section during the first year of the grant period with not more than $250,000 of the grant funds.

''(3) ADMINISTRATIVE COSTS.—An eligible entity may retain a portion of a grant awarded under this section for a fiscal year to carry out the administration of this section in an amount not to exceed 5 percent of the grant amount.

''(g) EVALUATION AND PROGRESS REPORTS.—

''(1) ANNUAL ACTIVITY REPORT AND EVALUATION.—Not later than 1 year after receiving a grant under this section, and annually thereafter, an eligible entity shall—

''(A) report to the Secretary, and to the Governor of the State that the eligible entity serves, on the activities funded pursuant to a grant under this section; and

''(B) evaluate the progress the eligible entity has made toward the strategic objectives identified in the application under subsection (d)(2)(D), and measure the progress using the performance measures identified in the application under subsection (d)(2)(G).

''(2) REPORT TO THE SECRETARY.—An eligible entity receiving a grant under this section shall submit to the Secretary a report containing the results of the evaluation described in subparagraph (B) at such time and in such manner as the Secretary may require.

''(h) ADMINISTRATION BY THE SECRETARY.—

''(1) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 10 percent of the funds appropriated to carry out this section for each fiscal year to administer this section.

''(2) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall provide technical assistance and oversight to assist the eligible entities in applying for and administering grants awarded under this section. The Secretary shall also provide technical assistance to eligible entities in the form of conferences and through the collection and dissemination of information on best practices. The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of industry cluster partnerships.

''(3) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible entities may use to evaluate the effectiveness of each type of activity in making progress toward the strategic objectives described in subsection (d)(2)(D). Such measures shall consider the benefits of the industry or sector partnership and its activities for workers, firms, industries, and communities.

''(4) DISSEMINATION OF INFORMATION.—The Secretary shall—

''(A) coordinate the annual review of each eligible entity receiving a grant under this section and produce an overview report that, at a minimum, includes—

''(i) the critical learning of each industry or sector partnership, such as—

''(I) the training that was most effective;

''(II) the human resource challenges that were most common;

''(III) how technology is changing the targeted industry cluster; and

''(IV) the changes that may impact the targeted industry cluster over the next 5 years; and

''(ii) a description of what eligible entities serving similar targeted industry clusters consider exemplary practices, such as—

''(I) how to work effectively with postsecondary educational institutions;

''(II) the use of internships;

''(III) coordinating with apprenticeships and cooperative education programs;

''(IV) how to work effectively with schools providing vocational education;

''(V) how to work effectively with adult populations, including—

''(aa) dislocated workers;

''(bb) women in nontraditional occupations; and

''(cc) individuals with barriers to employment, such as job seekers who—

''(AA) are economically disadvantaged;

''(BB) have limited English proficiency;

''(CC) require remedial education;

''(DD) are older workers;

''(EE) are individuals who have completed a sentence for a criminal offense; and

''(FF) have other barriers to employment;

''(VI) employer practices that are most effective;

''(VII) the types of training that are most effective;

''(VIII) other areas where industry or sector partnerships can assist each other; and

''(IX) alignment of curricula to nationally portable, industry-recognized credentials in the sectors where they are available or, if not available for the sector, other credentials, as described in the application under subsection (d)(2)(E);

''(B) make resource materials, including all reports published and all data collected under this section, available on the Internet; and

''(C) conduct conferences and seminars to—

''(i) disseminate information on best practices developed by eligible entities receiving a grant under this section; and

''(ii) provide information to the communities of eligible entities.

''(5) REPORT.—Not later than 18 months after the date of enactment of the Workplace Advancement Act, and on an annual basis thereafter, the Secretary shall transmit a report to Congress on the industry or sector partnership grant program established by this section. The report shall include a description of—

''(A) the eligible entities receiving funding;

''(B) the activities carried out by the eligible entities;

''(C) how the eligible entities were selected to receive funding under this section; and

''(D) an assessment of the results achieved by the grant program including findings from the annual reviews described in paragraph (4)(A).

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the reporting or sharing of personally identifiable information collected or made available under this section.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Workforce Investment Act of 1998 (20 U.S.C. 9201 note) is amended by inserting after the item relating to section 171 the following:

''171A. Industry or sector partnership grant program.''.

SEC. 5. CONSOLIDATIONS OF RELEVANT JOB TRAINING PROGRAMS AND ACTIVITIES.

(a) REPORT.—The Secretary of Labor, in coordination with the Director of the Office of Management and Budget, shall prepare a report on the consolidations of Federal job training programs and activities determined to be unnecessarily duplicative (referred to in this section as ''relevant job training programs and activities''). Such report shall—

(1) describe all Federal job training programs and activities;

(2) propose consolidations of the relevant job training programs and activities;

(3) provide a justification for those Federal job training programs and activities not included in such consolidations;

(4) establish a plan to provide for such consolidations, including recommendations for necessary legislation; and

(5) contain legislative recommendations for consolidation.

(b) SUBMISSION.—Not later than 3 months after the date of enactment of this Act, the Secretary of Labor shall submit the report to the appropriate committees of Congress.

SEC. 6. ENHANCED ENFORCEMENT OF EQUAL PAY ACT REQUIREMENTS.

Section 15(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)) is amended—

(1) in paragraph (5), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(6) to discharge or in any other manner retaliate against any employee because such employee has inquired about, discussed, or disclosed comparative compensation information for the purpose of determining whether the employer is compensating an employee in a manner that provides equal pay for equal work, except that this paragraph shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's job functions discloses the wages of such other employees to an individual who does not otherwise have access to such information, unless such disclosure is in response to a charge or complaint or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employee.

Nothing in paragraph (6) shall be construed to limit the rights of an employee provided under any other provision of law.''.

SA 2964. Mr. THUNE (for himself, Mr. INHOFE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the 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; 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 ''Good Jobs, Good Wages, and Good Hours Act''''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—ENERGY

Subtitle A—Keystone XL and Natural Gas Exportation

SEC. 111. 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 Draft Supplemental Environmental Impact Statement issued on March 1, 2013, 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. 112. 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.

Subtitle B—Saving Coal Jobs

SEC. 120. SHORT TITLE.

This subtitle may be cited as the ''Saving Coal Jobs Act of 2014''.

PART I—PROHIBITION ON ENERGY TAX

SEC. 121. 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.

PART II—PERMITS

SEC. 131. 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. 132. 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. 133. 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. 134. 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. 135. 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. 136. 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.''.

Subtitle C—Point of Order Against Taxes on Carbon

SEC. 141. 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).

Subtitle D—Employment Analysis Requirements Under the Clean Air Act

SEC. 151. ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.

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.).

TITLE II—HEALTH

SEC. 201. FORTY HOURS IS FULL TIME.

(a) 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''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to months beginning after December 31, 2013.

SEC. 202. 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.

SEC. 203. 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 the Internal Revenue Code of 1986 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 the Internal Revenue Code of 1986 is amended by striking the item related to subchapter E.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 204. 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.

SEC. 205. 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.

SEC. 206. 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.

SEC. 207. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) IN GENERAL.—Effective as of the enactment of Public Law 111–148, such Act (including any provision amended under sections 201 through 205 of this Act) is repealed, and the provisions of law amended or repealed by such Act (including any provision amended under such sections) are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), title I and subtitle B of title II of such Act (including any provision amended under sections 201 through 205 of this Act) are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively (including any provision amended under such sections), are restored or revived as if such title and subtitle had not been enacted.

TITLE III—INCREASING EMPLOYMENT AND DECREASING GOVERNMENT REGULATION

Subtitle A—Small Business Tax Provisions

SEC. 301. PERMANENT EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''shall not exceed'' and all that follows and inserting ''shall not exceed $500,000.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking subparagraph (C),

(2) by striking '', and'' at the end of subparagraph (B) and inserting a period,

(3) by striking the comma at the end of subparagraph (A) and inserting '', and'', and

(4) by inserting ''beginning before 2014'' after ''The limitation under paragraph (1) for any taxable year''.

