

113TH CONGRESS
2D SESSION

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Generating Real Op-
5 portunities for Workers and Transitional Help Act” or the
6 “GROWTH Act”.

1 **SEC. 2. EXTENSION OF MODIFIED FIRST-TIER EMERGENCY**
2 **UNEMPLOYMENT COMPENSATION.**

3 (a) EXTENSION.—

4 (1) IN GENERAL.—Section 4007 of the Supple-
5 mental Appropriations Act, 2008 (Public Law 110–
6 252; 26 U.S.C. 3304 note) is amended by adding at
7 the end the following:

8 “(c) SPECIAL RULE FOR FIRST-TIER EMERGENCY
9 UNEMPLOYMENT COMPENSATION.—Nothing in this sec-
10 tion shall prevent the commencement or continued pay-
11 ment of emergency unemployment compensation under
12 this title to the extent that such compensation—

13 “(1) represents amounts established in an ac-
14 count under section 4002(b); and

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

17 (2) MODIFICATION.—Section 4002(b) of the
18 Supplemental Appropriations Act, 2008 (Public Law
19 110–252; 26 U.S.C. 3304 note) is amended by in-
20 serting after paragraph (3) the following:

21 “(4) SPECIAL RULE RELATING TO AMOUNTS
22 PAYABLE FOR A WEEK ENDING AFTER JANUARY 1,
23 2014.—Notwithstanding any provision of paragraph
24 (1) or (2), for purposes of determining whether an
25 amount is payable, out of amounts established in an

1 account under this subsection, for a week ending
2 after January 1, 2014—

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

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

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

12 (b) FUNDING.—Section 4004(e)(1) of the Supple-
13 mental Appropriations Act, 2008 (Public Law 110–252;
14 26 U.S.C. 3304 note) is amended—

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

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

19 (3) by inserting after subparagraph (J) the fol-
20 lowing:

21 “(K) the amendment made by section 2(a)
22 of the Generating Real Opportunities for Work-
23 ers and Transitional Help Act;”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect as if included in the enact-

1 ment of the American Taxpayer Relief Act of 2012 (Public
2 Law 112–240).

3 **SEC. 3. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM**
4 **AGREEMENTS.**

5 (a) FLEXIBILITY.—

6 (1) IN GENERAL.—Subsection (g) of section
7 4001 of the Supplemental Appropriations Act, 2008
8 (Public Law 110–252; 26 U.S.C. 3304 note) shall
9 not apply with respect to a State that has enacted
10 a law before December 1, 2013, that, upon taking
11 effect, would violate such subsection.

12 (2) EFFECTIVE DATE.—Paragraph (1) is effec-
13 tive with respect to weeks of unemployment begin-
14 ning on or after December 29, 2013.

15 (b) PERMITTING A SUBSEQUENT AGREEMENT.—
16 Nothing in title IV of such Act shall preclude a State
17 whose agreement under such title was terminated from en-
18 tering into a subsequent agreement under such title on
19 or after the date of the enactment of this Act if the State,
20 taking into account the application of subsection (a),
21 would otherwise meet the requirements for an agreement
22 under such title.

1 **SEC. 4. AUTHORITY TO USE ANY DISCRETIONARY APPRO-**
2 **PRIATIONS AVAILABLE TO THE SECRETARY**
3 **OF LABOR TO CONDUCT IN-PERSON REEM-**
4 **PLOYMENT AND UNEMPLOYMENT INSUR-**
5 **ANCE ELIGIBILITY ASSESSMENTS FOR UNEM-**
6 **PLOYMENT INSURANCE BENEFICIARIES.**

7 (a) **AUTHORITY.**—Notwithstanding any other provi-
8 sion of law, the Secretary of Labor may, for fiscal years
9 2014 through 2023, use any discretionary appropriations
10 available to the Secretary to conduct in-person reemploy-
11 ment and unemployment insurance eligibility assessments
12 for unemployment insurance beneficiaries.

13 (b) **LIMITATION.**—Amounts used in a fiscal year pur-
14 suant to the authority under subsection (a) may not ex-
15 ceed the following:

- 16 (1) \$20,000,000 for fiscal year 2014.
- 17 (2) \$25,000,000 for fiscal year 2015.
- 18 (3) \$30,000,000 for fiscal year 2016.
- 19 (4) \$35,000,000 for fiscal year 2017.
- 20 (5) \$36,000,000 for fiscal year 2018.
- 21 (6) \$37,000,000 for fiscal year 2019.
- 22 (7) \$38,000,000 for fiscal year 2020.
- 23 (8) \$39,000,000 for fiscal year 2021.
- 24 (9) \$40,000,000 for fiscal year 2022.
- 25 (10) \$41,000,000 for fiscal year 2023.

1 **SEC. 5. REPEAL OF MEDICAL DEVICE EXCISE TAX.**

2 (a) IN GENERAL.—Chapter 32 of the Internal Rev-
3 enue Code of 1986 is amended by striking subchapter E.

4 (b) CONFORMING AMENDMENTS.—

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

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

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

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to sales after the date of the enact-
14 ment of this Act.

