H. R. 3885

To provide for a 12-month extension for certain Emergency Unemployment Compensation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2014

Mr. Dent (for himself, Mr. Meadows, Mr. Ribble, Mr. Harris, and Mr. Kelly of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To provide for a 12-month extension for certain Emergency Unemployment Compensation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Generating Real Opportunities for Workers and Transitional Help Act” or the “GROWTH Act”.

SEC. 2. EXTENSION OF MODIFIED FIRST-TIER EMERGENCY

UNEMPLOYMENT COMPENSATION.

(a) Extension.—

(1) In general.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

“(c) Special Rule for First-Tier Emergency Unemployment Compensation.—Nothing in this section shall prevent the commencement or continued payment of emergency unemployment compensation under this title to the extent that such compensation—

“(1) represents amounts established in an account under section 4002(b); and

“(2) is payable for a week ending on or before January 1, 2015.”.

(2) Modification.—Section 4002(b) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by inserting after paragraph (3) the following:

“(4) Special rule relating to amounts payable for a week ending after January 1, 2014.—Notwithstanding any provision of paragraph (1) or (2), for purposes of determining whether an amount is payable, out of amounts established in an
account under this subsection, for a week ending after January 1, 2014—

“(A) paragraph (1)(A) shall be applied by substituting ‘54 percent’ for ‘80 percent’;

“(B) paragraph (1)(B) shall be applied by substituting ‘14 weeks’ for ‘20 weeks’; and

“(C) any amount established in an account under paragraph (1) or (2), which becomes nonpayable by reason of this paragraph, shall be treated in the same way as if it had never been established in such account.”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J), by inserting “and” at the end; and

(3) by inserting after subparagraph (J) the following:

“(K) the amendment made by section 2(a) of the Generating Real Opportunities for Workers and Transitional Help Act;”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enact-
ment of the American Taxpayer Relief Act of 2012 (Public Law 112–240).

SEC. 3. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) Flexibility.—

(1) In General.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) Effective Date.—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) Permitting a Subsequent Agreement.—

Nothing in title IV of such Act shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.
SEC. 4. AUTHORITY TO USE ANY DISCRETIONARY APPROPRIATIONS AVAILABLE TO THE SECRETARY OF LABOR TO CONDUCT IN-PERSON REEMPLOYMENT AND UNEMPLOYMENT INSURANCE ELIGIBILITY ASSESSMENTS FOR UNEMPLOYMENT INSURANCE BENEFICIARIES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Labor may, for fiscal years 2014 through 2023, use any discretionary appropriations available to the Secretary to conduct in-person reemployment and unemployment insurance eligibility assessments for unemployment insurance beneficiaries.

(b) LIMITATION.—Amounts used in a fiscal year pursuant to the authority under subsection (a) may not exceed the following:

1. $20,000,000 for fiscal year 2014.
2. $25,000,000 for fiscal year 2015.
3. $30,000,000 for fiscal year 2016.
4. $35,000,000 for fiscal year 2017.
5. $36,000,000 for fiscal year 2018.
6. $37,000,000 for fiscal year 2019.
7. $38,000,000 for fiscal year 2020.
8. $39,000,000 for fiscal year 2021.
9. $40,000,000 for fiscal year 2022.
10. $41,000,000 for fiscal year 2023.
SEC. 5. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) In general.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) Conforming Amendments.—

(1) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.

(3) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E.

(c) Effective Date.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 6. KEYSTONE XL PERMIT APPROVAL.

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 pipeline described in the application filed on May 4, 2012, by TransCanada Keystone Pipeline, L.P., to the Department of State for the Keystone XL pipeline, as supplemented to include the Nebraska reroute evaluated in the Final Evaluation Report issued by the Nebraska Department of Environmental Quality in January 2013 and approved by the Ne-
braska governor. The final environmental impact statement issued by the Secretary of State on August 26, 2011, coupled with the Final Evaluation Report described in the previous sentence, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

SEC. 7. REPEAL OF 30-HOUR THRESHOLD FOR CLASSIFICATION AS FULL-TIME EMPLOYEE FOR PURPOSES OF THE EMPLOYER MANDATE IN THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND REPLACEMENT WITH 40 HOURS.

(a) Full-Time Equivalents.—Paragraph (2) of section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) by repealing subparagraph (E), and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) Full-time equivalents treated as full-time employees.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph, an employer shall, in addition to the number of full-time employees for any month otherwise det-
terminated, include for such month a number of
full-time employees determined by dividing the
aggregate number of hours of service of employ-
ees who are not full-time employees for the
month by 174.”.

(b) FULL-TIME EMPLOYEES.—Paragraph (4) of sec-
tion 4980H(c) of the Internal Revenue Code of 1986 is
amended—

(1) by repealing subparagraph (A), and

(2) by inserting before subparagraph (B) the
following new subparagraph:

“(A) IN GENERAL.—The term ‘full-time
employee’ means, with respect to any month, an
employee who is employed on average at least
40 hours of service per week.”.

(e) EFFECTIVE DATE.—The amendments made by
this section shall take effect as if included in the amend-
ments made by section 1513 of the Patient Protection and
Affordable Care Act.
SEC. 8. DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS IN A MONTH FOR WHICH UNEMPLOYMENT COMPENSATION IS RECEIVED.

(a) In general.—Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by adding at the end the following:

“(C)(i) If for any month an individual is entitled to unemployment compensation, such individual shall be deemed to have engaged in substantial gainful activity for such month.

“(ii) For purposes of clause (i), the term ‘unemployment compensation’ means—

“(I) ‘regular compensation’, ‘extended compensation’, and ‘additional compensation’ (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and

“(II) trade adjustment assistance under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).”.

(b) Trial work period.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following:

“(6)(A) For purposes of this subsection, an individual shall be deemed to have rendered services in a month if
the individual is entitled to unemployment compensation
for such month.

“(B) For purposes of subparagraph (A), the term
‘unemployment compensation’ means—

“(i) ‘regular compensation’, ‘extended com-
pensation’, and ‘additional compensation’ (as such
terms are defined by section 205 of the Federal-
State Extended Unemployment Compensation Act
(26 U.S.C. 3304 note)); and

“(ii) trade adjustment assistance under title II
of the Trade Act of 1974 (19 U.S.C. 2251 et
seq.).”.

(c) DATA MATCHING.—The Commissioner of Social
Security shall implement the amendments made by this
section using appropriate electronic data.

(d) EFFECTIVE DATE.—The amendments made by
this section shall apply with respect to months beginning
after the date of the enactment of this Act.

SEC. 9. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM

THE REFUNDABLE PORTION OF THE CHILD

TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the
Internal Revenue Code of 1986 is amended by adding at
the end the following:

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“(5) **Identification requirement with respect to taxpayer.**—

“(A) **In general.**—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer’s Social Security number on the return of tax for such taxable year.

“(B) **Joint returns.**—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.”.

(b) **Omission treated as mathematical or clerical error.**—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return,”.

(e) **Conforming amendment.**—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amend-
ed by inserting “With Respect to Qualifying Children” after “Identification Requirement” in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.