(c) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ''and before 2014''.

(d) ELECTION.—Section 179(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''and before 2014''.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of the Internal Revenue Code of 1986 is amended by striking ''beginning in 2010, 2011, 2012, or 2013'' and inserting ''beginning after 2009''.

(2) CONFORMING AMENDMENT.—Section 179(f) of such Code is amended by striking paragraph (4).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 302. PERMANENT FULL EXCLUSION APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and before January 1, 2014'', and

(2) by striking ''CERTAIN PERIODS IN 2010, 2011, 2012, AND 2013'' in the heading and inserting ''CERTAIN PERIODS AFTER 2009''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 1202 of the Internal Revenue Code of 1986 is amended by striking ''**PARTIAL**''.

(2) 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''.

(3) Section 1223(13) of such Code is amended by striking ''1202(a)(2),''.

(c) ADJUSTMENT OF GROSS ASSET THRESHOLD FOR INFLATION.—Subsection (d) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2014, the $50,000,000 amount in subparagraphs (A) and (B) of paragraph (1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as increased under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2013.

SEC. 303. PERMANENT INCREASE IN DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Clause (ii) of section 195(b)(1)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$5,000'' and inserting ''$10,000'', and

(2) by striking ''$50,000'' and inserting ''$60,000''.

(b) ADJUSTMENT FOR INFLATION.—Paragraph (3) of section 195(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2014, the $10,000 and $60,000 amounts in paragraph (1)(A)(ii) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as increased under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 304. PERMANENT EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''10-year'' in subparagraph (A) and inserting ''5-year'',

(2) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively, and

(3) by striking ''593(e)—'' and all that follows in subparagraph (B), as so redesignated, and inserting ''593(e), subparagraph (A) shall be applied without regard to the phrase '5-year'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 305. PERMANENT ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking ''beginning before January 1, 2010'' and all that follows and inserting ''beginning—

''(A) before January 1, 2010, or

''(B) after December 31, 2010, and before January 1, 2013.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 306. CLARIFICATION OF INVENTORY AND ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

''(1) IN GENERAL.—With respect to an eligible taxpayer who uses the cash receipts and disbursements method for any taxable year, such method shall be deemed to clearly reflect income and the taxpayer shall not be required to use an accrual method.

''(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

''(A) for all prior taxable years beginning after December 31, 2013, the taxpayer (or any predecessor) met the gross receipts test of section 448(c) (determined by substituting '$10,000,000' for '$5,000,000' each place it appears), and

''(B) the taxpayer is not subject to section 447 or 448.''.

(b) INVENTORY RULES.—

(1) IN GENERAL.—Section 471 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

''(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2013, such property shall be treated as a material or supply which is not incidental.

''(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

''(A) any eligible taxpayer (as defined in section 446(g)(2)), and

''(B) any taxpayer described in section 448(b)(3) (determined by substituting '$10,000,000' for '$5,000,000' each place it appears in subsections (b) and (c) of section 448).''.

(2) INCREASED ELIGIBILITY FOR SIMPLIFIED DOLLAR-VALUE LIFO METHOD.—Section 474(c) of such Code is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(3) CONFORMING AMENDMENT.—Subsection (c) of section 263A of such Code is amended by adding at the end the following new paragraph:

''(7) EXCLUSION FROM INVENTORY RULES.—Nothing in this section shall require the use of inventories for any taxable year by a qualified taxpayer (within the meaning of section 471(c)) who is not required to use inventories under section 471 for such taxable year.''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer; and

(B) such change shall be treated as made with the consent of the Secretary of the Treasury.

Subtitle B—Regulatory Accountability Act

SEC. 311. SHORT TITLE.

This title may be cited as the ''Regulatory Accountability Act of 2014''.

SEC. 312. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) 'guidance' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

''(16) 'high-impact rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of $1,000,000,000 or more, adjusted annually for inflation;

''(17) 'Information Quality Act' means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies under that Act;

''(18) 'major guidance' means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

''(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal 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;

''(19) 'major rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

''(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or tribal 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; and

''(20) 'Office of Information and Regulatory Affairs' means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.''.

SEC. 313. RULE MAKING.

Section 553 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''(a) This section applies'' and inserting ''(a) APPLICABILITY.—This section applies''; and

(2) by striking subsections (b) through (e) and inserting the following:

''(b) RULE MAKING CONSIDERATIONS.—In a rule making, an agency shall make all preliminary and final determinations based on evidence and consider, in addition to other applicable considerations, the following:

''(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making.

''(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

''(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other matters or activities within the jurisdiction of the agency), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

''(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

''(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

''(A) the alternative of no Federal response;

''(B) amending or rescinding existing rules;

''(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken instead of agency action; and

''(D) potential responses that—

''(i) specify performance objectives rather than conduct or manners of compliance;

''(ii) establish economic incentives to encourage desired behavior;

''(iii) provide information upon which choices can be made by the public; or

''(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

''(6) Notwithstanding any other provision of law—

''(A) the potential costs and benefits associated with potential alternative rules and other responses considered under paragraph (5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs, economic growth, innovation, and economic competitiveness;

''(B) the means to increase the cost-effectiveness of any Federal response; and

''(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

''(c) ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES AND HIGH-IMPACT RULES.—

''(1) In the case of a rule making for a major rule or high-impact rule, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register.

''(2) In publishing advance notice under paragraph (1), the agency shall—

''(A) include a written statement identifying, at a minimum—

''(i) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

''(ii) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making; and

''(iii) preliminary information available to the agency concerning the other considerations specified in subsection (b);

''(B) solicit written data, views or arguments from interested persons concerning the information and issues addressed in the advance notice; and

''(C) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or arguments to the agency.

''(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.—Following completion of procedures under subsection (c), if applicable, and consultation with the Administrator of the Office of Information and Regulatory Affairs, the agency shall publish either a notice of proposed rule making or a determination of other agency course, in accordance with the following:

''(1) A notice of proposed rule making shall include—

''(A) a statement of the time, place, and nature of public rule making proceedings;

''(B) reference to the legal authority under which the rule is proposed;

''(C) the terms of the proposed rule;

''(D) a description of information known to the agency on the subject and issues of the proposed rule, including—

''(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

''(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c); and

''(iii) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with the determination by the agency to propose the rule;

''(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D); and

''(ii) an additional statement of whether a rule is required by statute;

''(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule, including all costs to be considered under subsection (b)(6), based on the information described under subparagraph (D);

''(G) a discussion of—

''(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

''(ii) the costs and benefits of those alternatives, including all costs to be considered under subsection (b)(6);

''(iii) whether those alternatives meet relevant statutory objectives; and

''(iv) why the agency did not propose any of those alternatives; and

''(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

''(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information considered by the agency, and actions to obtain information by the agency, in connection with its determination to propose the rule, including all information described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public for the public's use when the notice of proposed rule making is published.

''(2)(A) A notice of determination of other agency course shall include a description of the alternative response the agency determined to adopt.

''(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before the agency publishes a notice of proposed rule making to amend or rescind the existing rule.

All information considered by the agency, and actions to obtain information by the agency, in connection with its determination of other agency course, including the information specified under paragraph (1)(D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public for the public's use when the notice of determination is published.

''(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

''(A) if a hearing is required under paragraph (4)(B) or subsection (e), reasonable opportunity for oral presentation shall be provided under that requirement; or

''(B) when other than under subsection (e) rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 90 days for interested persons to submit written data, views, or arguments (or 120 days in the case of a proposed major rule or high-impact rule).

''(4)(A) Within 30 days after publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with of the Information Quality Act.

''(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

''(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide for a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

''(C) There shall be no judicial review of the agency's disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency's final action. There shall be no judicial review of an agency's determination to withdraw a proposed rule under subparagraph (B)(i).

''(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

''(e) HEARINGS FOR HIGH-IMPACT RULES.—Following notice of a proposed rule making, receipt of comments on the proposed rule, and any hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

''(1) Whether the agency's asserted factual predicate for the rule is supported by the evidence.