15 **SEC. 6. KEYSTONE XL PERMIT APPROVAL.**

16 Notwithstanding Executive Order No. 13337 (3
17 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C.
18 301 note), section 301 of title 3, United States Code, and
19 any other Executive order or provision of law, no Presi-
20 dential permit shall be required for the pipeline described
21 in the application filed on May 4, 2012, by TransCanada
22 Keystone Pipeline, L.P., to the Department of State for
23 the Keystone XL pipeline, as supplemented to include the
24 Nebraska reroute evaluated in the Final Evaluation Re-
25 port issued by the Nebraska Department of Environ-
26 mental Quality in January 2013 and approved by the Ne-

1 braska governor. The final environmental impact state-
 2 ment issued by the Secretary of State on August 26, 2011,
 3 coupled with the Final Evaluation Report described in the
 4 previous sentence, shall be considered to satisfy all re-
 5 quirements of the National Environmental Policy Act of
 6 1969 (42 U.S.C. 4321 et seq.) and of the National His-
 7 toric Preservation Act (16 U.S.C. 470 et seq.).

8 **SEC. 7. REPEAL OF 30-HOUR THRESHOLD FOR CLASSIFICA-**
 9 **TION AS FULL-TIME EMPLOYEE FOR PUR-**
 10 **POSES OF THE EMPLOYER MANDATE IN THE**
 11 **PATIENT PROTECTION AND AFFORDABLE**
 12 **CARE ACT AND REPLACEMENT WITH 40**
 13 **HOURS.**

14 (a) **FULL-TIME EQUIVALENTS.**—Paragraph (2) of
 15 section 4980H(c) of the Internal Revenue Code of 1986
 16 is amended—

17 (1) by repealing subparagraph (E), and

18 (2) by inserting after subparagraph (D) the fol-
 19 lowing new subparagraph:

20 “(E) **FULL-TIME EQUIVALENTS TREATED**
 21 **AS FULL-TIME EMPLOYEES.**—Solely for pur-
 22 poses of determining whether an employer is an
 23 applicable large employer under this paragraph,
 24 an employer shall, in addition to the number of
 25 full-time employees for any month otherwise de-

1 terminated, include for such month a number of
2 full-time employees determined by dividing the
3 aggregate number of hours of service of employ-
4 ees who are not full-time employees for the
5 month by 174.”.

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

9 (1) by repealing subparagraph (A), and

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

12 “(A) IN GENERAL.—The term ‘full-time
13 employee’ means, with respect to any month, an
14 employee who is employed on average at least
15 40 hours of service per week.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect as if included in the amend-
18 ments made by section 1513 of the Patient Protection and
19 Affordable Care Act.

1 **SEC. 8. DISQUALIFICATION ON RECEIPT OF DISABILITY IN-**
 2 **SURANCE BENEFITS IN A MONTH FOR WHICH**
 3 **UNEMPLOYMENT COMPENSATION IS RE-**
 4 **CEIVED.**

5 (a) IN GENERAL.—Section 223(d)(4) of the Social
 6 Security Act (42 U.S.C. 423(d)(4)) is amended by adding
 7 at the end the following:

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

12 “(ii) For purposes of clause (i), the term ‘unemploy-
 13 ment compensation’ means—

14 “(I) ‘regular compensation’, ‘extended com-
 15 pensation’, and ‘additional compensation’ (as such
 16 terms are defined by section 205 of the Federal-
 17 State Extended Unemployment Compensation Act
 18 (26 U.S.C. 3304 note)); and

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

22 (b) TRIAL WORK PERIOD.—Section 222(c) of the So-
 23 cial Security Act (42 U.S.C. 422(c)) is amended by adding
 24 at the end the following:

25 “(6)(A) For purposes of this subsection, an individual
 26 shall be deemed to have rendered services in a month if

1 the individual is entitled to unemployment compensation
 2 for such month.

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

5 “(i) ‘regular compensation’, ‘extended com-
 6 pensation’, and ‘additional compensation’ (as such
 7 terms are defined by section 205 of the Federal-
 8 State Extended Unemployment Compensation Act
 9 (26 U.S.C. 3304 note)); and

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

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

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

19 **SEC. 9. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM**
 20 **THE REFUNDABLE PORTION OF THE CHILD**
 21 **TAX CREDIT.**

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

1 “(5) IDENTIFICATION REQUIREMENT WITH RE-
2 SPECT TO TAXPAYER.—

3 “(A) IN GENERAL.—Paragraph (1) shall
4 not apply to any taxpayer for any taxable year
5 unless the taxpayer includes the taxpayer’s So-
6 cial Security number on the return of tax for
7 such taxable year.

8 “(B) JOINT RETURNS.—In the case of a
9 joint return, the requirement of subparagraph
10 (A) shall be treated as met if the Social Secu-
11 rity number of either spouse is included on such
12 return.”.

13 (b) OMISSION TREATED AS MATHEMATICAL OR
14 CLERICAL ERROR.—Subparagraph (I) of section
15 6213(g)(2) of the Internal Revenue Code of 1986 is
16 amended to read as follows:

17 “(I) an omission of a correct Social Secu-
18 rity number required under section 24(d)(5)
19 (relating to refundable portion of child tax cred-
20 it), or a correct TIN under section 24(e) (relat-
21 ing to child tax credit), to be included on a re-
22 turn,”.

23 (c) CONFORMING AMENDMENT.—Subsection (e) of
24 section 24 of the Internal Revenue Code of 1986 is amend-

1 ed by inserting “With Respect to Qualifying Children”
2 after “Identification Requirement” in the heading thereof.

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

○