''(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

''(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

''(4) If the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), whether the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

''(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

''(6) Upon petition by an interested person who has participated in the rule making,

other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days after the receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

''(f) FINAL RULES.—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

''(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for and consequences of the rule.

''(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

''(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if—

''(i) the additional benefits of the more costly rule justify its additional costs; and

''(ii) the agency explains its reason for doing so based on interests of public health, safety or welfare (including protection of the environment) that are clearly within the scope of the statutory provision authorizing the rule.

''(4)(A) When the agency adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

''(i) a concise, general statement of the rule's basis and purpose;

''(ii) the agency's reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute;

''(iii) the agency's reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule's costs (including all costs to be considered under subsection (b)(6));

''(iv) the agency's reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

''(I) the agency's reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including costs to be considered under subsection (b)(6)) than the rule; or

''(II) the agency's reasoned final determination that its adoption of a more costly rule complies with paragraph (3)(B);

''(v) the agency's reasoned final determination—

''(I) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

''(II) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

''(aa) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

''(bb) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

''(vi) the agency's reasoned final determination that the evidence and other information upon which the agency bases the rule complies with of the Information Quality Act; and

''(vii) for any major rule or high-impact rule, the agency's plan for review of the rule no less frequently than every 10 years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule's benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives.

''(B) Review of a rule under a plan required by paragraph (4)(G) shall take into account the factors and criteria set forth in subsections (b) through (e) and this subsection.

''(C) All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public's use not later than the date on which the rule is adopted.

''(g) EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.—(1) Except when notice or hearing is required by statute, subsections (c) through (e) of this section do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice.

''(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency's adoption of an interim rule.

''(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (c) through (f) of this section immediately upon publication of the interim rule. No less than 270 days from publication of the interim rule (or 18 months in the case of a major rule or high-impact rule), the agency shall complete rule making under subsections (c) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule shall cease to have the effect of law.

''(C) Other than in cases involving interests of national security, upon the agency's publication of an interim rule without compliance with subsections (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency's determination to adopt such interim rule. The record on such review shall include all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

''(h) ADDITIONAL REQUIREMENTS FOR HEARINGS.—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency's discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule's adoption.

''(i) DATE OF PUBLICATION OF RULE.—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

''(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

''(2) interpretive rules and statements of policy; or

''(3) as otherwise provided by the agency for good cause found and published with the rule.

''(j) RIGHT TO PETITION.—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

''(k) RULE MAKING GUIDELINES.—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall have authority to establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of potential, proposed, and final rules and other economic issues or issues related to risk that are relevant to rule making under this section and other sections of this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator's determination, with the economic impact of the rule.

''(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under subparagraph (A).

''(2) The Administrator of the Office of Information and Regulatory Affairs shall also have authority to issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(3)(A) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

''(i) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those under this subchapter conform to the fullest extent allowed by law with the procedures set forth in this section; and

''(ii) issue guidelines for the conduct of hearings under subsections (d)(4) and (e), including to assure a reasonable opportunity for cross-examination.

''(B) Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

''(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines under the Information Quality Act to apply in rule making proceedings under this section and sections 556 and 557. In all cases, the guidelines, and the Administrator's specific determinations regarding agency compliance with the guidelines, shall be entitled to judicial deference.

''(l) RECORD.—The agency shall include in the record for a rule making all documents and information considered by the agency

during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the agency.

''(m) EXEMPTION FOR MONETARY POLICY.—Nothing in subsection (b)(6), subparagraph (F) through (G) of subsection (d)(1), subsection (e), subsection (f)(3), or clauses (iii) and (iv) of subsection (f)(4)(A) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 314. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following:

''§ 553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance

''(a) Before issuing any major guidance, an agency shall—

''(1) make and document a reasoned determination that—

''(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions;

''(B) identifies the costs and benefits (including all costs to be considered during the rule making under section 553(b) of this title) of conduct conforming to such guidance and assures that such benefits justify such costs; and

''(C) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

''(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the guidance's benefits, and is otherwise appropriate.

''(b) AGENCY GUIDANCE.—

''(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

''(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

''(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public.

''(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following:

''553a. Agency guidance; procedures to issue major guidance; presidential authority to issue guidelines for issuance of guidance.''.

SEC. 315. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and, on payment of lawfully prescribed costs, shall be made available to the parties. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

''(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section under section 553(d)(4) or 553(e), the record for decision shall include any information that is part of the record of proceedings under section 553.

''(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

''(g)(1) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record.

''(2) This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 316. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking ''Agency action made'' and inserting ''(a) Agency action made''; and

(2) by adding at the end the following:

''(b)(1) Except as provided under paragraph (2) and notwithstanding subsection (a), upon the agency's publication of an interim rule without compliance with subsection (c), (d), or (e) of section 553 or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency's determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with subsection (c), (d), or (e) of section 553 or without rendering final determinations under subsection (f) of section 553.

''(2) This subsection shall not apply in cases involving interests of national security.

''(c) For rules other than major rules and high-impact rules, compliance with subsection (b)(6), subparagraphs (F) through (G) of subsection (d)(1), subsection (f)(3), and clauses (iii) and (iv) of subsection (f)(4)(A) of section 553 shall not be subject to judicial review. In all cases, the determination that a rule is not a major rule within the meaning of section 551(19)(A) or a high-impact rule shall be subject to judicial review under section 706(a)(2)(A).

''(d) Nothing in this section shall be construed to limit judicial review of an agency's consideration of costs or benefits as a mandatory or discretionary factor under the statute authorizing the rule or any other applicable statute.''.

SEC. 317. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking ''To the extent necessary'' and inserting ''(a) To the extent necessary'';

(2) in paragraph (2)(A) of subsection (a) (as redesignated by paragraph (1) of this section), by inserting after ''in accordance with law'' the following: ''(including the Information Quality Act as defined under section 551(17))''; and

(3) by adding at the end the following:

''(b) The court shall not defer to the agency's—

''(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556 and 557 to issue the interpretation;

''(2) determination of the costs and benefits or other economic or risk assessment of the regulatory action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k); or

''(3) determinations under interlocutory review under sections 553(g)(2)(C) and 704(2).

''(c) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.''.

SEC. 318. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''and'';

(2) in paragraph (2), by striking the period at the end, and inserting ''; and''; and

(3) by adding at the end the following:

''(3) 'substantial evidence' means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.''.

SEC. 319. EFFECTIVE DATE.

The amendments made by this title to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) section 701(b) of title 5, United States Code;

(3) paragraphs (4) and (5) of section 706(b) of title 5, United States Code; and

(4) section 706(c) of title 5, United States Code,

shall not apply to any rule makings pending or completed on the date of enactment of this Act.

TITLE IV—SUPPORTING KNOWLEDGE AND INVESTING IN LIFELONG SKILLS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Supporting Knowledge and Investing in Lifelong Skills Act'' or the ''SKILLS Act''.

SEC. 402. 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. 403. 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. 406. 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. 411. 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. 412. 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. 413. 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. 414. 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. 415. 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. 416. 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. 417. 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. 418. 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. 419. 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. 420. 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. 421. 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. 422. 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. 423. 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. 424. 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. 426. 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. 427. 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. 428. 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. 429. 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. 430. 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. 431. 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. 432. 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. 433. 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. 434. 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. 435. 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. 436. 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. 437. 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. 438. 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. 439. 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. 441. 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. 442. 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. 446. 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. 447. 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. 448. 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. 449. 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. 450. 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. 451. 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. 452. 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. 453. 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. 456. 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. 461. 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. 466. 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. 471. 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. 472. 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. 473. 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:

Subtitle E—Amendments to the Rehabilitation Act of 1973

SEC. 476. 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. 477. 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. 478. 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. 479. 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. 480. 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. 481. 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. 482. 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. 483. 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. 484. 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. 485. 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. 486. 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. 487. 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. 488. 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. 489. 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. 490. REPEAL OF TITLE VI.

Title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq.) is repealed.

SEC. 491. 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. 492. 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. 493. 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. 496. 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. 497. 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).

Subtitle G—Entrepreneurial Training

SEC. 499. ENTREPRENEURIAL TRAINING.

(a) SHORT TITLE.—This section may be cited as the ''Entrepreneurial Training Improvement Act of 2014''.

(b) 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 2965. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

After section 3, add the following:

SEC. 3A. FLEXIBILITY FOR WORKING PARENTS.

Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) Notwithstanding the other provisions of this subsection, an employee and an employer may voluntarily negotiate compensation and benefits to provide flexibility to best meet the needs of such employee and employer, consistent with other provisions of this Act.''.

SA 2966. Mr. LEE (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

Between sections 3 and 4, insert the following:

SEC. 3A. WORKING FAMILIES FLEXIBILITY.

(a) COMPENSATORY TIME.—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 section shall expire 5 years after the date of enactment of this Act.

SA 2967. Mr. HELLER (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the 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; 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 ''End Pay Discrimination Through Information Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) People in the United States understand that intentional workplace discrimination is wrong.

(2) Equal pay for equal work is a principle and practice that should be observed by all employers.

(3) Women constitute a significant portion of the workforce of the United States.

(4) An increasing number of families in the United States depend on the income of a working woman.

(5) Many women are pursuing or have attained postsecondary degrees or specialized training to make them strong candidates for good jobs that will provide for their families.

(6) Employers that intentionally discriminate on the basis of sex should be held accountable for their wrongdoing.

SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215) is amended—

(1) in subsection (a)(3), by striking ''employee has filed'' and all that follows through ''committee;'' and inserting ''employee—

''(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action, or has served or is planning to serve on an industry committee; or

''(B) has inquired about, discussed, or disclosed the wages of the employee or another employee;''; and

(2) by adding at the end the following:

''(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to an individual who does not otherwise have access to such information, unless such disclosure is in response to a charge or complaint or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.''.

SA 2968. Mr. RUBIO (for himself, Mr. MCCONNELL, Mr. GRAHAM, Mr. ENZI, Mr. BLUNT, Mr. FLAKE, Mr. JOHNSON of Wisconsin, Mr. ROBERTS, Mr. HATCH, Mr. THUNE, Mr. COBURN, Mr. RISCH, Mr. CORNYN, Mr. WICKER, Mr. ALEXANDER, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PAYMENT OF HIGHER WAGES.

Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Notwithstanding a labor organization's exclusive representation of employees in a unit, or the terms and conditions of any collective bargaining contract or agreement then in effect, nothing in either—

''(A) section 8(a)(1) or 8(a)(5), or

''(B) a collective bargaining contract or agreement renewed or entered into after the date of enactment of this paragraph,

shall prohibit an employer from paying an employee in the unit greater wages, pay, or other compensation for, or by reason of, his or her services as an employee of such employer, than provided for in such contract or agreement.''.

SA 2969. Mr. REID (for Mr. CARDIN) proposed an amendment to the resolution S. Res. 361, recognizing the threats to freedom of the press and expression in the People's Republic of China and urging the Government of the People's Republic of China to take meaningful steps to improve freedom of expression as fitting of a responsible international stakeholder; as follows:

On page 3, line 3, strike ''by the United States Government''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 8, 2014, at 9:45 a.m. in room SR–328A of the Russell Senate Office Building.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 8, 2014, at 10 a.m., in room SR–328A of the Russell Senate Office Building to conduct a hearing entitled ''Advanced Biofuels: Creating Jobs and Lower Prices at the Pump.''

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

COMMITTEE ON ARMED SERVICES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 8, 2014, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 8, 2014, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BLUMENTHAL. 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 8, 2014, at 2:30 p.m. in room SR–253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 8, 2014, at 10 a.m. in room SD–406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 8, 2014, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting Taxpayers from Incompetent and Unethical Return Preparers.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 8, 2014, at 10 a.m., to hold a hearing entitled ''National Security and Foreign Policy Priorities in the FY 2015 International Affairs Budget.''

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

COMMITTEE ON THE JUDICIARY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 8, 2014, at 2:30 p.m., in room SD–106 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 8, 2014, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on April 8, 2014, at 3:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BLUMENTHAL. 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 8, 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 Paul Osadebe and Emily Schwartz, interns with 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.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2014 first quarter Mass Mailing report is Friday, April 25, 2014. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Senate Office of Public Records will be open from 9 a.m. to 5 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 713; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order regarding the nomination; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Paul J. Selva

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

RECOGNIZING THE THREATS TO FREEDOM OF THE PRESS AND EXPRESSION IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 322.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 361) recognizing the threats to freedom of the press and expression in the People's Republic of China and urging the Government of the People's Republic of China to take meaningful steps to improve freedom of expression as fitting of a responsible international stakeholder.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Cardin amendment, which is at the desk, be agreed to; the resolution, as amended, 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 amendment (No. 2969) was agreed to, as follows:

On page 3, line 3, strike ''by the United States Government''.

The resolution (S. Res. 361), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 361

Whereas, in its 2013 World Press Freedom Index, Reporters Without Borders ranked China 173rd out of 179 countries in terms of press freedoms;

Whereas China's media regulator, the State Administration of Press, Publication, Radio, Film and Television, enforces a system of strict controls, including an extensive licensing system and government supervision by the Chinese Communist Party;

Whereas domestic radio and television broadcast journalists in China must pass a government-sponsored exam that tests their basic knowledge of Marxist views of news and Communist Party principles;

Whereas this state supervision of the media distorts and blocks free and open coverage of key issues including Tibet, political unrest, and corruption by government officials, as well as Chinese foreign policy;

Whereas China's media regulator officially bans journalists from using foreign media reports without authorization and forbids news editors from reporting information online that has not been verified through official channels;

Whereas the Congressional-Executive Commission on China (CECC) has documented several instances of reprisals against and harassment of independent journalists and newspaper staff by the Government of the People's Republic of China, including Chinese journalists working for foreign-based websites and newspapers;

Whereas the Foreign Correspondents' Club of China has noted that foreign journalists continue to face challenging work conditions, visa denials or delays, and various forms of harassment, and 70 percent of journalists surveyed in the FCCC's 2013 annual survey stated that ''conditions have worsened or stayed the same as the year before'';

Whereas, according to the CECC, authorities in China appeared to maintain or enhance policies to block and filter online content, particularly sensitive information about rights activists, official corruption, or collective organizing;

Whereas China is the world's second largest economy and the United States second largest trading partner and has been a member of the World Trade Organization since 2001;

Whereas China's growing economic importance increases the need for the Government of the People's Republic of China to act transparently and respect international trading regulations; and

Whereas official government censorship denies the people of China, including nearly 600,000,000 Internet users, their freedom of expression, undermines confidence in China's safety standards, and causes increasingly serious economic harm to private firms that rely on unfettered access to social media as a business model: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the importance of freedom of the press to efforts to support democracy, mitigate conflict, and promote good governance domestically and around the world;

(2) expresses concern about the threats to freedom of the press and expression in the People's Republic of China;

(3) condemns actions taken by the Government of the People's Republic of China to suppress freedom of the press, including the increased harassment of Chinese and international journalists through denial of visas, harassment of sources, physical threats, and other methods; and

(4) urges the President to use all appropriate instruments of United States influence to support, promote, and strengthen principles, practices, and values that promote the free flow of information to the people of China without interference or discrimination, including through the Internet and other electronic media.

AUTHORIZING USE OF EMANCIPATION HALL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 90.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 90) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 90) was agreed to.

MEASURE READ THE FIRST TIME—S. 2223

Mr. REID. Mr. President, I am told that S. 2223 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2223) 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.

Mr. REID. Mr. President, this legislation is sponsored by Senators HARKIN and MERKLEY.

I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations to international conferences, meetings and negotiation sessions relating to trade agreements: the Senator from Oregon, Mr. WYDEN; the Senator from West Virginia, Mr. ROCKEFELLER; the Senator from New York, Mr. SCHUMER; the Senator from Utah, Mr. HATCH; and the Senator from Iowa, Mr. GRASSLEY.

ORDERS FOR WEDNESDAY, APRIL 9, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, April 9, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and 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 the motion to proceed to S. 2199, the equal pay bill, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees prior to the cloture vote on the motion to proceed to S. 2199.

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

PROGRAM

Mr. REID. Mr. President, the first rollcall vote will be at 11 a.m. tomorrow. Additional rollcall votes are expected during tomorrow's session.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of, first, Senator BENNET and then those of Senator CASEY.

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

The Senator from Colorado.

IMMIGRATION REFORM

Mr. BENNET. Mr. President, I want to return today to the subject of immigration. Today marks the 285th day since the immigration bill passed right here in the Senate with almost 70 votes, and 285 days later we are still waiting for the House of Representatives to act on that bipartisan piece of legislation.

Every single day the House drags its feet on immigration, our borders remain less secure, our visa system keeps us less competitive, our economy suffers, and millions of families remain in the shadows.

Hard-working immigrants who came here to live the American dream and who are part of the fabric of our communities all over the State of Colorado and all over the United States of America are suffering because Congress has not passed a bill, families such as Dulce Saenz's family from Hudson, CO.

When Dulce's father was deported, she and one of her sisters stayed in Colorado to start college while her mom and younger sister moved to Mexico to be with their dad. It was a heartbreaking decision for the family to separate, but that is what they needed to do. Now all three sisters have gone to the University of Denver in Colorado. They have started careers in public service. But they rarely see their parents. They worry about their safety.

It is clear to everybody I talk to here and at home that our current immigration system is broken. It is also clear to me and I think to many people that separating families does not reflect our history and it does not do honor to the values that shape that history. So while the House stalls, the Secretary of Homeland Security is reviewing our deportation policy and exploring other ways we can help keep families together. It is a good step in the absence of a bill. We should prioritize deportation in a way that reflects our values as a country, upholds the rule of law, and keeps families together. But in the end, the only way to come to a full and permanent solution is to pass this immigration reform bill.

Of course, this is not unusual in Washington these days when we have become so used to getting the bare minimum accomplished, keeping the lights on for another week or for another month. But what is so frustrating on this issue is that we have bipartisan agreement that the current immigration system is broken and that it is doing no favors to this country.

The coalition we built in favor of reform is unprecedented. I was not surprised. When we started this in Colorado, first I would travel around the State and I would hear peach growers in Palisade say one thing about what they hoped for in an immigration bill, I would hear the cattle ranchers say something else, the ski resorts say something else, our high-tech community, our immigrant rights community—everybody coming together to say: You know what, it is long past time to get this fixed.

When we brought this to the national level, working together with the so-called group or gang of 8 on immigration, we were able to build a coalition that really is unprecedented. In the 5 years I have been here, I have not seen universal agreement on anything like we have seen on the immigration bill.

In June of last year, right here in the Senate, we passed a strong bipartisan bill—a bill that strengthens our economy and reduces our debt, a bill that keeps families together, protects our borders and our communities, and gives families who came to this country for a better life a chance to earn citizenship and contribute to our economy and to our society.

As I mentioned, I was part of that Gang of 8 who negotiated the bill. For those who despair about the lack of leadership in Congress—and I hear about this all the time, as I know all of my colleagues do—I tell them that for my part, as one American, the greatest sign or signal of legislative leadership that I have seen in the past 5 years was the leadership provided by JOHN MCCAIN, LINDSEY GRAHAM, MARCO RUBIO, and JEFF FLAKE, the four Republicans who sat at that table for 7 or 8 months and negotiated the immigration bill. It was a lot harder for them to stay there than it was for the Democrats. But those four Republicans sat at the table for 8 months and negotiated a bill because they knew it was the right thing to do for the country and, parenthetically, the right thing to do for their party in that order.

Yet here we are. After all that bipartisan agreement, after all that bipartisan work, after a great bipartisan vote on the floor of the Senate on one of the most immediate issues facing this country, 9 months after our bill passed the Senate we still do not have a bill at the President's desk.

The House of Representatives is privileged to have the opportunity to rise above politics as usual and to do something big, something real, something consequential that will last for this country. The House of Representatives has the privilege to show that stalemate does not have to be standard operating procedure in Washington, DC.

This issue is completely bipartisan at home. I hear about this as much from Republicans—maybe even more from Republicans in farm country than I do from Democrats, the chance to do something important for our Nation and for our future. But until the House acts, families, farmers, and businesses all across my State and all across the United States will continue to suffer, farmers such as Eric Hanagan and Michael Hirakata outside of Rocky Ford, who cannot get the seasonal workers they need and are forced to watch crops—in their case, melons—die in the field.

Colorado's high-tech companies on the front range—ranging from bioscience, engineering, and aerospace—cannot always find the employees they need. In fact, they often cannot find the employees, which introduces an entirely different subject that relates to our K–12 education system, but that is not the topic of the speech today.

We know that almost one-quarter of STEM graduates from Colorado's STEM—math and science graduates from Colorado's leading universities are immigrants who are graduating in the United States, many of whose education has been subsidized by us. Instead of saying to them, ''Please stay here; build our business here; go work for one of our high-tech companies here,'' we are saying to them, ''Go home. We would much rather have you compete with us from India. Go home. We would much rather have you compete with us from China.'' It is ridiculous. It makes no sense.

The Senate bill, the bill we passed, changes that. The bill we passed says: If you are a STEM graduate from another country and you graduate from an American university and you have a job offer in the United States of America, we will staple the green card to your diploma.

That is what we need in this country. That is what the high-tech industry in Colorado needs out of the House of Representatives.

I mentioned tourism at our ski resorts. They will continue to suffer. This is Colorado's second largest industry.

There are a lot of reasons to act, there are a lot of economic reasons to act, but I think there are also fundamental reasons that have to do with who we are as a country. It is often said that America is a nation of immigrants. Of course that is true. There is literally no other country in the world for which immigration is so central to its history and to its identity.

I have heard enough speeches in this Chamber to know that for a lot of us, for a lot of the 100 of us, it is very personal as well. I am a first-generation American. I know there are many others who are here. There is not a person in this Chamber who does not have immigration as part of their family's history.

But this is not just a theoretical idea, that we are a nation of immigrants. I want to take a moment to reflect on what this really means. This is a photo I am proud to say I actually managed to take with my cell phone. My daughters would be shocked to know that I was able not only to get the picture taken, but it is not even blurry.

I had an occasion—I hope the Presiding Officer has had the opportunity to do it—to do something I never imagined I would ever have the chance to do. I attended a naturalization ceremony held for Active-Duty servicemembers at Fort Carson, CO. Let's be clear. These are men and women who are serving the United States of America in uniform. On that day they became citizens of the United States. Until that day they were not citizens but still they were serving and are serving in our Armed Forces. The 13 soldiers and spouses who became U.S. citizens that day represented 12 different countries. This is a picture of them—12 different countries among the 13.

I am going to read the list. I was so blown away by the list that I asked one of the people from the INS who was there to give me what is called the oath ceremony nationality report from which they read the names of the countries. It is an astonishing list. Here are the countries these folks are from: China, the People's Republic of China, Colombia, Haiti, Jamaica, Malaysia, Mexico, Nicaragua, the Philippines, South Korea, Togo, Ukraine, and the United Kingdom—12 different countries.

Every single one of them came here in pursuit of the American dream, just as generations of people from around

the world have sought out the United States to build their future. These are the people—and people just like them all across the United States of America—who are going to determine our future, just as every generation of immigrants has helped us to determine our future. Whether it is refugees fleeing persecution, whether it is parents seeking opportunity for their children, it is those stepping forward to sacrifice for our shared values, as all of these young men and women are, who make America the country we love. There is no way to argue that our current immigration policies reflect that history or our values.

Let me paint a picture of what our country would look like if this immigration bill were passed. Just to be clear, again, it is not imaginary; we passed the bill in the Senate.

If people on the other side have issues with the bill, what I say is we have no monopoly on wisdom. Bring your ideas; improve the bill. I can think of some things I would do to improve that bill, but you can't just do nothing. You can't do nothing, because if we pass the bill in the House, those who come to this country for a better life, including young people—whose parents brought them here as children, and they are here through no fault of their own—would have the opportunity to enter a tough but fair path to citizenship. With a path in place we would then see higher wages, more consumption of goods and increased taxes.

It would reduce our debt. This bill—and this is not me talking, MICHAEL BENNET from Colorado, this is the Congressional Budget Office—would reduce our debt by nearly $1 trillion over 20 years. I am unaware of any other piece of legislation that has passed with a bipartisan majority in the Congress that reduces our debt by $1 trillion but this would. It wouldn't do it in across-the-board cuts. It would do it because of the growth it would create in our economy, the incremental economic growth. In fact, the Congressional Budget Office has said that if we pass this bill, we would see an increase of almost 6 percent of incremental GDP growth over this 20-year period, 3 percent in the first 10 years and 5 percent in the second 10 years.

Second, our bill would put into place an efficient and flexible visa system that would catapult our competitiveness in a changing 21st century economy. Canada, our neighbor to the North, is figuring out how to attract the world's talent to its shores. That is what they are spending their time doing. We, a historic nation of immigrants, are saying please go home and compete with us from someplace else or maybe go to Canada and compete with us from there. Talented entrepreneurs and innovators from around the world would have the opportunity to stay if we passed this bill and create jobs to fuel our economy. It is well-documented how many Fortune 500 companies were started by immigrants, but millions of small businesses across the United States have been started by immigrants as well. High-skilled workers in science, technology, engineering, and math and lower skilled workers in industries such as hospitality and tourism would come into the country to fill jobs where there are no available U.S. workers. This was a bill that labor and the chamber endorsed. That is the first time that has happened. It was a difficult and painful negotiation, but we were able to get it done, and they agreed we ought to get it done.

It is very important for Colorado and a lot of other States. We would stabilize the challenges facing our agricultural industry with a new streamlined program for agricultural guest workers that is more usable for employees and protects our workers.

Again, this is the first bill ever. We call this portion the AgJOBS bill, the first one—first one—to be endorsed by the growers and the farm workers. That has never happened before, but working with Senator RUBIO, Senator HATCH, and Senator FEINSTEIN, we were able to get that done.

Finally, and more importantly, our borders would be more secure with new fencing, double the number of border agents, and increased spending on new technology. We have what they call full situational awareness on the border to allow us to interdict threats rapidly and successfully—and, very importantly, with a mandatory employment verification system and more effective entry-exit system, we would prevent future waves in illegal immigration so we don't end back up in the problem we are facing today. Then our small businesses all across the country can stop being the INS and concentrate on building their businesses. These are all changes our Nation urgently needs, and there are more.

I am not here to argue for some partisan piece of legislation that didn't attract votes on both sides. This bill was entirely bipartisan from beginning to end. I have heard a laundry list of excuses out of people in the House why they haven't addressed immigration reform, but at some point it is time for those excuses to stop and for the stalling to stop. If they want to show the country they are serious about growing our economy and keeping families together, then they need to show us they are serious about immigration reform.

I actually think the Speaker wants to pass a bill. In fact, I think he could pass a bill if he put it on the floor tomorrow and let the House work its will. But it is not my job, obviously, to try to tell him how to do his job. It is no one's job in the Senate to tell him how to do his job, but I suppose it is our job to give him encouragement, to say we will be there to support you if you can find a way to get this bill passed.

If they want to show the country they are serious about growing our economy and keeping families together, then they need to show us they are serious about immigration reform. It doesn't have to be a carbon copy of what we passed, although if they look at it, what they will find is the elements that are in there hang very well together.

Look at this photo. Again, this is what America looks like. This is what Colorado looks like. This is what America looks like. It is what it is all about. These are faces of people who want to contribute. This diversity is how we thrive as a country, and it is how we are going to thrive in the future. It has always been our strength, and it is what sets us apart in many ways from countries all over the world.

These new citizens want to contribute to our economy and to our communities. They want to serve our country, they want to pay taxes and abide by the law, and they want to build a better life here for themselves and their families.

This picture is exactly why we need reform. These brave men and women say it all. They say it much better than I do.

I see my colleague from Pennsylvania is in the Chamber, so I will wrap up.

Let me say that two of the things that set us apart from countries all over the world, two of the essential components that make us the United States of America, are our commitment to the rule of law and our understanding of ourselves as being a nation of immigrants. Almost no other country in the world can say what we can say about that. I can tell you no other country in the world was having that naturalization ceremony the day we were having it at Fort Carson.

This bill gives us a chance to reaffirm those two ideas that we are a nation committed to the rule of law and that we are a nation of immigrants.

I had the chance this weekend to spend some time in my wife's hometown in the Mississippi Delta. It is one of the poorer parts of the country, and it has been for a very long time. It is a tough place in a lot of ways. We have a lot of great family there. After we finished, we went to Memphis to visit the civil rights museum, which has just reopened. If anybody has the chance to go, they should go to visit it, because what you see is the history of a struggle from the 1600s forward—generation upon generation—trying to perfect this country and keep it true to the idea that in this case we are all created equal.

For a long time we weren't able to perfect that. We still are having to perfect it. We are making progress, and that is what we are meant to do. Today we have that chance. The House has that chance tomorrow or next week or next month to make sure that we honor our commitment, this generation's commitment to a generation of immigrants and to the generations that are coming after them. I hope they will take up that challenge.

I thank my colleague from Pennsylvania and the Presiding Officer as well for his patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I wish to say a word of commendation for the remarks the Senator from Colorado just made about a very important issue, and that photograph he took is, indeed, an inspiration to all Americans. Each of us can be inspired by that photograph, what it represents, by the sacrifice that undergirds that photograph, and also for his reminding us about those sacrifices and those commitments, so we want to thank him.

PAYCHECK FAIRNESS ACT

Mr. CASEY. Mr. President, this legislation on equal pay is about justice, in a word. We could almost say that equal pay equals justice. There is probably no simpler way to say it. It is really, when you consider what this means, a very simple concept: If a woman does the same job, the same work, does all of that in the same way a man does and is hired by a company, she should be paid the same wage.

It seems so simple, so elementary, but unfortunately we have had more than one generation now where that has not been the case. Depending on what study or what year we are talking about, women make, on average, 76 cents for every dollar a man makes, or 77 cents. It has always been in that band of similar numbers.

I think for a lot of families it is disturbing. How do I tell, in my case, my four daughters to just do well in school and work hard, as they have, and get good grades, and once you are on a career path, you will be fairly compensated for your work because of all that hard work you did and the good work you do for an employer. What can I say if they come to me—I hope this never happens—10 or 20 years from now and say: You know, what you told me isn't true. I did well in school, I worked hard, I got hired and worked hard in the job I have had, and I am getting paid 76 cents for the $1 a man makes doing the same work in the same place at the same time. It makes no sense.

So really, in essence, it is about whether we are going to be true to our words and true to the values of this country, and it is about giving people a fair shot on something as fundamental as the wages they are paid for their labor—to use an expression from the Bible, laboring in the vineyards; laboring at a job and being paid in a fair manner.

There was a report not too long ago—not this year but a few years ago—that looked at a State-by-State weekly pay comparison. In that report, Pennsylvania women made, on average, $694 a week, while men in Pennsylvania were paid $849 a week—an 18.3-percent differential. But that is not the end of the story. It gets worse. For people 50 years and older, just looking at that age category, for women workers 50 years and older in Pennsylvania at that time, just a few years ago, the differential was $732 and $984 for men—almost $250 a week above in that age category—and for all women at that time, about $150 of difference each and every week. Imagine what that does to someone's sense of achievement or sense of dignity when they know they are doing the same work every day and they are being underpaid over and over every week, every month, every year, and in some cases decade after decade. So when we say this is a matter of justice, in some ways that might be an understatement.

We have a chance to remedy that, and it is very simple. Are we going to take steps to remedy that or are we going to reject the steps it will take to bring a measure of justice, a fair shot for women? They are not asking for anything that a man wouldn't ask for or demand. They are just asking for basic fairness—to be treated the same for the same work.

I won't go into all the elements of the legislation, but some of them involve what happens in the event of a conflict—if a woman is discriminated against based upon her pay and she brings an action in a court, what will be the rules that govern that case. I think we should do everything possible to make sure that if an employer has a defense, they have to earn that defense, especially in this kind of litigation.

One part of the legislation prohibits retaliation for employee complaints. In other words, if a woman is inquiring about or discussing or disclosing the wages of herself or some other employee, she is not retaliated against. It is hard to believe we have to legislate and make that the subject of debate. One would think that if a woman is working in a company for years and she is aggrieved and has a claim to make and is asked what the foundation of her claim is, her questions, her inquiries, her comparisons between and among different sets of data, what she makes, what a man who does the same work has been paid—that those basic questions should never, ever be the subject of retaliation by an employer, but too often they are. So we have to legislate. We have to specifically prohibit that kind of conduct by an employer, as maddening and as frustrating as that is.

One would think that employers would want to make things right; that they would want to make sure that if a man is paid a buck for his work, a woman doing the same work is paid the same amount. She shouldn't have to ask. She shouldn't have to be worried about any kind of reprisal or retaliation or punishment. But the state of the law today is such that retaliation goes without sanction in the United States of America. It is very insulting to women and insulting to families.

So there is lots we can do, but the most important thing we can do is to get a favorable vote on the Paycheck Fairness Act before us. I hope we get a bipartisan vote. This shouldn't be the subject of support of just one party. This should be bipartisan. The people who are asking for this help, who have been asking for it for decades, aren't members of just one party. They happen to represent one-half or more of the American people, when women have asked for that.

If any of my colleagues think for whatever reason that this is not the right thing to do for today, they should do it for future generations. Do it for your own daughters, your own granddaughters, maybe your great-granddaughters. But to forgo the opportunity to do something about this at long last—President Kennedy signed the original legislation. A lot of people in the United States weren't even born then. Yet here we are still debating, still striving to get a basic measure of justice in place. So I do believe equal pay equals justice.

AFGHANISTAN ELECTIONS

Mr. President, I will turn to another subject this evening. I know we have to wrap up, and I am the last speaker of the evening, but this is a topic that doesn't get enough attention even though it was the subject of a lot of coverage and attention in the last couple of weeks and especially the last couple of days; that is, the elections in Afghanistan.

Many people know that some of the reporting indicated that the results were good in terms of turnout. There are a lot of questions to review, but we don't know the results of the elections. It is, however, remarkable how the Afghan people turned out to choose their second democratically elected President. About 60 percent of the 12 million eligible voters defied Taliban threats to cast their votes. I am hopeful these elections are a step toward a smoother transfer of power later this year.

By the way, that voter turnout number in terms of eligible voters is a little higher than we had in the United States of America in 2012. Secretary Kerry said last week that this election has been ''Afghan owned from the start.''

The Afghan government security forces and civil society worked together to make these elections happen despite concerted efforts by the Taliban to sow fear and destroy democratic progress.

The service of our men and women in uniform set the stage for this progress. U.S. training and mentoring helped the Afghan National Security Forces get to the point where it could secure polling centers and allow these elections to happen.

We know in 2009 the international security forces bore the brunt of the election's security efforts, including, of course, American fighting men and women—our soldiers, at that time.

The State Department, USAID, and NGOs also put a tremendous amount of work in supporting Afghan institutions

in this process of carrying out an election.

The role Afghan women played in these elections is particularly remarkable. In the National Defense Authorization Act's amendment last year, I urged the administration to focus especially on ensuring there were enough female poll workers and security personnel to ensure all Afghan women who wanted to vote could do so safely and without fear of intimidation.

Female voters turned out in numbers never seen before in Afghanistan, which speaks to their tremendous bravery and unwavering commitment to fighting for their rights as Afghan citizens. This is an incredible number. About one third of the 7 million voters, according to the reports, were women. Many women were voting for the first time. I don't have an enlargement, but this is a photograph which appeared a day after the election which depicts a line of 50 or more women standing in the rain under a plastic tarp waiting to vote.

The American service men and women and, of course, taxpayers have made a tremendous investment in Afghanistan to make it the nascent democracy it is today. From harsh Taliban rule, Afghanistan is emerging as a fledgling democracy, with tremendous gains in education and health care.

Just imagine. Girls who were literally at zero in their representation in schools a little more than a decade ago now constitute 42 percent of Afghan children enrolled in school. That didn't happen because of just some policy in effect. There was a lot of bravery and valor demonstrated by families and by young girls going to school under terrible threats—threats of death and intimidation. We all know about the terrible stories of young girls walking or riding to school and having acid thrown in their faces. Despite specific attacks on girls or young women, they keep going to school.

It also happened because of the great sacrifice of our fighting men and women—those killed in action or wounded in action, tens of thousands of Americans. In Pennsylvania to date we have lost 91 soldiers killed in action and almost 740 wounded in action.

So all of these results—whether it is about democracy or whether it is about girls in school, women being able to vote, or a range of other metrics, health care and otherwise—came with tremendous sacrifice, the kind of sacrifice most of us don't really have a sense of. At least I don't.

The results will be returned later this month on the election in Afghanistan. If a runoff is necessary, I hope all parties will work together to ensure the process is credible, transparent, and free from violence.

Once President Karzai's successor is in place, the Afghan government and the Afghan people should move quickly to sign the bilateral security agreement and affirm the commitments the Afghan government has made to the international community and, by doing so, recognize the tremendous sacrifice of our fighting men and women and those of the coalition forces as well.

Mr. President, I ask unanimous consent to have printed in the RECORD an article about the election from the New York Times dated April 5, 2014.

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

[From the New York Times, Apr. 5, 2014]

AFGHAN TURNOUT IS HIGH AS VOTERS DEFY THE TALIBAN

(By Rod Nordland, Azam Ahmed and Matthew Rosenberg)

KABUL, AFGHANISTAN.—Defying a campaign of Taliban violence that unleashed 39 suicide bombers in the two months before Election Day, Afghan voters on Saturday turned out in such high numbers to choose a new president and provincial councils that polling hours were extended nationwide, in a triumph of determination over intimidation.

Militants failed to mount a single major attack anywhere in Afghanistan by the time polls closed, and voters lined up despite heavy rain and cold in the capital and elsewhere.

''Whenever there has been a new king or president, it has been accompanied by death and violence,'' said Abdul Wakil Amiri, a government official who turned out early to vote at a Kabul mosque. ''For the first time, we are experiencing democracy.''

After 12 years with President Hamid Karzai in power, and decades of upheaval, coup and war, Afghans on Saturday were for the first time voting on a relatively open field of candidates.

Election officials said that by midday more than three and a half million voters had turned out—already approaching the total for the 2009 vote. The election commission chairman, Mohammad Yusuf Nuristani, said the total could reach seven million. ''The enemies of Afghanistan have been defeated,'' he declared.

But even as they celebrated the outpouring of votes, many acknowledged the long process looming ahead, with the potential for problems all along the way.

International observers, many of whom had fled Afghanistan after a wave of attacks on foreigners during the campaign, cautioned that how those votes were tallied and reported would bear close watching.

It is likely to take at least a week before even incomplete official results are announced, and weeks more to adjudicate Election Day complaints. Some of the candidates were already filing fraud complaints on Saturday.

With eight candidates in the race, the five minor candidates' shares of the vote made it even more difficult for any one candidate to reach the 50 percent threshold that would allow an outright victory. A runoff vote is unlikely to take place until the end of May at the earliest.

The leading candidates going into the vote were Ashraf Ghani, 64, a technocrat and former official in Mr. Karzai's government; Abdullah Abdullah, 53, a former foreign minister who was the second biggest vote-getter against Mr. Karzai in the 2009 election; and Zalmay Rassoul, 70, another former foreign minister.

Both Mr. Ghani and Mr. Abdullah praised the vote. ''A proud day for a proud nation,'' Mr. Ghani said.

Still, a shortage of ballots at polling places was widespread across the country by midday Saturday, and some voters were in line when polls closed.

More worrisome, the threat of violence in many rural areas had forced election authorities to close nearly 1,000 out of a planned-for 7,500 polling places, raising fears that a big chunk of the electorate would remain disenfranchised.

But when it came to attacks on Election Day, the Taliban's threats seemed to be greatly overstated. Only one suicide bombing attempt could be confirmed—in Khost—and the bomber managed to kill only himself when the police stopped him outside a polling place.

In three scattered attacks on polling places, four voters were reported killed. Two rockets fired randomly into the city of Jalalabad wounded eight civilians. One border policeman, in southern Kandahar Province, and another policeman in remote western Farah Province were confirmed killed in Taliban attacks, according to preliminary reports.

Bad as all that was, it was a lower casualty toll than on a normal day in Afghanistan, let alone an election on which both the insurgents and the government had staked their credibility. Interior Minister Umar Daudzai said there were 140 attacks nationwide on Saturday, compared with 500 attacks recorded by the American military in 2009.

In preparation for the election, the Afghan government mobilized its entire military and police forces, some 350,000 in all, backed up by 53,000 NATO coalition troops—although the Americans and their allies stayed out of it, leaving Afghans for the first time entirely in charge of securing their own election.

''Voting on this day will be a slap in the faces of the terrorists,'' said Rahmatullah Nabil, the acting head of the National Directorate of Security, the Afghan domestic intelligence agency.

Sensitive to concerns about potential fraud—more than a million ballots were thrown out in the 2009 presidential vote and then again in the 2010 parliamentary elections—the police were quick to report their efforts to crack down on Saturday.

Among those arrested were four people in Khost who were caught with 1,067 voter registration cards. Several people, including an election official, were caught trying to stuff ballot boxes in Wardak Province.

''This has been the best and most incident-free election in Afghanistan's modern history and it could set the precedent for a historic, peaceful transition of power in Afghanistan,'' said Mohammad Fahim Sadeq, head of the Afghanistan National Participation Organization, an observer group.

In many places where voting was nearly impossible in 2009, the turnout was reported to be strong. One was Panjwai district, a once-violent haven of the Taliban just outside Kandahar City, where hundreds lined up to vote. ''I left everything behind, my fears and my work, and came to use my vote,'' said Hajji Mahbob, 60, a farmer. ''I want change and a good government and I am asking the man I am going to elect as the next president to bring an end to the suffering of this war.''

Even where the Taliban did manage to strike, voters still turned out afterward. A bomb set off at a polling place in the Mohammad Agha district of Logar Province killed two voters and wounded two others, according to the district governor, Abdul Hamid. ''The explosion dispersed the voters who were holding their voting cards and waiting to vote,'' said Zalmai Stanakzai, a car repair shop owner who was there. ''Some of us left, the others stayed. I was concerned about our safety, but we considered voting our duty.''

Insurgents set off a series of five blasts in the Shomali plain, just north of Kabul city,

in the village of Qarabagh. ''After the explosions, the polling stations reopened and people rushed to vote,'' said Mohasmmad Sangar, 32, a used-car salesman there. ''It was a great day today.''

Nicholas Haysom, the United Nations' top election official here, said: ''We know that the Taliban have made a very explicit and express threat to disrupt it. The failure to disrupt the elections will mean that they will have egg on their face after the elections.''

While there were reports of disrupted voting in troubled places like Logar Province and neighboring Wardak, in Helmand Province in the south and Nangarhar Province in the east, at the same time voters were showing up in unexpectedly high numbers in other places, like Zabul, Uruzgan and Kandahar Provinces in the south, and Kunar Province in the northeast, despite strong insurgent presences in those areas.

In Uruzgan, election authorities had to open additional polling places to accommodate unexpected numbers, while in Daikundi they ran out of ballots in some remote districts and election authorities had to race new ones out to them. In northern Mazar-i-Sharif, voters were still lined up after dark.

Underwritten by $100 million from the United Nations and foreign donors, the election was a huge enterprise, stretching across extremely forbidding terrain. Some 3,200 donkeys were pressed into service to deliver ballots to remote mountain villages, along with battalions of trucks and minibuses to 6,500 polling places in all. The American military pitched in with air transport of ballots to four regional distribution centers, and to two difficult-to-reach provinces.

Though many international observers left Afghanistan in the wake of attacks on foreigners, or found themselves confined to quarters in Kabul, years of expensive preparations and training of an army of some 70,000 Afghan election observers were expected to compensate, according to Western diplomats and Afghan election officials. ''We have so many controls now, it's going to be much safer this time,'' said Noor Ahmad Noor, the spokesman for the Independent Election Commission.

The American ambassador, James B. Cunningham, called the elections a ''really historic opportunity for the people of Afghanistan to move forward with something we've been trying to create together with them for several years now.''

Still up in the air is the question of whether an American troop force will remain in Afghanistan after 2014. Mr. Karzai's refusal to sign a long-term security deal to allow that presence was a major point of tension between the American and Afghan governments. Each of the leading candidates has agreed to sign the deal once in office, though inauguration day may not take place until well into the year.

The election on Saturday was notable also for how many Afghan women were taking part. More female candidates than ever before are on provincial ballots, and two are running for vice president, the first time a woman was ever put up for national office here, which has generated a great deal of enthusiasm, especially in urban areas.

At the women's polling station in the Nadaria High School, in Kabul's Qala-e-Fatullah neighborhood, among those lining up to vote was a young mother, Parwash Naseri, 21. Although wearing the blue burqa that is traditional here, she was still willing to speak out through the privacy mesh covering her face.

She was voting, for the first time, for her children and for women's rights, she said, speaking in a whisper. ''I believe in the right of women to take part just as men do, to get themselves educated and to work.''

Mr. CASEY. I wish to highlight two quotes. The first is from a 21-year-old woman who is voting for the first time in this election:

She was voting, for the first time, for her children and for women's rights, she said, speaking in a whisper. ''I believe in the right of women to take part just as men do, to get themselves educated and to work.''

A remarkable inspiration from a 21-year-old woman voting for the first time in Afghanistan.

The second quotation is from a 60-year-old farmer who was asked by a reporter what it was like to vote under the threats that were either proximate—meaning something happening in almost real time or in the recent past—or just the overall threat posed by the Taliban and other extremists. This farmer said:

I left everything behind, my fears and my work, and came to use my vote. I want a change and a good government . . .

He goes on from there to describe what he hopes will happen. But just imagine that. He said:

I left everything behind, my fears and my work, and came to use my vote.

When I read that, I thought about something Thomas Jefferson said in a letter to John Adams when he was an older man. He was describing the fear of old age—not the kind of fear of reprisal if you were voting but the fear of growing old. He talked about how he dealt with the fear of growing old in nautical terms. He said: ''I steer my bark with hope in the head, leaving fear astern.'' That is all I thought about when I heard what the 60-year-old farmer said; that even though he had fears—the fear of death, the fear of reprisal against him, his family or people in his neighborhood—he was willing to say his right to vote was so important he was willing to leave those fears and his work behind so he could vote.

What a tremendous inspiration on a subject—the conflict in Afghanistan and all which comes from it that often is not the subject of positive commentary or inspiration. For once and all too infrequently, this is one of those occasions where we can be positive about a result.

We have more work to do to make sure the bilateral security agreement is signed, but we should draw some measure of inspiration from what happened in Afghanistan and the progress which has been made there.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:49 p.m., adjourned until Wednesday, April 9, 2014, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 8, 2014:

DEPARTMENT OF ENERGY

FRANK G. KLOTZ, OF VIRGINIA, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY.

DEPARTMENT OF THE INTERIOR

NEIL GREGORY KORNZE, OF NEVADA, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. PAUL J. SELVA